

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

file

TO : FILE

DATE: March 24, 1980

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: Vocational Educational Rules

Although I have approved the rules in the above-captioned matter, I did find a couple of minor problems that were not sufficient to cause disapproval.

1. In section 1.01051 A2, second line, which reads, "limited for start-up costs," should read, "limited to start-up costs."

2. Section 1.01051 B. The way the rule is set out it was somewhat unclear as to the application of the criteria listed in B. In conversations with the agency attorney, I was informed that B related only to section 1.01051 A3. To clarify this question, the agency attorney suggested the addition of some language to the title of this subsection B so that the section would read , B. Criteria for Adult Vocational Programs. This change, however, was not made before the rules were approved and filed with the Secretary of State.

3. Section 1.01051 C. Similar to the concern addressed in paragraph 2 above, subdivision C seems to be slightly unclear in its application, that is, whether it applies to only adult vocational programs or to both adult vocational and "post-secondary programs." Again, in discussions with the agency attorney, I was informed that subdivision C applies to both programs and the addition of clarifying the language to the title of subdivision C is suggested. This addition was not made prior to the submission to the Secretary of State.

The above changes were not made in the rule prior to the submission to the Secretary of State because the agency attorney was unavailable during the last few days of the Attorney General approval period and was unable to forward a letter to this office authorizing the above changes.

JSA/bw

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STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER
OFFICE OF HEARING EXAMINERS

In the Matter of the Proposed Adoption of Rules of the State Board of Education (State Board for Vocational Education) Governing Post-Secondary Vocational-Technical (5 MCAR §§1.0110-1.01102) and Adult Vocational-Technical Education (5 MCAR §§1.0111-1.0118).

FINDINGS OF FACT AND ORDER ADOPTING RULES

The above titled matter came on for hearing before Hearing Examiner Peter C. Erickson, State Office of Hearing Examiners, at 9 a.m. on November 30 and December 1, 1979 in Room 716 of the Capitol Square Building, St. Paul, Minnesota. Proper notice was served upon all persons, associations, and other interested groups registered with the Secretary of State and upon those who filed with the Department of Education for that purpose pursuant to Minn. Stat. §15.0412. All interested persons were afforded the opportunity to be heard concerning the adoption of the proposed rules captioned above by the submission of either oral or written data, statements, or arguments.

After having reviewed all of the testimony and evidence submitted at the public hearing and to Hearing Examiner Peter Erickson before the close of the hearing record, after having considered the Report of the Hearing Examiner and applicable statutory standards, after having withheld action on the proposed rules for the required period of time after receipt of the Hearing Examiner's Report, and after having confirmed the need for the above captioned rules, the State Board for Vocational Education (hereinafter the "Board) holds that the findings of fact of the Hearing Examiner accurately reflect

the facts in the record, except as designated below.

NOW THEREFORE, BE IT RESOLVED that the Board hereby adopts in part, and incorporates herein, the Report of the Hearing Examiner dated January 10, 1980 relative to the above entitled matter except as set forth below:

FINDINGS OF FACT

1.) The following letter was received from James D. Daras, President of the Minnesota Association of Private Post-Secondary Schools:

> Specifically, on behalf of the private post-secondary and other schools offering job preparation education (including colleges and/or institutes within the non-vocational public systems), I would like to challenge the narrowness of the rules presented for 5 MCAR 1.01051 Contingency Fund. I would respectfully call your attention to the language of the law -- part of appropriation legislation, Laws of 1979, Ch. 334, Art. V, sec. 17, which is MS 124.5625.
>
> No where in the language of the statute is it indicated that the purpose of the dollars provided for job preparation services authorized is exclusively for program activities in public area vocational technical institutes. The rules being proposed are exclusive to AVTI role in this program. No where in the State Board of Vocational Education "Statement of Need and Reasonableness", supporting its proposal is a justification for such narrow drawing of the rules other than point 2 of the criteria discussion which states ". . . that the normal procedure to deliver post-secondary and adult vocational-technical education is through an AVTI."
>
> In fact, private vocational schools, licensed under the provisions of MS 141, are regulated, under direct legislative charge, by the Commissioner of Education, who is, amongst other responsibilities, chief operating officer for the State Board of Education, which is the State Board for Vocational Education. This housing of regulatory responsibility in the same agency responsible for regulating public vocational activities, which includes, obviously, the AVTIs, is not just coincidental, to the parallel nature of the educational services. Are there no local school districts, without AVTIs, which provide adult vocational tra ning services, particularly in rural Minnesota? In addition, other public institutions, most notably the community colleges and technical schools of the University of Minnesota, exist to provide like educational services

for job preparation.

> Since these other institutions capable of servicing the intent of this legislation are under the same agency or administrative authority, such would argue against any assumption that the statute's only focus is the AVTIs. An argument of limited participation because of limited appropriations would ignore the dollar-stretching, cost benefits, especially through bidding, of multiple suppliers of the services to be purchased.

In response to Mr. Daras it is noted that the contingency fund is limited to public AVTIs for two reasons. First, the Board is authorized by Minn. Stat. §121.21, subd. 6, as amended by Laws of 1979, Ch. 334, Art. V, §1 to promulgate rules for, "(t)he distribution and apportionment to the local districts of all funds, whether state or federal or other funds, which may be made available to the state board for vocational education for carrying out the purposes of post-secondary vocational-technical education in accordance with law." The Board is not authorized to make rules regarding the expenditure of funds to private schools. Second, Minn. Stat. §141 et. seq. (1978) allows the Board to control the licensing of private schools but not the supervision of their budget development and allocation. To effectuate the expenditure of contingency funds to private schools would take legislative authorization.

2.) The State Board of Education (State Board for Vocational Education) finds all the amendments contained herein to be both needed and reasonable.

ORDER

THEREFORE, BE IT ORDERED that 5 MCAR §§1.0110-1.01102 and 5 MCAR §§1.0111-1.0118, as amended, be adopted pursuant to the statutory authority vested in the State Board of Education by Minn. Stat. §121.21, subd. 6, as amended by Laws of 1979, Ch. 344, Art. V, §1.

STATE OF MINNESOTA
STATE BOARD FOR VOCATIONAL EDUCATION

Ruth A. Myers

Ruth A. Myers, President
State Board for Vocational Education

Dated this 11th day of February, 1980.

AG working copy.

Rule As Adopted
Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR §1.0100 Application. A school district desiring to be designated as an area vocational-technical institute district shall make written application to the state board for vocational education (state board of education).

5 MCAR §1.0101 Basis for approval. The state board for vocational education in considering a request for designation of a school district as an area vocational-technical institute district shall consider such a request based on the following criteria: geographic location; population density; and whether such school district possesses sufficient financial resources to establish, operate, and maintain the proposed area vocational-technical institute. Districts designated by the state board for vocational education shall be eligible to receive post-secondary vocational-technical aids. Assignments of publication or production rights shall be determined cooperatively between the area vocational-technical institute district and the state of Minnesota.

5 MCAR §1.0102 Program approval. The following requirements will apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

A. Appropriate work stations for each student shall be provided in all post-secondary supervised cooperative education or internship programs.

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

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

3. Length of internship shall be established by the local board after receiving the recommendation of the program advisory committee and approved by the commissioner of education, except when the internship program is regulated by the accrediting agencies related to that program.

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

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

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

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

a. Curriculum;
b. Facility and equipment;
c. Staff recruitment;
d. Student recruitment;
e. Student placement;
f. Job availability;
g. Training stations.

4. Each program advisory committee membership list and minutes of each committee meeting shall be on file at the area vocational-technical institute and available for review by the commissioner of education.

C. All major program redirections shall be reviewed and approved by the commissioner of education prior to implementation.

D. The commissioner of education shall review and approve program title, length, and curriculum modifications.

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

F. Instructional programs shall have an enrollment of ten or more average daily memberships (ADM) per each full-time equivalency (FTE) staff. When more than one program section is in operation an average may be used. Exemptions shall be given where licensure requirements are specifically established or on recommendation of other state industry groups. Exemption may be granted by the commissioner of education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one-year probation during which enrollment must meet the ten student criteria in order to receive subsequent approval.

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

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

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

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

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

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

be paid on all part-time students with their hourly enrollment converted to average daily membership.

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

7. A part-time program shall have the same objectives and run in the same sequence as a full-time program.

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

H. Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, special needs students may be exempt from the placement criteria. Placement and enrollment reports shall be submitted to the commissioner of education upon request.

I. The state board for vocational education may exempt students of certain programs from the 51 percent criteria if economic conditions, deemed to be temporary in character, are influencing placement.

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

K. Each director of an area vocational-technical institute shall conduct an evaluation each calendar year based on the goals and objectives of the vocational-technical programs as approved by the state board for vocational education for that local district. Those institutes with programs subject to review by national or state accrediting bodies shall 30 days prior to that review provide the date of the review and copies of all information required by the review body to the commissioner of education.

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

5 MCAR §1.0103 Administrative and support service requirements. The local board of education shall provide for:

A. Vocationally licensed administrative and supervisory staff as per the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.

1. The director of an AVTI shall have an administrative advisory committee of representatives from the service area.

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

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

4. Upon written notification to the state board for vocational education, additional staff may be added above the instructor and administrative/supervisor ratio, if funded from sources other than the state department of education.

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

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

B. Student personnel services.

1. Student personnel staff employed shall meet licensure requirements in the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.

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

3. The student personnel services shall provide for:

a. Admission counseling;

b. Career counseling;

c. Personal counseling;

d. Placement and follow-up program.

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

5. Adjustments to the student personnel ratio based on special make up of the student body in a given location may be approved by the commissioner of education.

C. Secretarial and clerical staff shall be employed.

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

5 MCAR §1.0104 Foundation aid.

A. A school district operating an area vocational-technical institute shall be eligible to receive post-secondary vocational foundation aid for all students attending approved post-secondary vocational-technical programs.

B. Average daily membership estimates shall be included in the annual budget request. These estimates shall be derived from uniform student accounting reports and that shall be the basis for beginning foundation aid payments. Adjustments to estimated average daily membership shall be reported by each AVTI to the division of vocational-technical education by the first of September, December, March and June.

C. Changes in estimates as authorized in Minn. Stat. §124.11 shall be approved by the commissioner of education before payment is authorized by the department.

D. Final adjustment data shall be submitted by August 15 of each year.

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

F. Tuition and fees.

1. Deductible fees shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee.

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

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition shall be prorated for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individual instruction. Daily tuition shall be prorated by dividing the quarterly tuition by 60, (the standard number of days in the quarter), and rounded downward to the nearest cent. Hourly tuition shall be prorated by dividing the daily rate by 6, (the standard number of hours in a school day), and rounded downward to the nearest cent. This formula for prorating tuition shall apply to resident and nonresident tuition.

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

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

6. The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's in the fiscal year. This calculation shall be made at the time of the final foundation aid adjustment, with tuition deficits being charged to local funds. Tuition loss due to deferment during student application for tuition subsidy shall not be deducted from foundation aid. Students shall not apply for a tuition subsidy more than once during a collection period.

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

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

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

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

H. Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR §1.0104 F. 3. For such students the 15 day refund established by Minn. Stat. §124.565, subd. 3, as amended by Laws of 1979, ch. 334, art. V, § 20 shall commence with the date of scheduled entry.

5 MCAR §1.0105 Capital expenditure aid.

A. Districts shall be eligible for capital expenditure aid when foundation aid, tuition, and fees, are insufficient to provide for capital purchases.

B. All equipment not approved in the budget review, purchases at a cost in excess of $4,000.00 must be preapproved by the commissioner of education.

C. All equipment shall be accounted for by the standard inventory control system.

D. Repairs on facility, equipment, or improvement of grounds that exceed $4,000.00 and not included in the budget review shall be included in B. for approval.

5 MCAR §1.01051 Contingency fund.

A. Scope.

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

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

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

B. Criteria.

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

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

2. All training will be conducted by an AVTI.

3. The company requesting a training program must first recall all personnel previously employed by the company who are qualified in the area for which training is to be provided. Training shall be made available, but not limited to, nonqualified individuals not recalled by the company.

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

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

b. identify potential students for the training program.

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

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

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

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

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

C. Eligible reimbursable costs to the AVTI's:

1. All instructor costs, including fringe benefits.

2. Supplies needed for training.

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

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

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

6. Secretarial costs directly related to the training program.

5 MCAR §1.0106 Construction.

A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without sufficient time to follow procedures set forth in the Minnesota State Plan for Vocational-Technical Education, the state board of education may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.

B. Construction of area vocational-technical institute facilities eligible for aid from funds will be limited to eligible purposes and activities. Where an area vocational-technical institute includes construction for ineligible

purposes, the cost of such ineligible facility will be determined by ascertaining the ratio that the cost of eligible facilities bears to the total cost for all facilities in the project.

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

5 MCAR §1.0107 Categorical aid.

Categorical aid shall be allocated on the following criteria for districts operating high cost programs which require expenditures in excess of funding available through foundation aid and capital expenditure aid:

A. Preservation of the present plant and equipment.

B. Development of programs for emerging business and industry.

C. Unique programs designed to serve special populations.

D. Educational services for special populations.

E. High operating costs.

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

5 MCAR §1.0108 Debt service aid. Districts eligible for debt service aid shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the commissioner of education in the budget request.

5 MCAR §1.0109 Student eligibility.

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

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

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

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

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

a. That he/she is living with his/her spouse.

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

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

5 MCAR §1.0110 Reciprocity among states for vocational education.

A. Reciprocity is contingent upon the execution of a reciprocal agreement as prescribed by Minn. Stat. §136A.08.

B. To qualify for tuition reciprocity under this section, a Minnesota student desiring to attend a vocational institute in another state shall obtain the approval, on the prescribed form, of the director or other authorized official of the Minnesota area vocational-technical institute nearest the residence of the student.

