

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File # 639

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

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Lois E. Steinhaus
Education Statistics Section

DATE: Oct. 8, 1980

FROM : Mike Miles
Assistant Attorney General

PHONE: 6-6555

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules of the State Board of Education Governing Exucational Aids to Nonpublic School Children

The above-captioned temporary rules have been approved by this office.

While the statute does not require it, this office recommends that an Order of Adoption and a copy of the Rules as Adopted be filed with the Secretary of State. It is the department's responsibility to comply with the Notice provisions of Minn. Stat. § 15.0412, Subd. 5.

If you have any questions, do not hesitate to contact me.

cc: Duane Harves
Susan Robertson

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

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Education
736 Capitol Square Bldg.
550 Cedar St.

TO : Jerry Anderson
Special Ass't. Attorney General

DATE: 9-26-80

FROM : Lois E. Steinhaus L.E.S.
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval of Temporary Rules for Governing Educational Aids to Nonpublic Schools

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

Certificate of Board's Authorizing Resolution	(2)
Certificate of Board's Adoption of Rules Resolution	(2)
Order Adopting Rules attached to Temporary Rules as Adopted	(3)
Temporary Rules as they were sent to the State Register	(2)
Temporary Rules as they appeared in the State Register	(2)
Temporary Rules as Adopted showing changes	- none
Correspondence received	- none

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

Thank you.

PRINTED ON RECYCLED PAPER

Our File #639

Permanent Rule_____

Temporary Rule__X__

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 9/30 DUE DATE Tues, 10-7

Resubmitted and Received_____

a. Returned to Agency w/o Filing w/Secretary of State_____
b. Approved_____Date Sent Back to Agency_____

- -

1. Rules as Adopted_____

2. Rules as Proposed_____

3. Certificate of Board's
   Authorizing Resolution, where applicable_____

4. Order for Hearing_____

5. Notice of Hearing_____
   Sufficiency_____

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

7. Certificate of Acquisition of
   Secretary of State's List_____

8. Secretary of State's Certification of Delivery
   of Secretary of State's List to Agency_____

9. Affidavit of Mailing_____
   At least 30 days prior to hearing_____

10. Publication in State Register_____
    At least 30 days prior to hearing_____

11. Statement of Need and Evidence_____

12. Hearing Examiner's Report_____

13. Agency's Findings of Fact_____

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

15. Order Adopting_____

16. Report of Chief Hearing Examiner_____

17. Order Approving Incorporation by Reference,
    where applicable_____

18. Certificate of Compliance with Rulemaking Procedures_____

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

20. Petition by Public, where applicable_____

STATE OF MINNESOTA

In the Matter of the Proposed
Adoption of Temporary Rules of
the State Board of Education
Governing Educational Aids
to Nonpublic School Children

ORDER ADOPTING RULES

The above-entitled proposed temporary rules were published in the State Register August 4, 1980, pursuant to Minn. Stat. § 123.931 et seq.

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

NOW THEREFORE, it is ordered that these rules identified as 5 MCAR §§ 1.0820 - 1.0883 attached hereto as Exhibit A are adopted this 9th day of September, 1980, pursuant to authority vested in us by Minn. Stat. § 123.931 et seq.

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

Henry J. Bromelkamp
President
State Board of Education

Temporary Rule as Adopted

Chapter Forty-One: Textbooks, Individualized Instructional Materials, and Standardized Tests for Pupils Attending Nonpublic Schools

5 MCAR § 1.0820 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, textbooks, individualized instructional materials, and standardized tests as provided by Minn. Stat. §§ 123.931-123.947, shall be made available to pupils in nonpublic schools.

5 MCAR § 1.0821 Definitions.

A. "Eligible materials" means textbooks, individualized instructional materials, and standardized tests. All textbooks and individualized instructional materials must be:

1. designed primarily for use by individual students at their desks or in small groups, in a particular class or program in the school the pupil regularly attends,

2. used by the student to reach certain educational objectives within a particular subject or course of study,

3. secular, neutral, non-ideological and not capable of diversion for religious use,

4. available and of benefit to public school pupils, and

5. not specifically excluded from eligibility by 5 MCAR § 1.0821 B.

B. "Ineligible materials" means, in addition to educational materials excluded from eligibility by 5 MCAR § 1.0821 A. the following materials: chemicals, wall maps, wall charts, pencils, pens or crayons, notebooks, blackboards, chalk and erasers, duplicating fluids, paper, 16mm films, unexposed films, blank tapes, cassettes or videotape, instructional equipment, reference materials, and teachers' aids.

C. "Textbook" means any book or book substitute which a pupil uses as a text or text substitute, copies of which are:

1. used as a principal source of study materials for a given class or group of students, and

2. available for individual use of each pupil in the class or program.

D. "Individualized instructional materials" means educational materials in addition to textbooks which fall into any of the following areas: published materials, periodicals, documents, pamphlets, photographs, reproductions, pictoral or graphic works, filmstrips, prepared slides, pre-recorded video programs, pre-recorded tapes, cassettes and sound recordings, manipulative materials, desk charts, games, study prints and pictures, desk maps, models, learning kits, blocks or cubes, flashcards, individualized multi-media systems, prepared instructional computer software programs, and pre-recorded film cartridges.

E. "Standardized tests" means tests and scoring services available from commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.

F. "Secular, neutral, and non-ideological" materials are materials which are not regarded as religious, spiritual, or sacred, and present events, facts, and theories that pertain to religion or religious doctrine in an impartial manner.