5 MCAR §1.01101 Student organizations.

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

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

Rule As Adopted
Chapter Six-A: Adult Vocational-Technical Education

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

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

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

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

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

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

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

1. Shall employ a minimum of a 40 percent instructor.

2. Adult farm management shall have a minimum enrollment of 42 cooperators, 30 of whom shall have been enrolled six years or less. When more than one adult farm management education program is operated within a district, enrollment shall average 42 or more. Eighty percent or more of the cooperators who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their farm accounts. For programs not meeting the minimum enrollment prior to July 1, 1982, school districts shall apply annually to the commissioner of education for an exception. This exception shall be granted if:

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

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

3. New programs in adult farm management or an existing program with a new instructor shall reach minimum enrollment of 42 enrollees within four years. For programs not meeting the minimum requirements school districts shall

apply annually to the commissioner of education for an exception to this rule which shall be granted if the school district provides evidence that:

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

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

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

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

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

5. New programs in adult small business management or an existing program with a new instructor shall have 3 years to reach minimum enrollment as specified in E.4. above. For programs not meeting the minimum requirements school districts shall apply annually to the commissioner of education for an exception to this rule which shall be granted if the school district provides evidence that:

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

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

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

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

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

5 MCAR §1.0113 Nursing assistant programs. Nursing assistant education programs shall use the curriculum developed by the commissioner of education as reviewed and evaluated by the board of nursing. The program shall include an individual written/oral test and performance evaluation, which shall be administered on a monthly basis by the department of education, through public area vocational-technical institutes, and shall be 30 hours of planned learning activities, exclusive of the evaluation.

A. Definitions. For the purpose of this section, the following definitions shall apply:

1. Nursing assistant--an individual working in or employed by a nursing home, including, but not limited to, a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse.

2. Curriculum--the aggregate of courses of study and planned learning activities developed by the commissioner of education to comply with Minn. Stat. §144A.61, subd. 3.

3. Completion of the program--successful completion shall be defined as the obtainment of 70 percent on the oral/written test and 70 percent on the performance evaluation.

4. Supplemental nursing service--an entity which recruits and employs nursing and ancillary health care personnel for temporary assignments to supplement the staff of health care institutions; and which is not an employment agency but the employer of all such personnel assigned.

5. Technical assistance--technical assistance by the department of education may include:

a. training of instructors;

b. utilization of the curriculum; and

c. instructional materials.

B. Instructional staff qualifications. Instructional staff for approved nursing assistant education programs offered in facilities other than the area vocational-technical institutes shall be exempt from 5 MCAR §1.0112 B., and on January 1, 1979, shall meet the following qualifications.

1. A registered nurse with 2,000 hours of experience within the last five years, at least 500 hours of which must be in geriatric or rehabilitation nursing; or

2. A licensed practical nurse with 4,000 hours of experience within the last five years in geriatric or rehabilitation nursing.

3. As of January 1, 1982, the minimum requirement for instructional staff shall be a registered nurse with at least one year (2,000 hours) of experience, 500 hours of which must be in a geriatric or rehabilitation nursing setting. This section shall not apply to licensed practical nurses teaching this course in a nursing home as of January 1, 1979 who continue to teach this course in that same facility as of January 1, 1982.

C. Exempt categories. The following categories of nursing assistants shall not be required to comply with the education requirements of Minn. Stat. §144A.61 (Supp. 1977).

1. Nursing assistants who began employment in a nursing home on or before December 31, 1978, and who continue employment in the same nursing home in which they were employed on December 31, 1978.

2. Nursing assistants who have successfully completed, since January 1, 1976, a training program for nursing assistant employed in nursing homes, which utilized a program endorsed by the state department of education, unless employment has been interrupted for greater than five consecutive years.

3. Nursing assistants who have successfully completed a state approved nursing education program which prepares an individual for licensure as a registered nurse or licensed practical nurse if completion occurred no more than five calendar years prior to employment.

4. Persons who have successfully completed the individual oral/written test and performance evaluation, even though the course has not been taken.

5. Registered nurses or licensed practical nurses holding current licensure in the state of Minnesota.

6. Nursing assistants who began employment in a supplemental nursing service on or before December 31, 1978 and who continue employment in that same nursing service in which they were employed on or before December 31, 1978, and who have worked a minimum of 12 hours per week for that same supplemental nursing service in a nursing home prior to December 31, 1978. Supplemental nursing services shall provide to the State Department of Health by January 15, 1979, a list of all nursing assistants employed by the supplemental nursing services who have worked 12 hours in a nursing home on or before December 31, 1978.

5 MCAR §1.0114 Administrative services. The district shall:

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

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

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

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

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

5 MCAR §1.0115 Vocational aid criteria. The school district shall:

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

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

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

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

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

F. Be eligible to be paid aids for:

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

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

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

5 MCAR §1.0116 Tuition and attributable costs:

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

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

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

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

5 MCAR §1.0117 Student eligibility: To be eligible to enroll in adult vocational programs, the person shall be at least sixteen years of age and have completed or terminated secondary education.

APPROVED AS TO FORM AND LEGALITY

MAR 17 1980 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 17 1980
Joan Anderson Growe
Secretary of State

4:15 p.m.

Rules as Proposed
changes made in red
For your information

State of Minnesota
State Board for Vocational Education
Department of Education
Vocational-Technical Division

In the Matter of Proposed
Adoption of Rules of the State
Board for Vocational Education
Governing Post-Secondary
Vocational-Technical 5 MCAR
§§ 1.0100-1.01102 and Adult
Vocational-Technical Education
5 MCAR §§ 1.0111-1.0118

Notice of Hearing

Notice is hereby given that a public hearing will be held in the above entitled matter in Room 716, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, on November 30 and December 1, 1979, commencing at 9:00 a.m. and continuing until all interested or affected persons have had an opportunity to participate.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted by mail without personally appearing at the hearing to: Peter C. Erickson, Office of Hearing Examiners, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8118. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication, that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered into and become part of the record. The conduct of the hearing will be governed by the rules of the Office of Hearing Examiners, 9 MCAR §§ 2.101-2.112 and by Minn. Stat. §§ 15.0411-15.417 and § 15.042.

Notice is hereby given that 25 days prior to the hearing a statement of need and reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the statement of need and reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

After the public hearing, written material may be submitted to the hearing examiner and recorded in the hearing record for five working days, or for a longer period not to exceed 20 calendar days if so ordered by the hearing examiner.

Notice. Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing you may request notification by sending a written request to the hearing examiner (in case of the hearing examiner's report) or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

The Board proposes to adopt rules relating to the implementation of Laws of 1979, ch. 334, art. V and make other changes affecting Chapter Six: Post-Secondary Vocational-Technical and Chapter Six-A: Adult Vocational-Technical Education, and to replace the temporary rules on the same subject which were published in Volume 4, State Register, at pp. 215-217.

Notice. The proposed rules are subject to change as a result of the rule hearing process. The agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Robert P. Van Tries, Assistant Commissioner of Vocational-Technical Education, 564 Capitol Square, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

The Board's statutory authority to promulgate the proposed rules is provided by Minn. Stat. § 121.21, subd. 6 as amended by Laws of 1979, ch. 334, art. V § 1 and by Minn. Stat. § 15.0412.

Under Minn. Stat. § 10A.01, subd. 11 (1978), as amended by Laws of 1979, ch. 59, § 3, a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute:

Lobbyist means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

Lobbyist does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual wholly engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250, excluding his own travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislative and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Questions regarding only lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, St. Paul, Minnesota 55155, telephone (612) 296-5615.

State of Minnesota
State Board for Vocational Education

Date September 11, , 1979

HOWARD B. CASMEY, Secretary

Rule As Proposed
Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR §1.0100 Application. A school district desiring to be designated as an area vocational-technical institute district shall make written application to the state board for vocational education (state board of education).

5 MCAR §1.0101 Basis for approval. The state board for vocational education in considering a request for designation of a school district as an area vocational-technical institute district shall consider such a request based on the following criteria: geographic location; population density; and whether such school district possesses sufficient financial resources to establish, operate, and maintain the proposed area vocational-technical institute. Districts designated by the state board for vocational education shall be eligible to receive post-secondary vocational-technical aids. ~~All post-secondary vocational-technical aids and levies must be expended only for approved programs within the budget approved by the state board for vocational education.~~ Assignments of publication or production rights shall be determined cooperatively between the area vocational-technical institute district and the state of Minnesota.

5 MCAR §1.0102 Program approval. The following requirements will apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

A. Appropriate work stations for each student shall be provided in all post-secondary supervised cooperative education or internship programs.

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

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

3. Length of internship shall be established by the local board after receiving the recommendation of the program advisory committee and approved by the commissioner of education, except when the internship program is regulated by the accrediting agencies related to that program.

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

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

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

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

a. Curriculum;
b. Facility and equipment;
c. Staff recruitment;
d. Student recruitment;
e. Student placement;
f. Job availability~~.~~;
g. Training stations.

4. Each program advisory committee membership list and minutes of each committee meeting shall be on file at the area vocational-technical institute and available for review by the commissioner of education.

C. All major program redirections shall be reviewed and approved by the commissioner of education prior to implementation.

D. The commissioner of education shall review and approve program title, length, and curriculum modifications.

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

F. Instructional programs shall have an enrollment of ten or more ~~students per program~~ average daily memberships (ADM) per each full-time equivalency (FTE) staff. When more than one program section is in operation an average may be used. ~~All vocational-technical programs shall be limited to a maximum of 24 students per section.~~ Exemptions shall be given where licensure requirements are specifically established or on recommendation of other state industry groups. Exemption may be granted by the commissioner of education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one-year probation during which enrollment must meet the ten student criteria in order to receive subsequent approval.

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

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

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

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

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

5. Part-time student instructional hours shall be accumulative and computed to equal no less than six hours of instruction for one average

daily membership equivalent for funding purposes. Foundation aid shall be paid on all part-time students with their hourly enrollment converted to average daily membership.

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

7. A part-time program shall have the same objectives and run in the same sequence as a full-time program.

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

H. Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, special needs students may be exempt from the placement criteria. Placement and enrollment reports shall be submitted to the commissioner of education upon request.

I. The state board for vocational education may exempt students of certain programs from the 51 percent criteria if economic conditions, deemed to be temporary in character, are influencing placement.

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

K. Each director of an area vocational-technical institute shall conduct an ~~annual~~ evaluation each calendar year based on the goals and objectives of the vocational-technical programs as approved by the state board for vocational education for that local district. Those institutes with programs subject to review by national or state accrediting bodies shall 30 days prior to that review provide the date of the review and copies of all information required by the review body to the commissioner of education.

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

5 MCAR §1.0103 Administrative and support service requirements. The local board of education shall provide for:

A. Vocationally licensed administrative and supervisory staff as per the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.

1. The director of an AVTI shall have an administrative advisory committee of representatives from the service area.

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

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

4. Upon written notification to the state board for vocational education, additional staff may be added above the instructor and administrative/supervisor ratio, if funded from sources other than the state department of education.

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

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

B. Student personnel services.

1. Student personnel staff employed shall meet licensure requirements in the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.

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

3. The student personnel services shall provide for:

a. Admission counseling;

b. Career counseling;

c. Personal counseling;

d. Placement and follow-up program.

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

5. Adjustments to the student personnel ratio based on special make up of the student body in a given location may be approved by the commissioner of education.

C. Secretarial and clerical staff shall be employed.

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

5 MCAR §1.0104 Foundation aid.

A. A school district operating an area vocational-technical institute shall be eligible to receive post-secondary vocational foundation aid for all students attending approved post-secondary vocational-technical programs.

B. Average daily membership estimates shall be included in the annual budget request. These estimates shall be derived from uniform student accounting reports and that shall be the basis for beginning foundation aid payments. Adjustments to estimated average daily membership shall be reported by each AVTI to the division of vocational-technical education by the first of September, December, March and June.

C. Changes in estimates as authorized in Minn. Stat. §124.11 shall be approved by the ~~assistant~~ commissioner of ~~vocational-technical~~ education before payment is authorized by the department.

D. Final adjustment data shall be submitted by August 15 of each year.

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

F. Tuition and fees.

1. Deductible fees shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee.

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

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

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition shall be prorated for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individual instruction. Daily tuition shall be prorated by dividing the quarterly tuition by 60, (the standard number of days in the quarter), and rounded downward to the nearest cent. Hourly tuition shall be prorated by dividing the daily rate by 6, (the standard number of hours in a school day), and rounded downward to the nearest cent. This formula for prorating tuition shall apply to resident and nonresident tuition.

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

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

6. The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's in the fiscal year. This calculation shall be made at the time of the final foundation aid adjustment, with tuition deficits being charged to local funds. Tuition loss due to deferment during student application for tuition subsidy shall not be deducted from foundation aid. Students shall not apply for a tuition subsidy more than once during a collection period.

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

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

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

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

H. Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR §1.0104 F. 3. For such students the 15 day refund established by Minn. Stat. §124.565, subd. 3, as amended by Laws of 1979, ch. 334, art. V, § 20 shall commence with the date of scheduled entry.

5 MCAR §1.0105 Capital expenditure aid.

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

B. All equipment not approved in the budget review, purchases at a cost in excess of $4,000.00 must be preapproved by the commissioner of education.

C. All equipment shall be accounted for by the standard inventory control system.

D. Repairs on facility, equipment, or improvement of grounds that exceed $4,000.00 and not included in the budget review shall be included in B. for approval.

5 MCAR §1.01051 Contingency fund.

A. Scope.

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

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

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

B. Criteria ~~for~~ Adult Vocational Programs (for) under A.3.

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

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

2. All training will be conducted by an AVTI.

3. The company requesting a training program must first recall all personnel previously employed by the company who are qualified in the area for which training is to be provided. Training shall be made available, but not limited to, nonqualified individuals not recalled by the company.

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

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

b. identify potential students for the training program.

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

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

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

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

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

C. Eligible reimbursable costs to the AVTI's:

1. All instructor costs, including fringe benefits.

2. Supplies needed for training.

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

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

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

6. Secretarial costs directly related to the training program.

5 MCAR §1.0106 Construction.

A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without sufficient time to follow procedures set forth in the Minnesota State Plan for Vocational-Technical Education, the state board of education may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.

B. Construction of area vocational-technical institute facilities eligible for aid from funds will be limited to eligible purposes and activities. Where an area vocational-technical institute includes construction for ineligible

purposes, the cost of such ineligible facility will be determined by ascertaining the ratio that the cost of eligible facilities bears to the total cost for all facilities in the project.

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

5 MCAR §1.0107 Categorical aid.

~~The distribution of~~ Categorical aid shall be ~~made~~ allocated on the following criteria for districts operating high cost programs which require expenditures in excess of funding available through foundation aid~~;~~ and capital expenditure aid~~;~~: ~~and local mandatory levy:~~

A. Preservation of the present plant and equipment.

B. Development of programs for emerging business and industry.

C. Unique programs designed to serve special populations.

D. Educational services for special populations.

~~E. Services outside the regular geographic area.~~

~~F. High equipment costs.~~

~~G.~~E. High operating costs.

~~H.~~F. Rules and regulations imposed by other regulatory bodies which may affect the student teacher ratio as well as operating equipment costs.

5 MCAR §1.0108 Debt service aid. Districts eligible for debt service aid shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the commissioner of education in the budget request.

5 MCAR §1.0109 Student eligibility.

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

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

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

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

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

a. That he/she is living with his/her spouse.

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

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

5 MCAR §1.0110 Reciprocity among states for vocational education.

A. Reciprocity is contingent upon the execution of a reciprocal agreement as prescribed by Minn. Stat. §136A.08.

~~B. Full reimbursement of tuition for a Minnesota student attending in another state will be made to his home district providing:~~

~~1. that the director of the nearest area vocational-technical school has indicated in writing that:~~

~~a. no training opportunity in the program the student desires is available within commuting distance;~~

~~b. the student has received counseling;~~

~~c. the area vocational-technical school will provide placement services;~~

~~2. that the home district has submitted a verified statement to the effect that the tuition in another state has been paid;~~

~~3. that approval from the division of vocational-technical education has been obtained prior to attendance;~~

~~4. that the home district certifies that no state foundation aid, transportation aid or other financial assistance from the state, has been claimed on behalf of the student;~~

~~5. that the student has completed and submitted to the division of vocational-technical education, an application code F-51-3;~~

~~6. that the student is between ages 14 and 21 except for veterans as stipulated in Minn. Stat. §121.21.~~

~~C. Persons arriving in Minnesota from another state will be accommodated as any other nonresident student is accommodated with the limitation:~~

~~1. that out-of-state students will not displace Minnesota students with regard to training opportunities in those instances wherein the applications from eligible Minnesota students exceed the capacity of the class.~~

B. A Minnesota student attending a vocational institute in another state shall be eligible to pay the same tuition charged to residents of the state in which the vocational institute is located. To qualify for tuition reciprocity under this section, the director or other authorized official of the area vocational-technical institute nearest the residence of the student shall grant approval on the prescribed form. In granting approval, the director or other authorized official shall certify that no training opportunity in the program that the student desires is currently available within a reasonable commuting distance.

C. Payment of the nonresident tuition differential that exceeds the resident tuition of that state shall be made as prescribed by statute or through agreements executed by the state directors of vocational education of the affected states.

D. Students arriving in Minnesota from another state as a result of reciprocity agreements will be accommodated provided that such students will not displace Minnesota students with regard to training opportunities in those instances wherein the applications from eligible Minnesota students exceed the capacity of the class.

5 MCAR §1.01101 Student organizations.

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

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

~~§1.01102--These rules shall become effective on July 1, 1978.~~

Rule As Proposed
Chapter Six-A: Adult Vocational-Technical Education

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

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

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

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

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

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

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

1. Shall employ a minimum of a ~~forty~~ 40 percent instructor.

2. Adult farm management shall have a minimum enrollment of 42 cooperators, ~~who~~ 30 of whom shall have been enrolled six years or less. When more than one adult farm management education program is operated within a district, enrollment shall average 42 or more. Eighty percent or more of the cooperators who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their farm accounts. For programs not meeting the minimum enrollment prior to July 1, 1982, school districts ~~may~~ shall apply annually to the commissioner of education for an exception. ~~to this rule which~~ This exception ~~may~~ shall be granted if:

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

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

3. New programs in adult farm management or an existing program with a new instructor shall reach minimum enrollment of ~~30~~ 42 enrollees within four years. For programs not meeting the minimum requirements school districts shall

apply annually to the commissioner of education for an exception to this rule which shall be granted if the school district provides evidence that:

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

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

~~3.~~4. Small business management education programs shall have a minimum enrollment of 30 enrollees who have been enrolled three years or less. Eighty percent or more of the persons who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their business accounts. For programs not meeting the minimum enrollment prior to July 1, 1981, school districts ~~may~~ shall apply annually to the commissioner of education for an exception. ~~to this rule on an annual basis which may~~ This exception shall be granted if:

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

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

have 3 years to reach minimum enrollment as specified in E.4 above.

record ok

5. New programs in adult small business management or an existing program with a new instructor shall ~~reach minimum enrollment of 30 enrollees within three years.~~ For programs not meeting the minimum requirements school districts shall apply annually to the commissioner of education for an exception to this rule which shall be granted if the school district provides evidence that:

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

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

~~4.~~6. Full-time adult education programs except adult farm management and small business management shall have a minimum student enrollment of 14.

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

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

5 MCAR §1.0113 Nursing assistant programs. Nursing assistant education programs shall use the curriculum developed by the commissioner of education as reviewed and evaluated by the board of nursing. The program shall include an individual written/oral test and performance evaluation, which shall be administered on a monthly basis by the department of education, through public area vocational-technical institutes, and shall be 30 hours of planned learning activities, exclusive of the evaluation.

A. Definitions. For the purpose of this section, the following definitions shall apply:

1. Nursing assistant--an individual working in or employed by a nursing home, including, but not limited to, a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse.

2. Curriculum--the aggregate of courses of study and planned learning activities developed by the commissioner of education to comply with Minn. Stat. §144A.61, subd. 3.

3. Completion of the program--successful completion shall be defined as the obtainment of 70 percent on the oral/written test and 70 percent on the performance evaluation.

4. Supplemental nursing service--an entity which recruits and employs nursing and ancillary health care personnel for temporary assignments to supplement the staff of health care institutions; and which is not an employment agency but the employer of all such personnel assigned.

5. Technical assistance--technical assistance by the department of education may include:

a. training of instructors;

b. utilization of the curriculum; and

c. instructional materials.

B. Instructional staff qualifications. Instructional staff for approved nursing assistant education programs offered in facilities other than the area vocational-technical institutes shall be exempt from 5 MCAR §1.0112 B., and on January 1, 1979, shall meet the following qualifications.

1. A registered nurse with 2,000 hours of experience within the last five years, at least 500 hours of which must be in geriatric or rehabilitation nursing; or

2. A licensed practical nurse with 4,000 hours of experience within the last five years in geriatric or rehabilitation nursing.

3. As of January 1, 1982, the minimum requirement for instructional staff shall be a registered nurse with at least one year (2,000 hours) of experience, 500 hours of which must be in a geriatric or rehabilitation nursing setting. This section shall not apply to licensed practical nurses teaching this course in a nursing home as of January 1, 1979 who continue to teach this course in that same facility as of January 1, 1982.

C. Exempt categories. The following categories of nursing assistants shall not be required to comply with the education requirements of Minn. Stat. §144A.61 (Supp. 1977).

1. Nursing assistants who began employment in a nursing home on or before December 31, 1978, and who continue employment in the same nursing home in which they were employed on December 31, 1978.

2. Nursing assistants who have successfully completed, since January 1, 1976, a training program for nursing assistant employed in nursing homes, which utilized a program endorsed by the state department of education, unless employment has been interrupted for greater than five consecutive years.

3. Nursing assistants who have successfully completed a state approved nursing education program which prepares an individual for licensure as a registered nurse or licensed practical nurse if completion occurred no more than five calendar years prior to employment.

4. Persons who have successfully completed the individual oral/written test and performance evaluation, even though the course has not been taken.

5. Registered nurses or licensed practical nurses holding current licensure in the state of Minnesota.

6. Nursing assistants who began employment in a supplemental nursing service on or before December 31, 1978 and who continue employment in that same nursing service in which they were employed on or before December 31, 1978, and who have worked a minimum of ~~twelve (12)~~ hours per week for that same supplemental nursing service in a nursing home prior to December 31, 1978. Supplemental nursing services shall provide to the State Department of Health by January 15, 1979, a list of all nursing assistants employed by the supplemental nursing services who have worked 12 hours in a nursing home on or before December 31, 1978.

5 MCAR §1.0114 Administrative services. The district shall:

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

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

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

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

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

5 MCAR §1.0115 Vocational aid criteria. The school district shall:

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

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

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

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

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

F. Be eligible to be paid aids for:

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

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

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

5 MCAR §1.0116 Tuition and attributable costs:

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

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

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

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

5 MCAR §1.0117 Student eligibility: To be eligible to enroll in adult vocational programs, the person shall be at least sixteen years of age and have completed or terminated secondary education.

~~§1.0118--These-rules-shall-become-effective-on-July-1,-1978.~~

Our File 576
Joannie

2/29 Lois Steinhaus advised to send original of Order Adopting
3/3 s - original order "lost" - will send new original 3/10
3/6. original order "found" and sent.

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 2/26/80 DUE DATE 3/17/80

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved 3/17/80 Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓
2. Rules as Proposed ✓ note amendments to proposed rules were proposed at hearing
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 ✓ incorporated in #13
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
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 N/A

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : LOIS E. STEINHAUS
Education Statistics Section

DATE: March 17, 1980

FROM : JOANNE E. HINDERAKER
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: Rules as Approved In the Matter of the Proposed Adoption of Rules of the State Board for Vocational Education Governing Post-Secondary Vocation-Technical and Adult Vocation-Technical Education.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

JEH/bw
Enclosure
cc: Duane Harves
Susan Robertson

STATE OF MINNESOTA

DEPARTMENT OF EDUCATION

STATE BOARD FOR VOCATIONAL EDUCATION

DIVISION OF VOCATIONAL-TECHNICAL EDUCATION

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

STATEMENT OF COMPLIANCE WITH MANUAL OF RULE MAKING PROCEDURES

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

Dated: Feb. 25, 1980

Charles T. Mottl
Special Assistant Attorney General

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

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Education
736 Capitol Square Bldg.

TO : Joanne E. Hinderaker
Special Ass't. Attorney General
G 25 Administration Bldg.

DATE: 2-25-80

FROM : Lois E. Steinhaus
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval for Rules Governing Post-Secondary Vocational-Technical (5 MCAR §§1.0110-1.01102) and Adult Vocational-Technical Education (5 MCAR §§1.0111-1.0118) EDU 80-003-PE

Enclosed is the complete record of the hearing.

Also enclosed are four copies of the rules as adopted and four copies of the Order for Hearing. In addition, are three copies each of the following:

1. Proposed rule
2. Notice of hearing
3. Affidavit of receipt of secretary of state's list
4. Certificate of delivery secretary of state's list
5. Affidavit of mailing
6. Statement of need and reasonableness
7. Findings of fact and Order adopting.....
8. Certificate of board's authorizing resolution
9. Certificate of board's adoption of rules resolution
10. Chief hearing examiner's and hearing examiner's reports
11. One copy of the mailing list
12. One copy indicating changes from the proposed rules to the adopted rules

Please call me when this is ready to be returned, so that I can send some one to pick it up. Thank you.

PRINTED ON RECYCLED PAPER

EDU-80-003-PE

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF EDUCATION

In the Matter of the Proposed Rules for Vocational Education Governing Post-Secondary Vocational-Technical (5 MCAR §§ 1.0110 - 1.01102) and Adult Vocational-Technical Education (5 MCAR §§ 1.0111 - 1.0118).

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:00 a.m. on Friday, November 30, 1979, and at 9:00 a.m. on Saturday, December 1, 1979, in Room 716 of the Capitol Square Building, St. Paul, Minnesota.

Charles Mottl, Special Assistant Attorney General, appeared as counsel for the Department of Education. Barton Kersteter, Student Personnel Services Specialist; David McCullough, Manager of Adult Education Programs; James Staloch, Manager of Post-Secondary Education Programs; Bob Madson, Director of Program Operations; and Bob Kaplan, legal intern, appeared and testified on behalf of the Department of Education in support of the proposed rules. The hearing continued until all interested groups or persons had had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Department of Education shall, if it proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4 (1978). The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 (1978) within ten calendar days. The Department will be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On September 19, 1979, the Department of Education filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing proposed to be issued.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On October 29, 1979, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 708.

3. On October 18, 1979, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On November 2, 1979, the Department filed the following documents:

(a) The Order for Hearing and authorizing resolution.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing the Notice to all persons on the Secretary of State's list.
(e) The Secretary of State's Certificate and list.
(f) The Statement of Need and Reasonableness.
(g) All materials received following a Notice of Intent to Solicit Outside Opinion published at 3 State Register 2273 (June 25,1979).
(h) The names of Department personnel who will representt the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.

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

5. The record remained open through December 10, 1979, for the receipt of written comments and statements, the period having been extended by order of the Hearing Examiner to 10 calendar days following the hearing.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. § 121.21, subd. 6, as amended by Laws of 1979, Ch. 334, Art. V, § 1.

7. At hearing, the Department proposed to amend proposed 5 MCAR § 1.0110 and stated its reasons as follows:

5 MCAR § 1.01109 (page 14 of rule)

B. To qualify for tuition reciprocity under this section, a Minnesota student desiring to attend a vocational institute in another state shall obtain the approval, on the prescribed form, of the director or other authorized official of the Minnesota area vocational-technical institute nearest the residence of the student.