5 MCAR § 1.0822 State administration.

A. The department of education shall administer funds allocated for the purchase of eligible materials to be loaned or provided to nonpublic school pupils.

B. The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of eligible materials to be loaned or provided to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the department of education shall determine, from the most recent data available, the allocation available per pupil for eligible materials to be used for the following school year. The allocation per pupil shall be determined by dividing the total expenditure for eligible materials by all public school districts in the state for pupils enrolled in public schools by the average daily membership of pupils enrolled in the districts during the same fiscal year. This amount shall then be increased by a percentage equal to the percentage increase in foundation aid, between the prior school year and the coming year. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

D. Termination of eligibility. Whenever the public school district or intermediary service area receives information indicating that eligible materials loaned under the program have been used contrary to law, the servicing school district or intermediary service area shall report that information to the department. Whenever the department receives information regarding improper use of these materials, it shall:

1. Provide written notification to the pupil, the pupil's parents, or the nonpublic school administrator of the alleged program abuse, and

2. Allow 30 calendar days from the date of mailing for written or oral response.

Following receipt of responses during the 30 day period, if it appears that materials may have been used contrary to law, the Department shall institute Chapter 15 contested case procedures. After due consideration of all evidence presented pursuant to those procedures, if the Department determines that the materials have been used contrary to law, the Department shall notify the pupil, the pupil's parents, or nonpublic school administrator, and the public school district or intermediary service area that:

a. The eligibility of the pupil for materials during the current school year is terminated, and

b. The allocation for the current year for the nonpublic school must be reduced accordingly.

5 MCAR § 1.0823 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the public school district or intermediary service area a preliminary application for participation in the textbooks, individualized instructional materials, and standardized tests aid program, for eligible materials to be used the following school year. The preliminary application shall be on forms provided by the department of education and shall include:

1. An estimate of the nonpublic school pupils, kindergarten through grade twelve, who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for eligible materials.

2. An estimate of the total allocation available to the nonpublic pupils attending the nonpublic school for eligible materials. The estimated allocation is determined by multiplying the estimated count of participating pupils by the allocation available per pupil for eligible materials. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

B. Purchase of materials. On or before May 1, the public school district or intermediary service area shall have completed its review of the preliminary application and shall notify the nonpublic school that it may begin submitting requests for eligible materials for the following school year based on the estimated allocation. The materials requested by the nonpublic school shall be purchased by the public school district or intermediary service area within a reasonable time of the receipt of the requests. After the materials have arrived, they shall be promptly transmitted to each nonpublic school in the public school district or intermediary service area for distribution to the pupil applicants.

C. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Textbooks, Individualized Instructional Materials, and Standardized Tests. This form shall be separate from the Health Services Pupil Request Form and the Guidance and Counseling Services Pupil Request Form. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

D. Final application. On or before September 25 the nonpublic school shall make final application for participation in the textbooks, individualized instructional materials, and standardized tests aid program to the district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall be on forms provided by the department of education and shall include:

1. A count of the nonpublic school pupils, kindergarten through grade twelve, who are enrolled as of September 15 of the current school year and for whom Pupil Request Forms have been properly completed.

2. The allocation for eligible materials to the nonpublic pupils attending the nonpublic school. The actual allocation shall be determined according to 5 MCAR § 1.0822 C. above.

E. Inventory. The public school district or intermediary service area shall maintain an inventory of each of the eligible materials loaned under the program for the material's useful life. The useful life of eligible materials is as follows: (a) for workbooks and manuals in which the students write - 1 year, (b) paperbacks, computer programs, and audio-visual materials - 3 years, (c) hardbound materials and textbooks - 5 years. Thereafter the public school district or intermediary service area may divest itself of the materials in any manner it deems appropriate. A compilation of invoices, showing descriptions and destinations of eligible materials purchased under the program, satisfies the inventory requirement.

F. Reimbursement. Upon completion of the distribution of the eligible materials each public school district or intermediary service area may claim from the department of education (1) the cost of materials, not to exceed the allocation available, and (2) a sum for the actual cost of administration which shall not exceed five percent of the cost of the materials distributed. The administrative costs shall be in addition to the allocation available for eligible materials. Handling and shipping charges by the vendor shall be included in the allocation for eligible materials for each nonpublic school. A public school district shall not be considered a vendor.

G. Certificate of compliance. Each claim for reimbursement shall include a certificate of compliance from the public school district or intermediary service area indicating that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in 5 MCAR § 1.0821. The public school district shall also include a list of the eligible materials actually purchased, and the names of the publishers of those materials.

Temporary Rule as Adopted

Chapter Forty-One-B: Health Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0860 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, health services as provided by Minn. Stat. §§ 123.931-123.947, shall be made available to pupils in nonpublic schools.

5 MCAR § 1.0861 Definitions and general requirements.

A. "Health services" means physical and mental health services provided by licensed health services personnel or their assistants. Licensed health services personnel includes physicians, dentists, professional nurses or optometrists.

B. Health services shall not include the direct educational instruction of nonpublic pupils by health services personnel.

C. Health services shall not include those services which are required under the Special Education Law, Minn. Stat. § 120.17 (1976, as amended), or which are eligible to receive reimbursement under the Special Education Aid Law, Minn. Stat. § 124.32 (1976, as amended).

D. The public school district or intermediary service areas shall provide those specific health services which it offers to its public school pupils, provided the costs for such services do not exceed the amount allocated for health services by the department of education.