The rule as proposed, B. C., and D. was found to be in conflict with the existing agreement between the Minnesota Higher Education Coordinating Board and the State of Wisconsin; therefore, it was necessary to strike the proposed change with the exception of the second sentence in B. and the addendum to that sentence as proposed. The new B. establishes the fact that approval is necessary on the prescribed form and then identifies the individual from whom such approval is necessary--the director or other authorized official. The agreement does not specify whom the official is; therefore, this is necessary and reasonable.

Additionally, two clerical amendments were made to the proposed rules as follows:

5 MCAR § 1.0112 (page 15 of rule)

E.3. First sentence should read 42 instead of 30 enrollees. This is a correction of an error.

5 MCAR § 1.0112 (page 16 of rule)

E.5. First sentence should read, "New programs in adult small business management or an existing program with a new instructor shall have 3 years to reach minimum enrollment as specified in E.4. above."

The Examiner finds that the amendments to the proposed ruls as set forth above are both needed and reasonable and does not view them as being substantial.

8. Mr. Staloch and Mr. McCullough read into the record the Statement of Need and Reasonableness which will be summarized below:

5 MCAR § 1.0100

"5 MCAR" added throughout the rules to reflect a rule promulgated by the Office of State Register.

5 MCAR § 1.0101

The deleted statement has been superseded by the language in Minn. Stat. § 124.562, subd. 4.

5 MCAR § 1.0102

B.3.g. "Training Stations." This statement has been added to reflect concerns regarding the appropriate size and operation of training stations for students.

The third statement has been deleted because 24 students per section has not been an effective arbitrary number for quality education.

G.2. "Program" has been added to comply with the statutory change in Minn. Stat. § 124.562, subd. 10. "Duration" has been substituted for "attendance" as it is a better term more appropriate to the sentence.

G.7. This statement has been added to ensure that part-time programs maintain the same quality and standards found in full-time programs.

G.8. This statement has been added to ensure that the Department of Education is aware of part-time program offerings.

K. "Each calendar year" is substituted for annual in order to better clarify the 12-month period.

5 MCAR § 1.0103

A. The phrase, "or if superseded by state rules for vocational-technical education" has been added because vocational licensure is in the process of being removed from the Minnesota State Plan for Vocational-Technical Education.

B.1. "Minnesota" is added for clarification.

5 MCAR § 1.0104

B. The new sentence has been added so as to facilitate the state-wide accounting system.

F.2.(old) It is necessary to delete this statement as it has been superseded by state statute, Minn. Stat. § 124.565, subds. 3-4.

F.2.(new) Vocational aid is to be received by AVTIs for up to 10% additional hours of instruction for handicapped/disadvantaged students in accordance with Minn. Stat. § 124.562, subd. 2.

F.3. The new language is added to clarify Minn. Stat. § 124.565, subds. 3-4. The rule responds to the statute by establishing both a daily and hourly prorated tuition formula.

G. This new subsection clarifies the language in Minn. Stat. § 124.562, subd. 2. The second and third statements are included in order to clarify which students qualify as disadvantaged and handicapped.

H. This subsection has been added to further clarify the tuition and refund statutes in relation to the proration formula.

5 MCAR § 1.0105

A. It is necessary to delete "and mandatory levy" to comply with a statutory change.

5 MCAR § 1.01051

A. Scope

1. The purpose of limiting the contingency fund to ten or more new jobs is based on economic feasibility.

2. Post-secondary program approval is limited to start-up costs in order to comply with statute, and to ensure that funds will be used for training which is not available from other sources.

3. This statement explains the limitation put on expenditures for adult vocational programs.

B. Criteria

The criteria applies to adult vocational programs only.

1. The purpose of having an AVTI submit a proposal to the Department of Economic Development is to get the best overall understanding of economic growth in Minnesota.

3. The first statement is included so that the contingency fund cannot be used as a strikebreaking technique by companies.

4. It is necessary for the AVTI to meet with the Department of Economic Security to ascertain that no job overlap will occur.

5. This statement clarifies that CETA funds will be utilized whenever possible.

6. The first statement is included to ensure compatiblity between the AVTI designing the program and the company making the request.

7. By including this provision, allowance is made for small companies to be eligible for training programs.

C. Eligible Reimbursable Costs to the AVTIs

The reimbursements in this section apply to both post-secondary and adult vocational education programs.

1. "All instructor costs including fringe benefits" is a cost normally reimbursable to AVTIs for their programs.

2. Supplies are reimbursed as they are potentially a major cost.

3. This section clarifies that costs of equipment purchase, lease or rental, including the cost of installation, is reimbursable subject to certain limitations.

4. This statement provides for rental or leasing of facilities when adequate facilities are not available.

5. This provision is included so that AVTIs may be reimbursed for an additional administrator.

E.2. The adult farm management education program is an entrepreneurial program. The rule change to allow "30" cooperators enrolled less than six years recognizes the entrepreneur concept and emphasizes its inherent confidentiality that involves more individualized instruction than most other educational programs.

E.3. (new) The adult farm business management education program is an entrepreneurial program. The very foundation of this business management education is the trust involved in the professional relationship between the cooperator and the instructor. This confidentiality is not necessarily transferable to a new instructor, so when an instructor leaves a program quite often the enrollment drops, and it is necessary for the new instructor to enroll new cooperators.

E.5. (new) The foundation of the small business management educational program is the trust involved in the professional relationship between cooperator and the instructor. This confidentiality is not necessarily transferable to a new instructor, so when an instructor leaves a program quite often the enrollment drops, and it is necessary for the new instructor to enroll new cooperators. Enrolling 10 to 12 cooperators a year it may take three years to bring the enrollment up to 30.

9. The Examiner finds that the proposed rules, as amended, are both needed and reasonable. Most of the comments (approximately 15) received were supportive of the rules, however; two concerns were expressed which should be considered by the Department prior to final action on the rules. They are:

(a) James D. Daras, President of the Minnesota Association of Private Post-secondary Schools, commented as follows:

> Specifically, on behalf of the private post-secondary and other schools offering job preparation education (including colleges and/or institutes within the non-vocational public systems), I would like to challenge the narrowness of the rules presented for 5 MCAR 1.01051 Contingency Fund. I would respectfully call your attenton to the langage of the law -- part of appropriation legislation, Laws of 1979, Ch. 334, Art. V, sec. 17, which is MS 124.5625.
>
> No where in the language of the statute is it indicated that the purpose of the dollars provided for job preparation services authorized is exclusively for program activities in public area vocational technical institutes. The rules being proposed are exclusive to AVTI role in this program. No where in the State Board of Vocational Education "Statement of Need and Reasonableness", supporting its proposal is a justification for such narrow drawing of the rules otner than point 2 of the criteria discussion which states ". . . that the normal procedure to deliver post-secondary and adult vocational-technical education is tnrough an AVTI."
>
> In fact, private vocational schools, licensed under the provisions of MS 141, are regulated, under direct legislative charge, by the Commissioner of Education, who is, amongst other responsibilities, chief operating officer for the State Board of Education, which is the State Board for Vocational Education. This housing of regulatory responsibility in the same agency responsible for regulating public vocational activities, which includes, obviously, the AVTIs, is not just coincidental to the parallel nature of the educational services. Are there no local school districts, without AVTIs, which provide adult vocational training services, particularly in rural Minnesota? In addition, other public institutions, most notably the community colleges and technical schools of the University of Minnesota, exist to provide like educational services for job preparation.

Since these other institutions capable of servicing the intent of this legislation are under the same agency or administrative authority, such would argue against any assumption that the statute's only focus is the AVTIs. An argument of limited participation because of limited appropriations would ignore the dollar-stretching, cost benefits, especially through bidding, of multiple suppliers of the services to be purchased.

Private school resources should be investigated by the Department for possible inclusion in the contingency fund program.

(b) The administrators of the Anoka-Hennepin AVTI commented regarding the ten percent limitation contained in 5 MCAR § 1.0104 G. as follows:

WE, at the Anoka AVTI, have always been concerned with training the handicapped and/or disadvantaged. We have specially designed programs in which they are able to achieve their vocational goals. However, in very few cases are they able to complete the programs in the normal length of time. For example: it usually takes a handicapped individual 6 quarters of work to complete a 4 quarter program in Production Machines. This is also true of other programs at the Anoka AVTI. The length of time needed to train a handicapped-disadvantaged person is usually dictated by the type and/or severity of the handicap. Thus, it must be stated that not all handicapped-disadvantaged students should be restricted by a 10% rule.

The Examiner shares the concerns of the Anoka AVTI but points out that the ten percent limitation is set by statute, Minn. Stat. § 124.562 (1979 Supp.), and can only be changed by the Legislature.

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

CONCLUSIONS

1. The Department of Education gave due, timely and adequate legal notice of the hearing.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1978), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency action . . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action; (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts".

3. The Department of Education has documented its statutory authority to promulgate the proposed rules.

4. The Department of Education has fulfilled all relevant, substantive and procedural requirements of law or rule.

5. The Department of Education has demonstrated the need for and reasonableness of the proposed rules, as amended, by an affirmative presentation of facts.

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

RECOMMENDATION

That the Department of Education adopt the proposed rules as amended herein.

Dated this 10 day of January, 1980.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

State of Minnesota
State Board for Vocational Education

Statement of Need and Reasonableness
for Rule Changes for Chapter Six: Post-Secondary
Vocational-Technical Education

"5 MCAR" § 1.0100

"5 MCAR" has been added prior to the section number here and throughout the rules to reflect a rule promulgated by the Office of State Register in order to establish a consistent number uniformity throughout the rules.

5 MCAR § 1.0101

The deleted statement has been superseded by the language in Minn. Stat. § 124.562, subd. 4, as amended by Laws of 1979, ch. 334, art. V § 12.

5 MCAR § 1.0102

B.3.g. "Training Stations." This statement has been added to reflect concerns regarding the appropriate size and operation of training stations for students. Thus, it would be desirable to have program advisory committees, composed of those with expertise in the particular field, add their recommendations to the local board. Program advisory committees can utilize their knowledge of work stations in the real world to assist in properly determining educational training stations.

F. The language of the first statement is a nonsubstantive change so as to better reflect the intent of the ten student rule.

The third statement has been deleted because 24 students per section has not been an effective arbitrary number for quality education. Quality education can best be maintained by administrative review of each particular educational situation utilizing input of several sources, including program advisory committees (see 5 MCAR § 1.0102 B.3. above).

G.2. "Program" has been added to comply with the statutory change in Minn. Stat. § 124.562, subd. 10, as amended by Laws of 1979, ch. 334, art. V § 10. "Duration" has been substituted for "attendance" as it is a better term more appropriate to the sentence since the word "program" is added.

G.4. The same rationale applies to this statement as applies to G.2. above.

G.7. This statement has been added to assure that part-time programs maintain the same quality and standards found in full-time programs.

G.8. This statement has been added to ensure that the department of education is aware of part-time program offerings so as to assure proper supervision and information dissemination.

K. "Each calendar year" is substituted for annual in order to better clarify the 12 month period in which the annual evaluation is to occur.

5 MCAR § 1.0103

A. The phrase, "or if superseded by state rules for vocational-technical education" has been added because vocational licensure is in the process of being removed from the Minnesota State Plan for Vocational-Technical Education and being rewritten as a separate state rule.

B.1. "Minnesota" is added for clarification. Rationale for the language, "or if superseded, by state rules for vocational-technical education," is similar to A above.

5 MCAR § 1.0104

B. The new sentence has been added so as to facilitate the state-wide accounting system. It is necessary to receive average daily membership information by the first of each quarter from the Area Vocational-Technical Institutes (AVTIs) so as to expedite an efficient monthly payment process to the schools.

F.2.(old) It is necessary to delete this statement as it has been superseded by state statute, Minn. Stat. § 124.565, subds. 3-4 as amended by Laws of 1979, ch. 334, art. V, §§ 20-21.

F.2.(new) Vocational aid is to be received by AVTIs for up to 10% additional hours of instruction for handicapped/disadvantaged students in accordance with Minn. Stat. § 124.562, subd. 2, as amended by Laws of 1979, ch. 334, art. V, §10. As a result a decision must be made as to tuition charges for the additional hours of instruction received by those students. As handicapped/disadvantaged students under the new statute will be going to school on an individual basis the state board of education has elected the prerogative to charge no additional tuition pursuant to its authority in Minn. Stat. § 124.565 as amended by Laws of 1979, ch. 334, art. V, § 22.

F.3. The new language is added to clarify Minn. Stat. § 124.565, subds. 3-4 as amended by the Laws of 1979, ch. 334, art. V §§ 20-22. The statute, as amended, establishes a tuition schedule by quarter for residents and nonresidents and directs the state board for vocational education to "adopt rules providing for proportionate tuition" ch. 334, art. V, § 22. The rule responds to the statute by establishing both a daily and hourly prorated tuition formula.

G. This new subsection clarifies the language in Minn. Stat. § 124.562, subd. 2, as amended by Laws of 1979, ch. 334, art. V, §10. It is necessary to require prior approval by the commissioner of education for accounting and supervisory purposes. The second and third statements are included in order to clarify which students qualify as disadvantaged and handicapped. The definitions are based on federal guidelines.

H. This subsection has been added to further clarify the tuition and refund statutes in relation to the proration formula. Due to programs based on individualized instruction many students begin school at times other than at the beginning of a quarter, thus the need to clarify that tuition is prorated from the date of entry. Likewise, for refunds, the 15 day refund policy begins with the date of scheduled entry; the day a student is scheduled to start class.

5 MCAR § 1.0105 Capital expenditure aid.

A. It is necessary to delete "and mandatory levy" to comply with statutory change which no longer requires mandatory levies.

5 MCAR § 1.01051 Contingency fund.

The rules on the contingency fund are necessary in order to clarify Minn. Stat. ch. 124, as amended by the Laws of 1979, ch. 334, art. V, § 17 which is new section 124.5625. The statute states that, "the commissioner shall establish rules for administration of this fund."