E. Costs relating to the provision of health services shall include (1) the salaries of licensed health services personnel and their assistants and (2) expenses for supplies, equipment, travel, and necessary in-service training and other eligible expenses that are associated with the provision of health services by the licensed health services personnel or their assistants.

F. Health services may be provided at the nonpublic school, a neutral site, or at the public school.

5 MCAR § 1.0862 State administration.

A. The department of education shall administer funds for the provision of health services to nonpublic school pupils.

B. The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records associated with the provision of health services to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the department of education shall determine from the most recent data available the allocation available per pupil for health services to be used for the following school year. The allocation per pupil for health services shall be the average expenditure per public school pupil in average daily membership for these services by those Minnesota public elementary and secondary schools which provide health services to public school pupils. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

D. Computation of actual allocation. Based on the year-end report filed by each district, the department shall allot to each district or intermediary service area for the provision of health services the actual cost of the services provided during the school year. The actual allotment shall not exceed the pupil allocation available.

E. December 1 payment. On or before December 1, the department shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved budget.

F. Final payment. On or before September 1 following the school year, the department shall make the final adjustment payment to the district or intermediary service area based on the year-end report.

5 MCAR § 1.0863 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the district or intermediary service area a preliminary application for health services beginning with the following school year. The preliminary application shall be on forms provided by the department of education and shall include an estimate of the nonpublic school pupils, kindergarten through grade twelve, who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for health services. The preliminary application shall also include an assessment of the type and level of health services desired for the following school year.

B. Annual consultation. The district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the location at which health services for nonpublic school pupils are to be offered. Final decision as to location shall be made by the public school district or intermediary service area.

C. Notification of services. On or before September 1 the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of health services that are to be made available to the nonpublic school students during the following school year.

D. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Health Services. This form shall be separate from the Guidance and Counseling Services Pupil Request Form and the Pupil Request Form for Textbooks, Individualized Instructional Materials and standardized tests. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

E. Final application. On or before September 25 the nonpublic school shall make final application for health services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of nonpublic school pupils who are enrolled as of September 15 and for whom Pupil Request Forms have been properly completed.

F. Submission of program and budget. On or before October 15 the public school district or intermediary service area shall submit to the department of education a program and budget of the health services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the department of education and shall include:

1. Projected health services expenditures for salaries, supplies, equipment and other expenses, which expenditures shall not exceed the amount allocated for health services to the public school district or intermediary service area by the department of education. The allocation for health services is determined by multiplying the total number of participating pupils by the allocation available per pupil for health services as set forth in 5 MCAR § 1.0862 C. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

2. Projected expenditures for health services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for health services for nonpublic school pupils and which shall be in addition to the health services allocation.

G. Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the department of education a year-end report of health services provided to nonpublic school pupils. The report shall be on forms made available by the department of education.

Temporary Rule as Adopted

Chapter Forty-One-C: Guidance and Counseling Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0880 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, guidance and counseling services as provided by Minn. Stat. §§ 123.931-123.947, shall be made available to secondary pupils in nonpublic schools.

5 MCAR § 1.0881 Definitions and general requirements.

A. "Guidance and counseling services" means all activities of a licensed counselor in counseling pupils and parents, providing counseling on learning problems, evaluating the abilities of pupils, assisting pupils in personal and social development and providing referral assistance.

B. Guidance and counseling services provided to nonpublic school pupils shall not include the planning or selection of particular courses or classroom activities of the nonpublic school.

C. The district where the nonpublic school is located shall provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided guidance and counseling services.

D. The public school district or intermediary service areas shall provide those specific guidance and counseling services which it offers to its public school secondary pupils, provided the costs for such services do not exceed the amount allocated for guidance and counseling services by the department of education.

E. Costs relating to the provision of guidance and counseling services shall include (1) the salaries of licensed guidance and counseling services personnel and their assistants and (2) expenses for supplies, equipment, travel, and other eligible expenses that are directly attributable to the provision of guidance and counseling services by the licensed guidance and counseling services personnel or their assistants.

F. Guidance and counseling services may be provided to nonpublic school pupils only at a neutral site or at the public school.

5 MCAR § 1.0882 State administration.

A. The department of education shall administer funds for the provision of guidance and counseling services to nonpublic school pupils.

B. The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records associated with the provision of guidance and counseling services to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the department of education shall determine from the most recent data available the allocation available per secondary pupil in average daily membership for guidance and counseling services to be used for the following school year. The allocation available per secondary pupil for guidance and counseling services shall be the average expenditure per public secondary school pupil for these services by those Minnesota public school districts which provide guidance and counseling services to public secondary school pupils. Pupils shall be counted as one pupil each.

D. Computation of actual allocation. Based on the year-end report filed by each district, the department shall allot to each district or intermediary service area for the provision of guidance and counseling services the actual cost of the services provided in that school year. The actual allotment for guidance and counseling services for the nonpublic secondary pupils shall not exceed the total pupil allocation available.

E. December 1 payment. On or before December 1, the department shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved allocation.

F. Final payment. On or before September 1, the department of education shall make the final adjustment payment to the district or intermediary service area based on the year-end report.

5 MCAR § 1.0883 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the district or intermediary service area a preliminary application for guidance and counseling services beginning with the following school year. The preliminary application shall be on forms provided by the department of education and shall include an estimate of the nonpublic secondary school pupils who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for guidance and counseling services. The preliminary application shall also include an assessment of the type and level of guidance and counseling services desired for the following school year.

B. Annual consultation. The district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the location at which guidance and counseling services for nonpublic school pupils are to be offered. Final decision as to location shall be made by the public school district or intermediary service area.