A. Scope.

1. The purpose of limiting the contingency fund to ten or more new jobs in a sixth month period in one general work classification is based on economic feasibility.

2. Post-secondary program approval is limited to start-up costs in order to comply with statute. "New and unique programs" is added in order to ensure that funds will be used for training which is not available from other sources.

3. This statement explains the limitation put on expenditures for adult vocational programs. This is based on a policy decision that operational costs would be the best use of contingency funds. As funds for adult programs are limited and the criteria for short term adult programs are not clarified elsewhere there is a necessity to set additional criteria.

B. Criteria.

The criteria applies to adult vocational programs only.

1. The purpose of having an AVTI submit a proposal to the department of economic development is to get the input of the agency which has the best overall understanding of economic growth in Minnesota. The recommendation of the department of economic development will be part of the proposal reviewed by the division of vocational-technical education.

2. This statement clarifies that the normal procedure to deliver post-secondary and adult vocational-technical education is through an AVTI.

3. The first statement is included so that the contingency fund cannot be used as a strikebreaking technique by companies. The second statement clarifies that individuals from the general population and former employees of a company deserve equal consideration in applying for opportunities made available by the contingency fund.

4. It is necessary for the AVTI to meet with the department of economic security to ascertain that no job overlap will occur between the proposed program and trained persons already available in the work force. Also, the department of economic security can assist the AVTI in identifying potential sources of students for the proposed program.

Having the AVTI check with other AVTIs as to available graduating students will prevent schools from requesting programs that are already in existence which are graduating students capable of filling positions.

The information gathered by the AVTI shall be part of the program proposal so as to ensure review by the division of vocational-technical education.

5. This statement clarifies that CETA funds will be utilized whenever possible so that contingency funds will be used in the most efficient manner.

6. The first statement is included to ensure compatibility between the AVTI designing the program and the company making the request. The company's recommendation shall become part of the proposal to ensure proper review by the division of vocational-technical education.

7. By including this provision allowance is made for small companies to be eligible for training programs. This will also benefit smaller communities which have small companies whose individual training needs may not be great.

C. Eligible Reimbursable Costs to the AVTIs.

The reimbursements in this section apply to both post-secondary and adult vocational education programs.

1. "All instructor costs including fringe benefits" is a cost normally reimbursable to AVTIs for their programs.

2. Supplies are reimbursed as they are potentially a major cost of training.

3. This section clarifies that costs of equipment purchase, lease or rental, including the cost of installation, is reimbursable subject to certain limitations. Equipment purchased by state funds shall be subject to control by the department of education so that maximum utilization of equipment will occur. The third statement is included so that a company cannot install equipment with state funds.

4. This statement provides for rental or leasing of facilities when adequate facilities are not available at the AVTI or cooperating company.

5. This provision is included so that AVTIs may be reimbursed for an additional administrator to handle the overload created by the addition of large training programs.

6. Similar rationale as 5. above.

5 MCAR § 1.0106 Construction.

A. The additions in the second statement are for clarification and are not substantive changes.

5 MCAR § 1.0107 Categorical aid.

The first part of the introductory sentence eliminating, "(t)he distribution of" and "made" and substituting "allocated" is for clarification and not a substantive change. "And mandatory levy" is eliminated so as to reflect its elimination in statute.

The elimination of old E and F and the substitution of new E and F reflect changes in policy. New F addresses programs in which other regulatory boards, such as the state nursing board, may require very small student-teacher ratios.

5 MCAR § 1.0110 Reciprocity among states for vocational education.

B. It is necessary to delete this language since under current statute no reimbursement of tuition for students attending school in another state is made to the student's home district. No appropriations have been made for this purpose and no such transfers of funds have been effected.

1. It is necessary to delete this language as this provision is accomplished in the language for the new section B below.

a. This provision is accomplished in the new section B below, hence the deletion.

b. This deletion is required as this provision is inherent in the new section B below.

c. It is necessary to delete this section as the primary responsibility for placement is placed upon the institution that the student attends. However, a Minnesota resident who attends an institution in another state may make use of the placement capability of the AVTI in the home district if so desired.

2. It is necessary to delete this statement as the home district of a student no longer would make any payments of tuition to another state for reasons enumerated in B above.

3. It is necessary to delete this provision as no formal approval of the division of vocational-technical education is required. Approval is implied upon ratification of a reciprocity agreement by the state board for vocational education.

4. It is necessary to delete this section as under current statute the student is not in attendance at the home district and no state aids may be claimed by the AVTI.

5. It is necessary to delete this section as application code f-51 is no longer in use for this purpose by the division of vocational-technical education.

6. It is necessary to delete this language as it is no longer a part of Minn. Stat. § 121.21. The 1977 legislature removed language from Minn. Stat. § 124.565 that granted free tuition for students between the ages of 14 and 21 and certain classes of veterans effective July 1, 1978. The 1979 legislation reinstated free tuition for certain classes of veterans in Minn. Stat. § 124.565, subd. 3, as amended by Laws of 1979, chap. 334, art. V, § 20. This has no current bearing upon reciprocity between Minnesota and other states.

C. It is necessary to delete this section as it is restated in the new section D below.

1. It is necessary to delete this statement as it is restated in the new section D below.

New B. This section is necessary as it provides an accurate statement of the process whereby a student is excused from payment of the non-resident tuition differential under the terms of the current reciprocity agreements and current statute.

New C. This statement is both necessary and reasonable to describe the process which is currently used to implement the existing reciprocity agreement. As no appropriation has been made to the division of vocational-technical education for the purposes of paying tuition to other states, by agreement of the state directors, no such payments are requested or made. This is due to an essential balance existing in the number of students from each state making use of this program.

New D. This is necessary as it is a restatement of the old C and C.1. above as a clarification of language without substantive change.

5 MCAR § 1.01101 Student organizations.

Addition "of education" is a nonsubstantive clarification.

§ 1.01102

This statement is eliminated because it is no longer appropriate.

State of Minnesota
State Board for Vocational Education

Statement of Need and Reasonableness
for Rule Changes for Chapter Six-A: Adult
Vocational-Technical Education

"5 MCAR" § 1.0111 Scope.

"5 MCAR" has been added prior to the section number here and throughout the rules to conform with a rule promulgated by the Office of State Register.

E.1. The change from "forty" to "40" is a nonsubstantive English usage correction.

E.2. The adult farm management education program is an entrepreneurial program. The rule change to allow "30" cooperators enrolled less than six years recognizes the entrepreneur concept and emphasizes its inherent confidentiality that involves more individualized instruction than most other educational programs. The rule change provides time to allow the opportunity for students to enroll in a new farm management class each year and also provides a limited amount of time for formal enterprise (technology) classes that would meet the needs of not only the regularly enrolled farm management members but all taxpayers in that school district and area.

The third statement is changed to clarify when necessary exceptions to make progress toward minimum enrollment shall be granted to a school district.

E.3.(new) The adult farm business management education program is an entrepreneurial program. The very foundation of this business management education is the trust involved in the professional relationship between the cooperator and the instructor. This confidentiality is not necessarily transferable to a new instructor, so when an instructor leaves a program quite often the enrollment drops, and it is necessary for the new instructor to enroll new cooperators. This is usually done in groups of 10 or 12. The normal practice is to start one new group a year. It is possible that it could take four years to bring the enrollment up to 42. The same circumstances exist in starting a new program. An instructor must recruit his own cooperators. This is a time consuming process that could take up to 4 years.

E.4.(from E.3.) The third statement is changed to clarify when exceptions to make progress toward minimum enrollment shall be granted to a school district.

E.5.(new) The foundation of the small business management educational program is the trust involved in the professional relationship between cooperator and the instructor. This confidentiality is not necessarily transferable to a new instructor, so when an instructor leaves a program quite often the enrollment drops, and it is necessary for the new instructor to enroll new cooperators. Enrolling 10 to 12 cooperators a year it may take three years to bring the enrollment up to 30. The same rationale applies in starting a new program.

E.4.(old) to E.6. A nonsubstantive change.

5 MCAR § 1.0113

C.6. This is a nonsubstantive English usage correction.

§ 1.0118 This statement is deleted as it is no longer necessary.

Rule As Proposed
Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR §1.0100 Application. A school district desiring to be designated as an area vocational-technical institute district shall make written application to the state board for vocational education (state board of education).

5 MCAR §1.0101 Basis for approval. The state board for vocational education in considering a request for designation of a school district as an area vocational-technical institute district shall consider such a request based on the following criteria: geographic location; population density; and whether such school district possesses sufficient financial resources to establish, operate, and maintain the proposed area vocational-technical institute. Districts designated by the state board for vocational education shall be eligible to receive post-secondary vocational-technical aids. ~~All post-secondary vocational-technical aids and levies must be expended only for approved programs within the budget approved by the state board for vocational education.~~ Assignments of publication or production rights shall be determined cooperatively between the area vocational-technical institute district and the state of Minnesota.

5 MCAR §1.0102 Program approval. The following requirements will apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

A. Appropriate work stations for each student shall be provided in all post-secondary supervised cooperative education or internship programs.

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

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

3. Length of internship shall be established by the local board after receiving the recommendation of the program advisory committee and approved by the commissioner of education, except when the internship program is regulated by the accrediting agencies related to that program.

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

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

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

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

a. Curriculum;
b. Facility and equipment;
c. Staff recruitment;
d. Student recruitment;
e. Student placement;
f. Job availability~~.~~;
g. Training stations.

4. Each program advisory committee membership list and minutes of each committee meeting shall be on file at the area vocational-technical institute and available for review by the commissioner of education.

C. All major program redirections shall be reviewed and approved by the commissioner of education prior to implementation.

D. The commissioner of education shall review and approve program title, length, and curriculum modifications.

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

F. Instructional programs shall have an enrollment of ten or more ~~students per program~~ average daily memberships (ADM) per each full-time equivalency (FTE) staff. When more than one program section is in operation an average may be used. ~~All vocational-technical programs shall be limited to a maximum of 24 students per section.~~ Exemptions shall be given where licensure requirements are specifically established or on recommendation of other state industry groups. Exemption may be granted by the commissioner of education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one-year probation during which enrollment must meet the ten student criteria in order to receive subsequent approval.

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

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

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

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

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

5. Part-time student instructional hours shall be accumulative and computed to equal no less than six hours of instruction for one average

daily membership equivalent for funding purposes. Foundation aid shall be paid on all part-time students with their hourly enrollment converted to average daily membership.

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

7. A part-time program shall have the same objectives and run in the same sequence as a full-time program.

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

H. Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, special needs students may be exempt from the placement criteria. Placement and enrollment reports shall be submitted to the commissioner of education upon request.

I. The state board for vocational education may exempt students of certain programs from the 51 percent criteria if economic conditions, deemed to be temporary in character, are influencing placement.

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

K. Each director of an area vocational-technical institute shall conduct an ~~annual~~ evaluation each calendar year based on the goals and objectives of the vocational-technical programs as approved by the state board for vocational education for that local district. Those institutes with programs subject to review by national or state accrediting bodies shall 30 days prior to that review provide the date of the review and copies of all information required by the review body to the commissioner of education.

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

5 MCAR §1.0103 Administrative and support service requirements. The local board of education shall provide for:

A. Vocationally licensed administrative and supervisory staff as per the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.

1. The director of an AVTI shall have an administrative advisory committee of representatives from the service area.

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

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

4. Upon written notification to the state board for vocational education, additional staff may be added above the instructor and administrative/supervisor ratio, if funded from sources other than the state department of education.

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

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

B. Student personnel services.

1. Student personnel staff employed shall meet licensure requirements in the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.

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

3. The student personnel services shall provide for:

a. Admission counseling;

b. Career counseling;

c. Personal counseling;

d. Placement and follow-up program.

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

5. Adjustments to the student personnel ratio based on special make up of the student body in a given location may be approved by the commissioner of education.

C. Secretarial and clerical staff shall be employed.

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

5 MCAR §1.0104 Foundation aid.

A. A school district operating an area vocational-technical institute shall be eligible to receive post-secondary vocational foundation aid for all students attending approved post-secondary vocational-technical programs.

B. Average daily membership estimates shall be included in the annual budget request. These estimates shall be derived from uniform student accounting reports and that shall be the basis for beginning foundation aid payments. Adjustments to estimated average daily membership shall be reported by each AVTI to the division of vocational-technical education by the first of September, December, March and June.

C. Changes in estimates as authorized in Minn. Stat. §124.11 shall be approved by the ~~assistant~~ commissioner of ~~vocational-technical~~ education before payment is authorized by the department.

D. Final adjustment data shall be submitted by August 15 of each year.

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

F. Tuition and fees.

1. Deductible fees shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee.

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

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

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition shall be prorated for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individual instruction. Daily tuition shall be prorated by dividing the quarterly tuition by 60, (the standard number of days in the quarter), and rounded downward to the nearest cent. Hourly tuition shall be prorated by dividing the daily rate by 6, (the standard number of hours in a school day), and rounded downward to the nearest cent. This formula for prorating tuition shall apply to resident and nonresident tuition.

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

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

6. The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's in the fiscal year. This calculation shall be made at the time of the final foundation aid adjustment, with tuition deficits being charged to local funds. Tuition loss due to deferment during student application for tuition subsidy shall not be deducted from foundation aid. Students shall not apply for a tuition subsidy more than once during a collection period.

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

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

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

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

H. Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR §1.0104 F. 3. For such students the 15 day refund established by Minn. Stat. §124.565, subd. 3, as amended by Laws of 1979, ch. 334, art. V, § 20 shall commence with the date of scheduled entry.

5 MCAR §1.0105 Capital expenditure aid.

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

B. All equipment not approved in the budget review, purchases at a cost in excess of $4,000.00 must be preapproved by the commissioner of education.

C. All equipment shall be accounted for by the standard inventory control system.

D. Repairs on facility, equipment, or improvement of grounds that exceed $4,000.00 and not included in the budget review shall be included in B. for approval.