C. Notification of services. On or before September 1 the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of guidance and counseling services that are to be made available during the following school year.

D. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Guidance and Counseling Services. The form shall be separate from the Health Services Pupil Request Form and the Pupil Request Form for Textbooks, Individualized Instructional Materials and Standardized Tests. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

E. Final application. On or before September 25 the nonpublic school shall make final application for guidance and counseling services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of nonpublic school pupils who are enrolled as of September 15 and for whom Pupil Request Forms have been properly completed.

F. Submission of program and budget. On or before October 15 the public school district or intermediary service area shall submit to the department of education a program and budget of the guidance and counseling services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the department of education and shall include:

1. Projected guidance and counseling services expenditures for salaries, supplies, equipment and other eligible expenses, which expenditures shall not exceed the amount allocated for guidance and counseling services to the public school district or intermediary service area by the department of education. The allocation for guidance and counseling services is determined by multiplying the total number of participating secondary pupils by the allocation available per pupil for guidance and counseling services as set forth in 5 MCAR § 1.0882 C. Pupils shall be counted as one pupil each.

2. Projected expenditures for guidance and counseling services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for guidance and counseling services for nonpublic school pupils and which shall be in addition to the guidance and counseling services allocation.

G. Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the department of education a year-end report of guidance and counseling services provided to nonpublic school pupils. The report shall be on forms made available by the department of education.

APPROVED AS TO FORM AND LEGALITY

10/7 1980

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

~~SPECIAL~~ ASSISTANT ATTORNEY GENERAL

In the Matter of the Proposed
Adoption of Temporary Rules of
The State Board of Education
Governing Educational Aids to
Nonpublic School Children

STATEMENT OF COMPLIANCE
WITH RULE MAKING PROCEDURES

I, Michael J. Bradley, Assistant Attorney General, do hereby declare that I have examined the proposed rules and all related documents and that based on them and my personal familiarity with applicable procedures, the statutory procedures for adopting rules have been followed. Further, that temporary rules are needed in order to implement legislative changes in time for the beginning of the 1980-81 school year and that the failure to have such rules will to a real extent deny implementation of the legislative changes for one full year.

Dated: Sept 29, 1980

Michael J Bradley

MICHAEL J. BRADLEY
Assistant Attorney General

PROPOSED RULES

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

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

Department of Education
School Management Services Division

Proposed Temporary Rules Governing Educational Aids to Nonpublic Schools

Request For Public Comment

Notice is hereby given that the State Board of Education proposes the following temporary rules for the purpose of implementing provisions of Laws of 1980, ch. 609, Art. IV, §§ 2-6, amending Minn. Stat. §§ 123.931-123.947, governing educational aid to nonpublic school children.

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

Phillip Miller
State Aids Section
Minnesota Department of Education
915 Capitol Square
St. Paul, MN 55101

The temporary rules may be revised on the basis of comments received. Any written material shall become part of the record and the final adoption of the temporary rule.

July 14, 1980

Howard B. Casmey
Commissioner of Education

Temporary Rules as Proposed

Chapter Forty-One: Textbooks, Individualized Instructional Materials, and Standardized Tests for Pupils Attending Nonpublic Schools

5 MCAR § 1.0820 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, textbooks, individualized instructional materials, and standardized tests as provided by Minn. Stat. §§ 123.931~~-123.937~~ 123.947 shall be made available to pupils in nonpublic schools.

5 MCAR § 1.0821 Definitions.

~~A. "Textbook" means any book or book substitute which a pupil uses as a text or text substitute in a particular class or program in the school he regularly attends and a copy of which is expected to be available for the individual use of each pupil in this class or program, which book or book substitute shall be limited to books, workbooks, or manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students. The term includes only such textbooks as are available and of benefit to Minnesota public school pupils and which are secular, neutral and nonideological such that the material contained therein is not regarded as religious, spiritual, or sacred, and presents events, facts and theories that pertain to religion or religious doctrine in an impartial manner.~~

A. "Eligible materials" means textbooks, individualized instructional materials, and standardized tests. All textbooks and individualized instructional materials must be:

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."

1. designed primarily for use by individual students at their desks or in small groups, in a particular class or program in the school the pupil regularly attends,

2. used by the student to reach certain educational objectives within a particular subject or course of study,

3. secular, neutral, non-ideological and not capable of diversion for religious use,

4. available and of benefit to public school pupils, and

5. not specifically excluded from eligibility by 5 MCAR § 1.0821 B.

B. "Ineligible materials" means, in addition to educational materials excluded from eligibility by 5 MCAR § 1.0821 A., the following materials: chemicals, wall maps, wall charts, pencils, pens or crayons, notebooks, blackboards, chalk and erasers, duplicating fluids, paper, 16mm films, unexposed films, blank tapes, cassettes or videotape, instructional equipment, reference materials, and teachers' aids.

C. "Textbook" means any book or book substitute which a pupil uses as a text or text substitute, copies of which are:

1. used as a principal source of study materials for a given class or group of students, and

2. available for individual use of each pupil in the class or program.

D. "Individualized instructional materials" means educational materials in addition to textbooks which fall into any of the following areas: published materials, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, filmstrips, prepared slides, pre-recorded video programs, pre-recorded tapes, cassettes and sound recordings, manipulative materials, desk charts, games, study prints and pictures, desk maps, models, learning kits, blocks or cubes, flashcards, individualized multi-media systems, prepared instructional computer software programs, and pre-recorded film cartridges.