5 MCAR §1.01051 Contingency fund.

A. Scope.

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

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

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

B. Criteria.

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

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

2. All training will be conducted by an AVTI.

3. The company requesting a training program must first recall all personnel previously employed by the company who are qualified in the area for which training is to be provided. Training shall be made available, but not limited to, nonqualified individuals not recalled by the company.

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

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

b. identify potential students for the training program.

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

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

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

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

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

C. Eligible reimbursable costs to the AVTI's:

1. All instructor costs, including fringe benefits.

2. Supplies needed for training.

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

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

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

6. Secretarial costs directly related to the training program.

5 MCAR §1.0106 Construction.

A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without sufficient time to follow procedures set forth in the Minnesota State Plan for Vocational-Technical Education, the state board of education may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.

B. Construction of area vocational-technical institute facilities eligible for aid from funds will be limited to eligible purposes and activities. Where an area vocational-technical institute includes construction for ineligible

purposes, the cost of such ineligible facility will be determined by ascertaining the ratio that the cost of eligible facilities bears to the total cost for all facilities in the project.

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

5 MCAR §1.0107 Categorical aid.

~~The distribution of~~ Categorical aid shall be ~~made~~ allocated on the following criteria for districts operating high cost programs which require expenditures in excess of funding available through foundation aid~~,~~ and capital expenditure aid~~,~~: ~~and local mandatory levy:~~

A. Preservation of the present plant and equipment.

B. Development of programs for emerging business and industry.

C. Unique programs designed to serve special populations.

D. Educational services for special populations.

~~E. Services outside the regular geographic area.~~

~~F. High equipment costs.~~

~~G.~~E. High operating costs.

~~H.~~F. Rules and regulations imposed by other regulatory bodies which may affect the student teacher ratio as well as operating equipment costs.

5 MCAR §1.0108 Debt service aid. Districts eligible for debt service aid shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the commissioner of education in the budget request.

5 MCAR §1.0109 Student eligibility.

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

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

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

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

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

a. That he/she is living with his/her spouse.

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

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

5 MCAR §1.0110 Reciprocity among states for vocational education.

A. Reciprocity is contingent upon the execution of a reciprocal agreement as prescribed by Minn. Stat. §136A.08.

~~B. Full-reimbursement-of-tuition-for-a-Minnesota-student-attending-in another-state-will-be-made-to-his-home-district-providing:~~

~~1. that-the-director-of-the-nearest-area-vocational-technical-school has-indicated-in-writing-that:~~

~~a. no-training-opportunity-in-the-program-the-student-desires-is available-within-commuting-distance;~~

~~b. the-student-has-received-counseling;~~

~~c. the-area-vocational-technical-school-will-provide-placement services;~~

~~2. that-the-home-district-has-submitted-a-verified-statement-to-the effect-that-the-tuition-in-another-state-has-been-paid;~~

~~3. that-approval-from-the-division-of-vocational-technical-education has-been-obtained-prior-to-attendance;~~

~~4. that-the-home-district-certifies-that-no-state-foundation-aid, transportation-aid-or-other-financial-assistance-from-the-state,-has-been claimed-on-behalf-of-the-student;~~

~~5. that-the-student-has-completed-and-submitted-to-the-division-of vocational-technical-education,-an-application-code-F-51-3;~~

~~6. that-the-student-is-between-ages-14-and-21-except-for-veterans-as stipulated-in-Minn.-Stat.-§121.21.~~

~~C. Persons-arriving-in-Minnesota-from-another-state-will-be-accommodated as-any-other-nonresident-student-is-accommodated-with-the-limitation:~~

~~1. that out-of-state students will not displace Minnesota students with regard to training opportunities in those instances wherein the applications from eligible Minnesota students exceed the capacity of the class.~~

B. A Minnesota student attending a vocational institute in another state shall be eligible to pay the same tuition charged to residents of the state in which the vocational institute is located. To qualify for tuition reciprocity under this section, the director or other authorized official of the area vocational-technical institute nearest the residence of the student shall grant approval on the prescribed form. In granting approval, the director or other authorized official shall certify that no training opportunity in the program that the student desires is currently available within a reasonable commuting distance.

C. Payment of the nonresident tuition differential that exceeds the resident tuition of that state shall be made as prescribed by statute or through agreements executed by the state directors of vocational education of the affected states.

D. Students arriving in Minnesota from another state as a result of reciprocity agreements will be accommodated provided that such students will not displace Minnesota students with regard to training opportunities in those instances wherein the applications from eligible Minnesota students exceed the capacity of the class.

5 MCAR §1.01101 Student organizations.

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

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

~~§1.01102--These rules shall become effective on July 1, 1978.~~

Rule As Proposed
Chapter Six-A: Adult Vocational-Technical Education

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

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

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

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

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

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

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

1. Shall employ a minimum of a ~~forty~~ 40 percent instructor.

2. Adult farm management shall have a minimum enrollment of 42 cooperators, ~~who~~ 30 of whom shall have been enrolled six years or less. When more than one adult farm management education program is operated within a district, enrollment shall average 42 or more. Eighty percent or more of the cooperators who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their farm accounts. For programs not meeting the minimum enrollment prior to July 1, 1982, school districts ~~may~~ shall apply annually to the commissioner of education for an exception. ~~to this rule which~~ This exception ~~may~~ shall be granted if:

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

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

3. New programs in adult farm management or an existing program with a new instructor shall reach minimum enrollment of 30 enrollees within four years. For programs not meeting the minimum requirements school districts shall

apply annually to the commissioner of education for an exception to this rule which shall be granted if the school district provides evidence that:

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

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

~~3.~~4. Small business management education programs shall have a minimum enrollment of 30 enrollees who have been enrolled three years or less. Eighty percent or more of the persons who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their business accounts. For programs not meeting the minimum enrollment prior to July 1, 1981, school districts ~~may~~ shall apply annually to the commissioner of education for an exception. ~~to this rule on an annual basis which may~~ This exception shall be granted if:

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

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

5. New programs in adult small business management or an existing program with a new instructor shall reach minimum enrollment of 30 enrollees within three years. For programs not meeting the minimum requirements school districts shall apply annually to the commissioner of education for an exception to this rule which shall be granted if the school district provides evidence that:

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

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

~~4.~~6. Full-time adult education programs except adult farm management and small business management shall have a minimum student enrollment of 14.

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

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

5 MCAR §1.0113 Nursing assistant programs. Nursing assistant education programs shall use the curriculum developed by the commissioner of education as reviewed and evaluated by the board of nursing. The program shall include an individual written/oral test and performance evaluation, which shall be administered on a monthly basis by the department of education, through public area vocational-technical institutes, and shall be 30 hours of planned learning activities, exclusive of the evaluation.

A. Definitions. For the purpose of this section, the following definitions shall apply:

1. Nursing assistant--an individual working in or employed by a nursing home, including, but not limited to, a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse.

2. Curriculum--the aggregate of courses of study and planned learning activities developed by the commissioner of education to comply with Minn. Stat. §144A.61, subd. 3.

3. Completion of the program--successful completion shall be defined as the obtainment of 70 percent on the oral/written test and 70 percent on the performance evaluation.

4. Supplemental nursing service--an entity which recruits and employs nursing and ancillary health care personnel for temporary assignments to supplement the staff of health care institutions; and which is not an employment agency but the employer of all such personnel assigned.

5. Technical assistance--technical assistance by the department of education may include:

a. training of instructors;

b. utilization of the curriculum; and

c. instructional materials.

B. Instructional staff qualifications. Instructional staff for approved nursing assistant education programs offered in facilities other than the area vocational-technical institutes shall be exempt from 5 MCAR §1.0112 B., and on January 1, 1979, shall meet the following qualifications.

1. A registered nurse with 2,000 hours of experience within the last five years, at least 500 hours of which must be in geriatric or rehabilitation nursing; or

2. A licensed practical nurse with 4,000 hours of experience within the last five years in geriatric or rehabilitation nursing.

3. As of January 1, 1982, the minimum requirement for instructional staff shall be a registered nurse with at least one year (2,000 hours) of experience, 500 hours of which must be in a geriatric or rehabilitation nursing setting. This section shall not apply to licensed practical nurses teaching this course in a nursing home as of January 1, 1979 who continue to teach this course in that same facility as of January 1, 1982.

C. Exempt categories. The following categories of nursing assistants shall not be required to comply with the education requirements of Minn. Stat. §144A.61 (Supp. 1977).

1. Nursing assistants who began employment in a nursing home on or before December 31, 1978, and who continue employment in the same nursing home in which they were employed on December 31, 1978.

2. Nursing assistants who have successfully completed, since January 1, 1976, a training program for nursing assistant employed in nursing homes, which utilized a program endorsed by the state department of education, unless employment has been interrupted for greater than five consecutive years.

3. Nursing assistants who have successfully completed a state approved nursing education program which prepares an individual for licensure as a registered nurse or licensed practical nurse if completion occurred no more than five calendar years prior to employment.

4. Persons who have successfully completed the individual oral/written test and performance evaluation, even though the course has not been taken.

5. Registered nurses or licensed practical nurses holding current licensure in the state of Minnesota.

6. Nursing assistants who began employment in a supplemental nursing service on or before December 31, 1978 and who continue employment in that same nursing service in which they were employed on or before December 31, 1978, and who have worked a minimum of ~~twelve (12)~~ hours per week for that same supplemental nursing service in a nursing home prior to December 31, 1978. Supplemental nursing services shall provide to the State Department of Health by January 15, 1979, a list of all nursing assistants employed by the supplemental nursing services who have worked 12 hours in a nursing home on or before December 31, 1978.

5 MCAR §1.0114 Administrative services. The district shall:

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

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

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

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

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

5 MCAR §1.0115 Vocational aid criteria. The school district shall:

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

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

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

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

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

F. Be eligible to be paid aids for:

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

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

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

5 MCAR §1.0116 Tuition and attributable costs:

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

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

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

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

5 MCAR §1.0117 Student eligibility: To be eligible to enroll in adult vocational programs, the person shall be at least sixteen years of age and have completed or terminated secondary education.

~~§1.0118--These-rules-shall-become-effective-on-July-1,-1978.~~

Additions and Corrections
Proposed Rules Governing Post-Secondary and Adult
Vocational-Technical Education

5 MCAR §1.0110 (page 14 of rule)

B. To qualify for tuition reciprocity under this section, a Minnesota student desiring to attend a vocational institute in another state shall obtain the approval, on the prescribed form, of the director or other authorized official of the Minnesota area vocational-technical institute nearest the residence of the student.

The rule as proposed, B., C., and D. was found to be in conflict with the existing agreement between the Minnesota Higher Education Coordinating Board and the state of Wisconsin; therefore, it was necessary to strike the proposed change with the exception of the second sentence in B. and the addendum to that sentence as proposed. The new B. establishes the fact that approval is necessary on the prescribed form and then identifies the individual from whom such approval is necessary--the director or other authorized official. The agreement does not specify whom the official is; therefore, this is necessary and reasonable.

Additions and Corrections
Proposed Rules Governing Post-Secondary and Adult
Vocational-Technical Education

5 MCAR §1.0112 (page 15 of rule)

E. 3. First sentence should read 42 instead of 30 enrollees. This is a correction of an error.

5 MCAR §1.0112 (page 16 of rule)

E. 5. First sentence should read, "New programs in adult small business management or an existing program with a new instructor shall have 3 years to reach minimum enrollment as specified in E. 4. above."

SBVE Exhibit 3

5. purposes for which grant funds are requested, including a statement of program objectives and results to be accomplished;

6. proposed expenditures to be made from grant funds.

B. Criteria for eligibility. Multi-county multi-type library systems organized under provisions of Laws of 1979, ch. 334, § 9, shall be designated as eligible, by the State Board of Education as authorized in Laws of 1979, ch. 334, § 9, subd. 1, provided they meet the following criteria:

1. Geographic boundaries for a multi-county multi-type library shall coincide with those identified in Governor's Executive Orders 8, dated September 1, 1971, and 59, dated May 29, 1973, issued pursuant to the regional development act of 1969, Minn. Stat. §§ 462.381-462.397, with the following exceptions:

a. Development regions one, two with the exception of Lake of the Woods County, four, and five with the exception of Todd County and Morrison County shall form a single multi-county multi-type library system.

b. Development region three with the exception of Aitkin County and with the addition of Lake of the Woods County shall form a single multi-county and multi-type library system.

c. Development regions six west, six east and eight shall form a single multi-county multi-type library system.

d. Development regions seven east with the addition of Aitkin County and seven west with the addition of Todd County and Morrison County shall form a single multi-county multi-type library system.

2. Each public library participating in a multi-county multi-type library system shall also participate in its regional public library system, and a public library which has remained independent of its regional public library system shall not participate in a multi-county multi-type library system.

3. Proposed expenditures stated under provisions of 5 MCAR § 1.0805 A.6. shall be for costs incurred in planning the services required by the organizational agreement as specified in Laws of 1979, ch. 334, art. IX, § 9, subd. 3, and for the costs of planning any additional cooperative services agreed to by participating libraries and consistent with provisions of Laws of 1979, ch. 334, art. IX, § 9.

C. Calculation of planning grant amounts. A base grant of $20,000 shall be paid to each eligible multi-county multi-type library system submitting a qualifying application. Of the remaining available grant funds, 50 percent shall be distributed to provide all such systems an equal amount per capita and 50 percent shall be distributed to provide all such systems an equal amount per square mile.

State Board for Vocational Education
Department of Education
Vocational-Technical Division

Proposed Rules for Vocational Education Governing Post-Secondary Vocational-Technical (5 MCAR §§ 1.0100-1.01102) and Adult Vocational-Technical Education (5 MCAR §§ 1.0111-1.0118)

Notice of Hearing

Notice is hereby given that a public hearing will be held in the above entitled matter in Room 716, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, on November 30 and December 1, 1979, commencing at 9:00 a.m. and continuing until all interested or affected persons have had an opportunity to participate.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted by mail without personally appearing at the hearing to: Peter C. Erickson, Office of Hearing Examiners, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8118. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication, that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered into and become part of the record. The conduct of the hearing will be governed by the rules of the Office of Hearing Examiners, 9 MCAR §§ 2.101-2.112 and by Minn. Stat. §§ 15.0411-15.417 and § 15.042.