E. ~~B.~~ "Standardized tests" means tests and scoring services available from commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.

F. "Secular, neutral, and non-ideological" materials are materials which are not regarded as religious, spiritual, or sacred, and present events, facts, and theories that pertain to religion or religious doctrine in an impartial manner.

5 MCAR § 1.0822 State administration.

A. The Department of Education shall administer funds allocated for the purchase of ~~textbooks and standardized tests~~ eligible materials to be loaned or provided to nonpublic school pupils.

B. The Department of Education, in cooperation with the State Auditor's Office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of ~~textbooks and standardized tests~~ eligible materials to be loaned or provided to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the Department of Education shall determine, from the most recent data available, the allocation available per pupil for ~~textbooks and standardized tests~~ eligible materials to be used for the following school year. The allocation per pupil shall be determined by dividing the total expenditure for ~~textbooks and standardized tests~~ eligible materials by all public school districts in the state for pupils enrolled in public schools by the average daily membership of pupils enrolled in the districts during the same fiscal year. This amount shall then be increased by a percentage equal to the percentage increase in foundation aid, between the prior school year and the coming year. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

D. Termination of eligibility. Whenever the public school district or intermediary service area receives information indicating that eligible materials loaned under the program have been used contrary to law, the servicing school district or intermediary service area shall report that information to the department. Whenever the department receives information regarding improper use of these materials, it shall:

1. Provide written notification to the pupil, the pupil's parents, or the nonpublic school administrator of the alleged program abuse, and

2. Allow 30 calendar days from the date of mailing for written or oral response.

Following receipt of responses during the 30 day period, if it appears that materials may have been used contrary to law, the department shall institute Chapter 15 contested case procedures. After due consideration of all evidence presented pursuant to those procedures, if the department determines that the materials have been used contrary to law, the department shall notify the pupil, the pupil's parents, or nonpublic school administrator, and the public school district or intermediary service area that:

a. The eligibility of the pupil for materials during the current school year is terminated, and

b. The allocation for the current year for the nonpublic school must be reduced accordingly.

5 MCAR § 1.0823 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the public school district or intermediary service area a preliminary application for participation in the textbooks, individualized instructional materials, and standardized tests aid program, for ~~textbooks and tests~~ eligible materials to be used the following school year. The preliminary application shall be on forms provided by the Department of Education and shall include:

1. An estimate of the nonpublic school pupils, kindergarten through grade twelve, who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for ~~textbooks and standardized tests~~ eligible materials.

2. An estimate of the total allocation available to the nonpublic pupils attending the nonpublic school for ~~textbooks and standardized tests~~ eligible materials. The estimated allocation is determined by multiplying the estimated count of participating pupils by the allocation available per pupil for ~~textbooks and standardized tests~~ eligible materials. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

B. Purchase of materials. On or before May 1, the public school district or intermediary service area shall have completed its review of the preliminary application and shall notify the nonpublic school that it may begin submitting requests for ~~textbooks and standardized tests~~ eligible materials for the following school year based on the estimated allocation. The materials requested by the nonpublic school shall be purchased by the public school district or intermediary service area within a reasonable time of the receipt of the requests. After the materials have arrived, they shall be promptly transmitted to each nonpublic school in the public school district or intermediary service area for distribution to the pupil applicants.

C. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Textbooks, Individualized Instructional Materials, and Standardized Tests. This form shall be separate from the Health Services Pupil Request Form and the Guidance and Counseling Services Pupil Request Form. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

D. ~~C.~~ Final application. On or before September 25 the nonpublic school shall make final application for participation in the ~~textbooks and standardized tests aid~~ textbooks, individualized instructional materials, and standardized tests aid program to the district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall be on forms provided by the Department of Education and shall include:

1. A count of the nonpublic school pupils, kindergarten through grade twelve, who are enrolled as of September 15 of the current school year and ~~who have signed a separate pupil request form for textbooks and standardized tests only~~ for whom Pupil Request Forms have been properly completed.

2. The allocation for ~~textbooks and standardized tests~~ eligible materials to the nonpublic pupils attending the nonpublic school. The actual allocation shall be determined ~~by multiplying the allocation available per pupil for textbooks and standardized tests by the total number of participating pupils. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each~~ according to 5 MCAR § 1.0822 C. above.

~~D. Nonpublic school files. The nonpublic school shall maintain on file for three years all pupil request forms for textbooks and standardized tests loaned or provided to nonpublic school pupils. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.~~

E. Inventory. ~~Textbooks and standardized tests loaned to pupils in nonpublic schools shall be maintained on inventory by the public school district or intermediary service area except in cases of consumable or nonreusable materials. The public school district or intermediary service area may declare loaned school books unusable after five years, remove them from the inventory, and divest of them in any manner.~~ The public school district or intermediary service area shall maintain an inventory of each of the eligible materials loaned under the program for the material's useful life. The useful life of eligible materials is as follows: (1) for workbooks and manuals in which the students write—1 year, (b) paperbacks, computer programs, and audio-visual materials—3 years, (c) hard-

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bound materials and textbooks—5 years. Thereafter the public school district or intermediary service area may divest itself of the materials in any manner it deems appropriate. A compilation of invoices, showing descriptions and destinations of eligible materials purchased under the program, satisfies the inventory requirement.

F. Reimbursement. Upon completion of the distribution of the ~~textbooks and standardized tests,~~ eligible materials each public school district or intermediary service area may claim from the Department of Education (1) the cost of materials, not to exceed the allocation available, and (2) a sum for the actual cost of administration which shall not exceed five percent of the cost of the materials distributed. The administrative costs shall be in addition to the allocation available for ~~textbooks and standardized tests~~ eligible materials. Handling and shipping charges by the vendor shall be included in the allocation for ~~textbooks and standardized tests~~ eligible materials for each nonpublic school. A public school district shall not be considered a vendor.

G. Certificate of compliance. Each claim for reimbursement shall include a certificate of compliance from the public school district or intermediary service area indicating that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in 5 MCAR § 1.0821. The public school district shall also include a list of the ~~textbooks~~ eligible materials actually purchased, ~~which list shall include the publisher of those textbooks~~ and the names of the publishers of those materials.

Chapter Forty-One B: Health Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0860 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, health services as provided by Minn. Stat. §§ 123.931~~-123.937~~ 123.947 shall be made available to pupils in nonpublic schools.

5 MCAR § 1.0861 Definitions and general requirements.

A. "Health services" means physical and mental health services provided by licensed health services personnel or their assistants. Licensed health services personnel includes physicians, dentists, professional nurses or optometrists.

B. Health services shall not include the direct educational instruction of nonpublic pupils by health services personnel.

C. Health services shall not include those services which are required under the Special Education Law, Minn. Stat. § 120.17 (1976, as amended), or which are eligible to receive reimbursement under the Special Education Aid Law, Minn. Stat. § 124.32 (1976, as amended).

D. The public school district or intermediary service areas shall provide those specific health services which it offers to its public school pupils, provided the costs for such services do not exceed the amount allocated for health services by the Department of Education.

E. Costs relating to the provision of health services shall include (1) the salaries of licensed health services personnel and their assistants and (2) expenses for supplies, equipment, travel, and necessary in-service training and other eligible expenses that are associated with the provision of health services by the licensed health services personnel or their assistants.

F. Health services may be provided at the nonpublic school, a neutral site, or at the public school.

5 MCAR § 1.0862 State administration.

A. The Department of Education shall administer funds for the provision of health services to nonpublic school pupils.

B. The Department of Education, in cooperation with the State Auditor's Office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records associated with the provision of health services to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the Department of Education shall determine from the most recent data available the allocation available per pupil for health services to be used for the following school year. The allocation per pupil for health services shall be the average expenditure per public school pupil in average daily membership for these services by those Minnesota public elementary and secondary schools which provide health services to public school pupils. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

D. Computation of actual allocation. Based on the year-end report filed by each district, the department shall allot to each district or intermediary service area for the provision of health services the actual cost of the services provided during the school year. The actual allotment shall not exceed the pupil allocation available.

E. December 1 payment. On or before December 1, the department shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved budget.

F. Final payment. On or before September 1 following the school year, the department shall make the final adjustment payment to the district or intermediary service area based on the year-end report.

5 MCAR § 1.0863 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the district or intermediary service area a preliminary application for health services beginning with the following school year. The preliminary application shall be on forms provided by the Department of Education and shall include an estimate of the nonpublic school pupils, kindergarten through grade twelve, who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for health services. The preliminary application shall also include an assessment of the type and level of health services desired for the following school year.

B. Annual consultation. The district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the location at which health services for nonpublic school pupils are to be offered. Final decision as to location shall be made by the public school district or intermediary service area.

C. Notification of services. On or before September 1 the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of health services that are to be made available to the nonpublic school students during the following school year.

D. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Health Services. This form shall be separate from the Guidance and Counseling Services Pupil Request Form and the Pupil Request Form for Textbooks, Individualized Instructional Materials and standardized tests. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

E. ~~D.~~ Final application. On or before September 25 the nonpublic school shall make final application for health services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of nonpublic school pupils who are enrolled as of September 15 and ~~have signed a separate pupil request form for health services only~~ for whom Pupil Request Forms have been properly completed.

F. ~~E.~~ Submission of program and budget. On or before October 15 the public school district or intermediary service area shall submit to the Department of Education a program and budget of the health services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the Department of Education and shall include:

1. Projected health services expenditures for salaries, supplies, equipment and other expenses, which expenditures shall not exceed the amount allocated for health services to the public school district or intermediary service area by the Department of Education. The allocation for health services is determined by multiplying the total number of participating pupils by the allocation available per pupil for health services as set forth in 5 MCAR § 1.0862 C. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

2. Projected expenditures for health services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for health services for nonpublic school pupils and which shall be in addition to the health services allocation.

G. ~~F.~~ Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the Department of Education a year-end report of health services provided to nonpublic school pupils. The report shall be on forms made available by the Department of Education.

~~G. Nonpublic school files. The nonpublic school shall maintain on file for three years all pupil request forms for health services. The forms shall be available for inspection by the Department of Education, the public school district or the intermediary service area.~~

Chapter Forty-one C: Guidance and Counseling Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0880 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, guidance and counseling services as provided by Minn. Stat. §§ 123.931~~-123.937~~ 123.947 shall be made available to secondary pupils in nonpublic schools.

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 § 1.0881 Definitions and general requirements.

A. "Guidance and counseling services" means all activities of a licensed counselor in counseling pupils and parents, providing counseling on learning problems, evaluating the abilities of pupils, assisting pupils in personal and social development and providing referral assistance.

B. Guidance and counseling services provided to nonpublic school pupils shall not include the planning or selection of particular courses or classroom activities of the nonpublic school.

C. The district where the nonpublic school is located shall provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided guidance and counseling services.