Notice is hereby given that 25 days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

After the public hearing, written material may be submitted to the hearing examiner and recorded in the hearing record for five working days, or for a longer period not to exceed 20 calendar days if so ordered by the hearing examiner.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing you may request notification by sending a written request to the hearing examiner (in case of the hearing examiner's report) or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

The Board proposes to adopt rules relating to the implementation of Laws of 1979, ch. 334, art. V and make other changes affecting Chapter Six: Post-Secondary Vocational-Technical and Chapter Six-A: Adult Vocational-Technical Education, and to replace the temporary rules on the same subject which were published in Volume 4, *State Register*, at pp. 215-217.

Notice: The proposed rules are subject to change as a result of the rule hearing process. The agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Robert P. Van Tries, Assistant Commissioner of Vocational-Technical Education, 564 Capitol Square, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

The Board's statutory authority to promulgate the proposed rules is provided by Minn. Stat. § 121.21, subd. 6 as amended by Laws of 1979, ch. 334, art. V, § 1 and by Minn. Stat. § 15.0412.

Under Minn. Stat. § 10A.01, subd. 11 (1978), as amended by Laws of 1979, ch. 59, § 3, a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute:

Lobbyist means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

Lobbyist does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual wholly engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250, excluding his own travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislative and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Questions regarding only lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, St. Paul, Minnesota 55155, telephone (612) 296-5615.

September 11, 1979

Howard B. Casmey, Secretary
State Board for Vocational Education

Rule As Proposed

Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR § 1.0100 Application. A school district desiring to be designated as an area vocational-technical institute district shall make written application to the State Board for Vocational Education (State Board of Education).

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."

5 MCAR § 1.0101 Basis for approval. The State Board for Vocational Education in considering a request for designation of a school district as an area vocational-technical institute district shall consider such a request based on the following criteria: geographic location; population density; and whether such school district possesses sufficient financial resources to establish, operate, and maintain the proposed area vocational-technical institute. Districts designated by the State Board for Vocational Education shall be eligible to receive post-secondary vocational-technical aids. ~~All post-secondary vocational-technical aids and levies must be expended only for approved programs within the budget approved by the state board for vocational education.~~ Assignments of publication or production rights shall be determined cooperatively between the area vocational-technical institute district and the state of Minnesota.

5 MCAR § 1.0102 Program approval. The following requirements will apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.

A. Appropriate work stations for each student shall be provided in all post-secondary supervised cooperative education or internship programs.

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

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

3. Length of internship shall be established by the local board after receiving the recommendation of the program advisory committee and approved by the Commissioner of Education, except when the internship program is regulated by the accrediting agencies related to that program.

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

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

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

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

a. Curriculum;

b. Facility and equipment;

c. Staff recruitment;

d. Student recruitment;

e. Student placement;

f. Job availability~~.~~;

g. Training stations.

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

C. All major program redirections shall be reviewed and approved by the Commissioner of Education prior to implementation.

D. The Commissioner of Education shall review and approve program title, length, and curriculum modifications.

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

F. Instructional programs shall have an enrollment of ten or more ~~students per program~~ average daily memberships (ADM) per each full-time equivalency (FTE) staff. When more than one program section is in operation an average may be used. ~~All vocational technical programs shall be limited to a maximum of 24 students per section.~~ Exemptions shall be given where licensure requirements are specifically established or on recommendation of other state industry groups. Exemption may be granted by the Commissioner of Education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one-year probation during which enrollment must meet the ten student criteria in order to receive subsequent approval.

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

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

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

3. Part-time instruction means less than six hours per day, based on the needs of the student and the occupation being served. Provision for part-time students shall be at the discretion of the local district subject to the program approval process with the State Board for Vocational Education.

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

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

time students with their hourly enrollment converted to average daily membership.

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

7. A part-time program shall have the same objectives and run in the same sequence as a full-time program.

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

H. Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, special needs students may be exempt from the placement criteria. Placement and enrollment reports shall be submitted to the Commissioner of Education upon request.

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

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

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

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

5 MCAR § 1.0103 Administrative and support service requirements. The local board of education shall provide for:

A. Vocationally licensed administrative and supervisory staff as per the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.

1. The director of an AVTI shall have an administrative advisory committee of representatives from the service area.

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

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

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

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

1 — supervisor	= .1
1 — instructor	= 1.0
1 — instructor aide	= .7
1 — clerical aide	= .3
1 — student aide	= .3

B. Student personnel services.

1. Student personnel staff employed shall meet licensure requirements in the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.

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

3. The student personnel services shall provide for:

a. Admission counseling;

b. Career counseling;

c. Personal counseling;

d. Placement and follow-up program.

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

5. Adjustments to the student personnel ratio based on special make up of the student body in a given location may be approved by the Commissioner of Education.

C. Secretarial and clerical staff shall be employed.

D. The business manager shall establish and manage a fiscal and statistical system in compliance with Minnesota

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statutes affecting the governance of an area vocational-technical institute for all expenditures and revenue accounts.

5 MCAR § 1.0104 Foundation aid.

A. A school district operating an area vocational-technical institute shall be eligible to receive post-secondary vocational foundation aid for all students attending approved post-secondary vocational-technical programs.

B. Average daily membership estimates shall be included in the annual budget request. These estimates shall be derived from uniform student accounting reports and that shall be the basis for beginning foundation aid payments. Adjustments to estimated average daily membership shall be reported by each AVTI to the Division of Vocational-technical Education by the first of September, December, March and June.

C. Changes in estimates as authorized in Minn. Stat. § 124.11 shall be approved by the ~~assistant~~ Commissioner of ~~vocational-technical~~ Education before payment is authorized by the department.

D. Final adjustment data shall be submitted by August 15 of each year.

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

F. Tuition and fees.

1. Deductible fees shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee.

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

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

3. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition shall be prorated for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individual instruction. Daily tuition shall be prorated by dividing the quarterly tuition by 60, (the standard number of days in the quarter), and rounded downward to the nearest cent. Hourly tuition shall be prorated by dividing the daily rate by 6, (the standard number of hours in a school day), and rounded downward to the nearest cent. This formula for prorating tuition shall apply to resident and nonresident tuition.

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

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

6. The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's in the fiscal year. This calculation shall be made at the time of the final foundation aid adjustment, with tuition deficits being charged to local funds. Tuition loss due to deferment during student application for tuition subsidy shall not be deducted from foundation aid. Students shall not apply for a tuition subsidy more than once during a collection period.

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

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

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

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

H. Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR § 1.0104 F.3. For such students the 15 day refund established by Minn. Stat. § 124.565, subd. 3, as amended by Laws of 1979, ch. 334, art. V, § 20 shall commence with the date of scheduled entry.

5 MCAR § 1.0105 Capital expenditure aid.

A. Districts shall be eligible for capital expenditure aid when foundation aid, tuition, and fees, ~~and mandatory levy~~

are insufficient to provide for capital purchases.

B. All equipment not approved in the budget review, purchases at a cost in excess of $4,000.00 must be preapproved by the Commissioner of Education.

C. All equipment shall be accounted for by the standard inventory control system.

D. Repairs on facility, equipment, or improvement of grounds that exceed $4,000.00 and not included in the budget review shall be included in B. for approval.

5 MCAR § 1.01051 Contingency fund.

A. Scope.

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

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

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

B. Criteria.

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

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

2. All training will be conducted by an AVTI.

3. The company requesting a training program must first recall all personnel previously employed by the company who are qualified in the area for which training is to be provided. Training shall be made available, but not limited to, nonqualified individuals not recalled by the company.

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

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

b. identify potential students for the training program.

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

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

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

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

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

C. Eligible reimbursable costs to the AVTIs:

1. All instructor costs, including fringe benefits.

2. Supplies needed for training.

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

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

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

6. Secretarial costs directly related to the training program.

5 MCAR § 1.0106 Construction.

A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without sufficient time to follow procedures set forth in the Minnesota State Plan for Vocational-Technical Education, the State Board of Education

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may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.

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

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

5 MCAR § 1.0107 Categorical aid. ~~The distribution of~~ eCategorical aid shall be ~~made~~ allocated on the following criteria for districts operating high cost programs which require expenditures in excess of funding available through foundation aid~~:~~ and capital expenditure aid~~:~~ ~~and local mandatory levy:~~

A. Preservation of the present plant and equipment.

B. Development of programs for emerging business and industry.

C. Unique programs designed to serve special populations.

D. Educational services for special populations.

~~E. Services outside the regular geographic area.~~

~~F. High equipment costs.~~

E. ~~G.~~ High operating costs.

F. ~~H.~~ Rules and regulations imposed by other regulatory bodies which may affect the student teacher ratio as well as operating equipment costs.

5 MCAR § 1.0108 Debt service aid. Districts eligible for debt service aid shall receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the commissioner of education in the budget request.

5 MCAR § 1.0109 Student eligibility.

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

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

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

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

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

a. That he/she is living with his/her spouse.

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

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

5 MCAR § 1.0110 Reciprocity among states for vocational education.

A. Reciprocity is contingent upon the execution of a reciprocal agreement as prescribed by Minn. Stat. § 136A.08.

~~B. Full reimbursement of tuition for a Minnesota student attending in another state will be made to his home district providing:~~

~~1. that the director of the nearest area vocational technical school has indicated in writing that:~~

~~a. no training opportunity in the program the student desires is available within commuting distance.~~

~~b. the student has received counseling.~~

~~c. the area vocational-technical school will provide placement services:~~

~~2. that the home district has submitted a verified statement to the effect that the tuition in another state has been paid:~~

~~3. that approval from the Division of Vocational-Technical Education has been obtained prior to attendance;~~

~~4. that the home district certifies that no state foundation aid, transportation aid or other financial assistance from the state, has been claimed on behalf of the student;~~

~~5. that the student has completed and submitted to the Division of Vocational-technical Education, an application code F-51-3:~~

~~6. that the student is between ages 14 and 21 except for veterans as stipulated in Minn. Stat. § 121.21.~~

~~C. Persons arriving in Minnesota from another state will be accommodated as any other nonresident student is accommodated with the limitation:~~

~~1. that out of state students will not displace Minnesota students with regard to training opportunities in those instances wherein the applications from eligible Minnesota students exceed the capacity of the class.~~

B. A Minnesota student attending a vocational institute in another state shall be eligible to pay the same tuition charged to residents of the state in which the vocational institute is located. To qualify for tuition reciprocity under this section, the director or other authorized official of the area vocational-technical institute nearest the residence of the student shall grant approval on the prescribed form. In granting approval, the director or other authorized official shall certify that no training opportunity in the program that the student desires is currently available within a reasonable commuting distance.

C. Payment of the nonresident tuition differential that exceeds the resident tuition of that state shall be made as prescribed by statute or through agreements executed by the state directors of vocational education of the affected states.

D. Students arriving in Minnesota from another state as a result of reciprocity agreements will be accommodated provided that such students will not displace Minnesota students with regard to training opportunities in those instances wherein the applications from eligible Minnesota students exceed the capacity of the class.

5 MCAR § 1.01101 Student organizations.

A. Student professional organizations shall be an integral part of all program offerings when the organization is approved by the State Board of Education.

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

~~5 MCAR § 1.01102 These rules shall become effective on July 1, 1978.~~

Chapter Six-A: Adult Vocational-technical Education

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

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

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

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

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

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

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

1. Shall employ a minimum of a ~~forty~~ 40 percent instructor.

2. Adult farm management shall have a minimum enrollment of 42 cooperators. ~~who~~ 30 of whom shall have been enrolled six years or less. When more than one adult farm management education program is operated within a district, enrollment shall average 42 or more. Eighty percent or more of the cooperators who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an annual analysis of their farm accounts. For ~~P~~programs not meeting the minimum enrollment prior to July 1, 1982, school districts ~~may~~ shall apply annually to the Commissioner of Education for an exception. ~~to this rule which~~ This exception ~~may~~ shall be granted if:

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

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

3. New programs in adult farm management or an existing program with a new instructor shall reach minimum enrollment of 30 enrollees within four years. For programs not meeting the minimum requirements school districts shall apply annually to the commissioner of education for an exception to this rule which shall be granted if the school district provides evidence that:

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

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

4. ~~3.~~ Small business management education programs shall have a minimum enrollment of 30 enrollees who have been enrolled three years or less. Eighty percent or more of the persons who have been enrolled for one full year or more, as measured from July 1 of any calendar year, shall have an

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annual analysis of their business accounts. For Pprograms not meeting the minimum enrollment prior to July 1, 1981, school districts ~~may~~ shall apply annually to the Commissioner of Education for an exception. ~~to this rule in an annual basis which may~~ This exception shall be granted if:

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

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

5. New programs in adult small business management or an existing program with a new instructor shall reach minimum enrollment of 30 enrollees within three years. For programs not meeting the minimum requirements school districts shall apply annually to the Commissioner of Education for an exception to this rule which shall be granted if the school district provides evidence that:

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

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

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

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

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

5 MCAR § 1.0113 Nursing assistant programs. Nursing assistant education programs shall use the curriculum developed by the Commissioner of Education as reviewed and evaluated by the Board of Nursing. The program shall include an individual written/oral test and performance evaluation, which shall be administered on a monthly basis by the Department of Education, through public area vocational-technical institutes, and shall be 30 hours of planned learning activities, exclusive of the evaluation.

A. Definitions. For the purpose of this section, the following definitions shall apply:

1. Nursing assistant — an individual working in or employed by a nursing home, including, but not limited to, a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse.

2. Curriculum — the aggregate of courses of study and planned learning activities developed by the commissioner of education to comply with Minn. Stat. § 144A.61, subd. 3.

3. Completion of the program — successful completion shall be defined as the obtainment of 70 percent on the oral written test and 70 percent on the performance evaluation.

4. Supplemental nursing service — an entity which recruits and employs nursing and ancillary health care personnel for temporary assignments to supplement the staff of health care institutions; and which is not an employment agency but the employer of all such personnel assigned.

5. Technical assistance — technical assistance by the department of education may include:

a. training of instructors;

b. utilization of the curriculum; and

c. instructional materials.

B. Instructional staff qualifications. Instructional staff for approved nursing assistant education programs offered in facilities other than the area vocational-technical institutes shall be exempt from 5 MCAR § 1.0112 B., and on January 1, 1979, shall meet the following qualifications.

1. A registered nurse with 2,000 hours of experience within the last five years, at least 500 hours of which must be in geriatric or rehabilitation nursing; or

2. A licensed practical nurse with 4,000 hours of experience within the last five years in geriatric or rehabilitation nursing.

3. As of January 1, 1982, the minimum requirement for instructional staff shall be a registered nurse with at least one year (2,000 hours) of experience, 500 hours of which must be in a geriatric or rehabilitation nursing setting. This section shall not apply to licensed practical nurses teaching this course in a nursing home as of January 1, 1979 who continue to teach this course in that same facility as of January 1, 1982.

C. Exempt categories. The following categories of nursing assistants shall not be required to comply with the education requirements of Minn. Stat. § 144A.61 (Supp. 1977).

1. Nursing assistants who began employment in a nursing home on or before December 31, 1978, and who continue employment in the same nursing home in which they were employed on December 31, 1978.

2. Nursing assistants who have successfully completed, since January 1, 1976, a training program for nursing assistant employed in nursing homes, which utilized a program endorsed by the State Department of Education, unless employment has been interrupted for greater than five consecutive years.

3. Nursing assistants who have successfully completed a state approved nursing education program which prepares an individual for licensure as a registered nurse or licensed practical nurse if completion occurred no more than five calendar years prior to employment.

4. Persons who have successfully completed the individual oral/written test and performance evaluation, even though the course has not been taken.

5. Registered nurses or licensed practical nurses holding current licensure in the state of Minnesota.

6. Nursing assistants who began employment in a supplemental nursing service on or before December 31, 1978 and who continue employment in that same nursing service in which they were employed on or before December 31, 1978, and who have worked a minimum of ~~twelve~~ (12) hours per week for that same supplemental nursing service in a nursing home prior to December 31, 1978. Supplemental nursing services shall provide to the State Department of Health by January 15, 1979, a list of all nursing assistants employed by the supplemental nursing services who have worked 12 hours in a nursing home on or before December 31, 1978.

5 MCAR § 1.0114 Administrative services. The district shall:

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

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

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

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

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

5 MCAR § 1.0115 Vocational aid criteria. The school district shall:

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

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

C. File an amended budget for overexpenditures exceeding ten percent and underexpenditures exceeding five percent of the total budget when such changes affect the state obligation for aids. To be eligible for aid for the overexpenditures, the amended budget must be approved by the Commissioner of Education.

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

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

F. Be eligible to be paid aids for:

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

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

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

5 MCAR § 1.0116 Tuition and attributable costs.

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

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

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

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

5 MCAR § 1.0117 Student eligibility: To be eligible to enroll in adult vocational programs, the person shall be at least sixteen years of age and have completed or terminated secondary education.

~~5 MCAR § 1.0118 These rules shall become effective on July 1, 1978.~~

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STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF EDUCATION

IN THE MATTER OF THE PROPOSED RULES FOR VOCATIONAL EDUCATION GOVERNING POST-SECONDARY VOCATIONAL-TECHNICAL (5 MCAR §§ 1.0110 - 1.01102) AND ADULT VOCATIONAL-TECHNICAL EDUCATION (5 MCAR §§ 1.0111 - 1.0118).

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, the above-entitled matter came on for hearing on November 30, 1979, and December 1, 1979, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiner, in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Department of Education on January 10, 1980; and

WHEREAS, the Department of Education has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Department of Education has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4, and 9 MCAR § 2.110; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Department of Education has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Order, the Department of Education has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4.

Dated this 22nd day of February, 1980.

DUANE R. HARVES
Chief Hearing Examiner

State of Minnesota
State Board for Vocational Education
Department of Education
Vocational-Technical Division

In the Matter of Proposed
Adoption of Rules of the State
Board for Vocational Education
Governing Post-Secondary
Vocational-Technical 5 MCAR
§§ 1.0100-1.01102 and Adult
Vocational-Technical Education
5 MCAR §§ 1.0111-1.0118

Notice of Hearing

Notice is hereby given that a public hearing will be held in the above entitled matter in Room 716, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, on November 30 and December 1, 1979, commencing at 9:00 a.m. and continuing until all interested or affected persons have had an opportunity to participate.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted by mail without personally appearing at the hearing to: Peter C. Erickson, Office of Hearing Examiners, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8118. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication, that those persons, organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered into and become part of the record. The conduct of the hearing will be governed by the rules of the Office of Hearing Examiners, 9 MCAR §§ 2.101-2.112 and by Minn. Stat. §§ 15.0411-15.417 and § 15.042.

Notice is hereby given that 25 days prior to the hearing a statement of need and reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This statement of need and reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the statement of need and reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

After the public hearing, written material may be submitted to the hearing examiner and recorded in the hearing record for five working days, or for a longer period not to exceed 20 calendar days if so ordered by the hearing examiner.

Notice. Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing you may request notification by sending a written request to the hearing examiner (in case of the hearing examiner's report) or to the agency (in the case of the agency's submission or resubmission to the Attorney General). 8

The Board proposes to adopt rules relating to the implementation of Laws of 1979, ch. 334, art. V and make other changes affecting Chapter Six: Post-Secondary Vocational-Technical and Chapter Six-A: Adult Vocational-Technical Education, and to replace the temporary rules on the same subject which were published in Volume 4, State Register, at pp. 215-217.

Notice. The proposed rules are subject to change as a result of the rule hearing process. The agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Robert P. Van Tries, Assistant Commissioner of Vocational-Technical Education, 564 Capitol Square, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. 3

The Board's statutory authority to promulgate the proposed rules is provided by Minn. Stat. § 121.21, subd. 6 as amended by Laws of 1979, ch. 334, art. V § 1 and by Minn. Stat. § 15.0412. 4

Under Minn. Stat. § 10A.01, subd. 11 (1978), as amended by Laws of 1979, ch. 59, § 3, a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute:

Lobbyist means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or 6

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

Lobbyist does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual wholly engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250, excluding his own travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislative and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Questions regarding only lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, St. Paul, Minnesota 55155, telephone (612) 296-5615.

State of Minnesota
State Board for Vocational Education

Date September 11, , 1979

HOWARD B. CASMEY, Secretary

SBVE Exhibit 14

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Special Meeting of Board

A special meeting of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture will be held in Duluth, Minnesota June 29 and 30, 1979. The meeting on June 29 will commence at 1:30 p.m. and will be held in the mayor's conference room on the 4th Floor of City Hall. The meeting will reconvene at 9 a.m. on June 30 in the Water and Gas Department Training Room, 3rd Floor, 414 West 1st Street, pursuant to Section 326.07, Minnesota Statutes.

Department of Education School Management Services Division

Notice of Intent to Solicit Outside Opinion Regarding Computing Centers, Plans, Budget and Data Items

The Department of Education is drafting rules to implement Minn. Stat. § 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.

Persons or organizations wishing to offer advice, comment or suggestions on the content of these rules are invited to submit such statements in writing to:

Mr. Donald Thomas
Room 803 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Comments which are received prior to July 25 will be considered in the drafting of the rules. All written statements, regardless of when received, will be made part of the public hearing record.

Department of Education Vocational-Technical Education Division

Notice of Intent to Solicit Outside Opinion Regarding Rules for the Vocational Aid Program and Changes in the Post-Secondary Vocational Rules

The Department of Education, Division of Vocational-Technical Education is drafting rules and changes to implement Minn. Stat. chs. 121 and 124 (1978) as amended by Laws of 1979, H.F. No. 223, Art. V §§ 1-3, 9-12 and 16-22.

The Department will also be drafting changes in the Post-Secondary Vocational Education Rules (Chapter Six, 5 MCAR §§ 1.0100-1.01102) and the Adult Vocational-Technical Education Rules (Chapter Six-A 5 MCAR §§ 1.0111-1.0118) to comply with the above statutes.

The Department invites interested persons or groups to provide information, comment and advice on these subjects in writing or orally to Mr. Robert Van Tries, Assistant Commissioner for Vocational-Technical Education, 564 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

Written statements will be made part of the public hearing record.

All materials to be considered in the original draft should be submitted by July 23, 1979.

CERTIFICATE OF BOARD'S

ADOPTION OF RULES AND RESOLUTION

I, Howard B. Casmey, do hereby certify that I am secretary and executive officer of the State Board of Education (State Board for Vocational Education), a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education (State Board for Vocational Education) duly and properly called and held on the 11th day of February, 1980; that a quorum was present at said meeting; (that a majority of those present voted for the resolution); that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to the proposed changes in the rules for post-secondary and adult vocational-technical education hereby are approved as amended and are adopted, pursuant to authority vested in us by Minn. Stat. §121.21, subd. 6 as amended by Laws of 1979, ch. 334, art. V §1 and by Minn. Stat. §15.0412 and that one of the members of the Board of Education, be and hereby is authorized to sign an order adopting these rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of February, 1980.

Howard B. Casmey
Secretary and Executive Officer
State Board of Education
(State Board for Vocational Education

Ruth A. Myers
Member, State Board of Education
(State Board for Vocational Education

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Howard B. Casmey, do hereby certify that I am secretary of the state board of education, a board duly authorized under the laws of the State of Minnesota, and that the following is true, complete, and correct copy of a resolution adopted at a meeting of the state board of education duly and properly called and held on the 10th day of September, 1979; that a quorum was present at said meeting; and that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> RESOLVED, that the State Board for Vocational Education shall call a hearing for the purpose of informing the public concerning proposed rules of the Board governing the rules relating to Post-Secondary Vocational-Technical and Adult Vocational-Technical Education; and that the Commissioner or his Deputy is authorized to sign an order and notice of such hearing to be conducted pursuant to Minnesota Statutes, chapter 15 and rules of the Hearing Examiner.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of September, 1979.

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

Ruth A. Myers
Member, State Board of Education
(State Board for Vocational Education

CERTIFICATE OF BOARD'S

ADOPTION OF RULES AND RESOLUTION

I, Howard B. Casmey, do hereby certify that I am secretary and executive officer of the State Board of Education (State Board for Vocational Education), a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education (State Board for Vocational Education) duly and properly called and held on the 11th day of February, 1980; that a quorum was present at said meeting; (that a majority of those present voted for the resolution); that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to the proposed changes in the rules for post-secondary and adult vocational-technical education hereby are approved as amended and are adopted, pursuant to authority vested in us by Minn. Stat. §121.21, subd. 6 as amended by Laws of 1979, ch. 334, art. V §1 and by Minn. Stat. §15.0412 and that one of the members of the Board of Education, be and hereby is authorized to sign an order adopting these rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of February, 1980.

Howard B. Casmey
Secretary and Executive Officer
State Board of Education
(State Board for Vocational Education

Member, State Board of Education
(State Board for Vocational Education

State of Minnesota
Department of Education

State Board for Vocational Education
Division of Vocational Technical

IN THE MATTER OF: The proposed adoption of rules of the state board for vocational education governing post-secondary vocational-technical and adult vocational-technical education

Affidavit of Mailing

Harold E. Klecker, being first duly sworn, deposes and says:

That on the 18th day of October, 1979, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Harold E Klecker

Subscribed and sworn to before me
this 18th day of October,
1979.

Betty King
Notary Public

Dakota, County, Minnesota

My commission expires 6-13-83.

BETTY L. KING
Notary Public, Dakota Co. MN
My Commission Expires
June 13, 1983

State of Minnesota
Department of Education

State Board for Vocational Education
Division of Vocational-Technical

IN THE MATTER OF: The proposed adoption of rules of the state board for vocational education governing post-secondary vocational-technical and adult vocational-technical education

Certificate of Delivery
Secretary of State List

I hereby certify that the attached 9 sheets constitute the complete list of persons, associations, and other interested groups who as of 10:40 o'clock AM, this 16th day of October, 1979, have requested pursuant to Minn. Stat. § 15.0412, subd. 4, (1978) that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Donna Scott

State of Minnesota
Department of Education

State Board for Vocational Education
Division of Vocational-Technical

IN THE MATTER OF: The proposed adoption of rules of the state board for vocational education governing post-secondary vocational-technical and adult vocational-technical education

Affidavit of Receipt of Secretary of State's List

Harold Klecker, being duly sworn on oath deposes and says:

1) That he is an employee of the Department of Education of the State of Minnesota.

2) That on the 12th day of October, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412.

3) That on the 16th day of October, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Harold E Klecker

Subscribed and sworn to before me
this 16th day of October,
1979.

Betty King
Notary Public
Dakota, County, Minnesota
My Commission expires 6-13-83.

BETTY L. KING
Notary Public, Dakota Co. MN
My Commission Expires
June 13, 1983

State of Minnesota
Department of Education

State Board for Vocational Education
Division of Vocational-Technical
Education

Order for Hearing

IN THE MATTER OF: The Proposed Adoption of Rules of the State Board for Vocational Education Governing Post-Secondary Vocational-Technical and Adult Vocational-Technical Education

IT IS HEREBY ORDERED that a public hearing on the above - captioned rules be held in the Capitol Square Building, Room 716, 550 Cedar Street, St. Paul, Minnesota 55101 on Friday, November 30 and Saturday, December 1, 1979, commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

State of Minnesota
Board for Vocational Education

Secretary, State Board of Education
(State Board for Vocational Education)

Date: September 10, 1979