D. The public school district or intermediary service areas shall provide those specific guidance and counseling services which it offers to its public school secondary pupils, provided the costs for such services do not exceed the amount allocated for guidance and counseling services by the Department of Education.

E. Costs relating to the provision of guidance and counseling services shall include (1) the salaries of licensed guidance and counseling services personnel and their assistants and (2) expenses for supplies, equipment, travel, and other eligible expenses that are directly attributable to the provision of guidance and counseling services by the licensed guidance and counseling services personnel or their assistants.

F. Guidance and counseling services may be provided to nonpublic school pupils only at a neutral site or at the public school.

5 MCAR § 1.0882 State administration.

A. The Department of Education shall administer funds for the provision of guidance and counseling services to nonpublic school pupils.

B. The Department of Education, in cooperation with the State Auditor's Office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records associated with the provision of guidance and counseling services to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the Department of Education shall determine from the most recent data available the allocation available per secondary pupil in average daily membership for guidance and counseling services to be used for the following school year. The allocation available per secondary pupil for guidance and counseling services shall be the average expenditure per public secondary school pupil for these services by those Minnesota public school districts which provide guidance and counseling services to public secondary school pupils. Pupils shall be counted as one pupil each.

D. Computation of actual allocation. Based on the year-end report filed by each district, the department shall allot to each district or intermediary service area for the provision of guidance and counseling services the actual cost of the services provided in that school year. The actual allotment for guidance and counseling services for the nonpublic secondary pupils shall not exceed the total pupil allocation available.

E. December 1 payment. On or before December 1, the department shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved allocation.

F. Final payment. On or before September 1, the Department of Education shall make the final adjustment payment to the district or intermediary service area based on the year-end report.

5 MCAR § 1.0883 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the district or intermediary service area a preliminary application for guidance and counseling services beginning with the following school year. The preliminary application shall be on forms provided by the Department of Education and shall include an estimate of the nonpublic secondary school pupils who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for guidance and counseling services. The preliminary application shall also include an assessment of the type and level of guidance and counseling services desired for the following school year.

B. Annual consultation. The district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the location at which guidance and counseling services for nonpublic school pupils are to be offered. Final decision as to location shall be made by the public school district or intermediary service area.

C. Notification of services. On or before September 1 the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of guidance and counseling services that are to be made available during the following school year.

D. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Guidance and Counseling Services. The form shall be separate from the Health Services Pupil Request Form and the Pupil Request Form for Textbooks, Individualized Instructional Materials and Standardized Tests. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

E. ~~D.~~ Final application. On or before September 25 the nonpublic school shall make final application for guidance and counseling services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of nonpublic school pupils who are enrolled as of September 15 and ~~have signed a separate pupil request form for guidance and counseling services only~~ for whom Pupil Request Forms have been properly completed.

F. ~~E.~~ Submission of program and budget. On or before October 15 the public school district or intermediary service area shall submit to the Department of Education a program and budget of the guidance and counseling services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the Department of Education and shall include:

1. Projected guidance and counseling services expenditures for salaries, supplies, equipment and other eligible expenses, which expenditures shall not exceed the amount allocated for guidance and counseling services to the public school district or intermediary service area by the Department of Education. The allocation for guidance and counseling services is determined by multiplying the total number of participating secondary pupils by the allocation available per pupil for guidance and counseling services as set forth in 5 MCAR § 1.0882 C. Pupils shall be counted as one pupil each.

2. Projected expenditures for guidance and counseling services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for guidance and counseling services for nonpublic school pupils and which shall be in addition to the guidance and counseling services allocation.

G. ~~F.~~ Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the Department of Education a year-end report of guidance and counseling services provided to nonpublic school pupils. The report shall be on forms made available by the Department of Education.

~~G. Nonpublic school files. The nonpublic school shall maintain on file for a period of 3 years all pupil request forms for guidance and counseling services. The forms shall be available for inspection by the Department of Education, the public school district or the intermediary service area.~~

Housing Finance Agency

Proposed Rules Relating to Income Limits for the Home Improvement Loan Program

Notice of Hearing

Notice is hereby given that a public hearing will be held in the above entitled matter in the Capitol Square Building, Conference Room A, 550 Cedar Street, St. Paul, Minnesota, 55101, on Thursday, September 4, 1980, 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 Richard Luis, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8114. For those wishing to submit written statements or exhibits, 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

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CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Howard B. Casmey, do hereby certify that I am the Secretary of the State Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following will be true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education duly and properly called and held on the 14th day of July, 1980, that a quorum was present at said meeting, that a majority of those present voted for the resolution, that said resolution was set forth in the minutes of said meeting and had not been rescinded or modified.

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

IN WITNESS WHEREOF, I have here unto subscribed to my name this 14th day of July, 1980.

HOWARD B. CASMEY
Secretary
State Board of Education

Member, State Board of Education

CERTIFICATE OF THE 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, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education duly and properly called and held on the 9th day of September, 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 of modified.

> RESOLVED, that the temporary rules governing educational aids to nonpublic school children for the purpose of implementing the provisions of Laws of 1980, Ch. 609, Art. IV, §§ 2 - 6, be and they hereby are approved and adopted as proposed and published in the State Register, August 4, 1980, pursuant to the authority vested it by Minn. Stat. § 123.931 et seq. and that Henry J. Bromelkamp, President of the State Board of Education be and hereby is authorized to sign an order adopting those rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of September, 1980.

Howard B. Casmey
Secretary and Executive Officer
State Board of Education

Henry J. Bromelkamp
President
State Board of Education

Department of Education

School Management Services Division

Proposed Temporary Rules Governing Educational Aids to Nonpublic Schools

Request For Public Comment

Notice is hereby given that the State Boardof Education proposes the following temporary rules for the purpose of implementing provisions of Laws of 1980, Chapter 609, Article IV, Sections 2-6, amending Minnesota Statutes, Sections 123.931-123.947, governing educational aid to nonpublic school children.

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

Phillip Miller
State Aids Section
Minnesota Department of Education
915 Capitol Square
St. Paul, MN 55101

The temporary rules may be revised on the basis of comments received. Any written material shall become part of the record and the final adoption of the temporary rule.

HOWARD B. CASMEY
Commissioner of Education
July 14, 1980

Temporary Rule as Proposed

Chapter Forty-One: Textbooks, Individualized Instructional Materials, and Standardized Tests for Pupils Attending Nonpublic Schools

5 MCAR § 1.0820 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, textbooks, individualized instructional materials, and standardized tests as provided by Minn. Stat. §§ 123.931-~~123.937~~123.947, shall be made available to pupils in nonpublic schools.

5 MCAR § 1.0821 Definitions.

~~A. "Textbook" means any book or book substitute which a pupil uses as a text or text substitute in a particular class or program in the school he regularly attends and a copy of which is expected to be available for the individual use of each pupil in this class or program, which book or book substitute shall be limited to books, workbooks, or manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students. The term includes only such textbooks as are available and of benefit to Minnesota public school pupils and which are secular, neutral and nonideological such that the material contained therein is not regarded as religious, spiritual, or sacred, and presents events, facts and theories that pertain to religion or religious doctrine in an impartial manner.~~

A. "Eligible materials" means textbooks, individualized instructional materials, and standardized tests. All textbooks and individualized instructional materials must be:

1. designed primarily for use by individual students at their desks or in small groups, in a particular class or program in the school the pupil regularly attends,

2. used by the student to reach certain educational objectives within a particular subject or course of study,

3. secular, neutral, non-ideological and not capable of diversion for religious use,

4. available and of benefit to public school pupils, and

5. not specifically excluded from eligibility by 5 MCAR § 1.0821 B.

B. "Ineligible materials" means, in addition to educational materials excluded from eligibility by 5 MCAR § 1.0821 A. the following materials: chemicals, wall maps, wall charts, pencils, pens or crayons, notebooks, blackboards, chalk and erasers, duplicating fluids, paper, 16mm films, unexposed films, blank tapes, cassettes or videotape, instructional equipment, reference materials, and teachers' aids.

C. "Textbook" means any book or book substitute which a pupil uses as a text or text substitute, copies of which are:

1. used as a principal source of study materials for a given class or group of students, and

2. available for individual use of each pupil in the class or program.

D. "Individualized instructional materials" means educational materials in addition to textbooks which fall into any of the following areas: published materials, periodicals, documents, pamphlets, photographs, reproductions, pictoral or graphic works, filmstrips, prepared slides, pre-recorded video programs, pre-recorded tapes, cassettes and sound recordings, manipulative materials, desk charts, games, study prints and pictures, desk maps, models, learning kits, blocks or cubes, flashcards, individualized multi-media systems, prepared instructional computer software programs, and pre-recorded film cartridges.

E. ~~B.~~ "Standardized tests" means tests and scoring services available from commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.

F. "Secular, neutral, and non-ideological" materials are materials which are not regarded as religious, spiritual, or sacred, and present events, facts, and theories that pertain to religion or religious doctrine in an impartial manner.

5 MCAR § 1.0822 State administration.

A. The department of education shall administer funds allocated for the purchase of ~~textbooks and standardized tests~~ eligible materials to be loaned or provided to nonpublic school pupils.

B. The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of ~~textbooks and standardized tests~~ eligible materials to be loaned or provided to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the department of education shall determine, from the most recent data available, the allocation available per pupil for ~~textbooks and standardized tests~~ eligible materials to be used for the following school year. The allocation per pupil shall be determined by dividing the total expenditure for ~~textbooks and standardized tests~~ eligible materials by all public school districts in the state for pupils enrolled in public schools by the average daily membership of pupils enrolled in the districts during the same fiscal year. This amount shall then be increased by a percentage equal to the percentage increase in foundation aid, between the prior school year and the coming year. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

D. Termination of eligibility. Whenever the public school district or intermediary service area receives information indicating that eligible materials loaned under the program have been used contrary to law, the servicing school district or intermediary service area shall report that information to the department. Whenever the department receives information regarding improper use of these materials, it shall:

1. Provide written notification to the pupil, the pupil's parents, or the nonpublic school administrator of the alleged program abuse, and

2. Allow 30 calendar days from the date of mailing for written or oral response.

Following receipt of responses during the 30 day period, if it appears that materials may have been used contrary to law, the Department shall institute Chapter 15 contested case procedures. After due consideration of all evidence presented pursuant to those procedures, if the Department determines that the materials have been used contrary to law, the Department shall notify the pupil, the pupil's parents, or nonpublic school administrator, and the public school district or intermediary service area that:

a. The eligibility of the pupil for materials during the current school year is terminated, and

b. The allocation for the current year for the nonpublic school must be reduced accordingly.

5 MCAR § 1.0823 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the public school district or intermediary service area a preliminary application for participation in the textbooks, individualized instructional materials, and standardized tests aid program, for ~~textbooks and tests~~ eligible materials to be used the following school year. The preliminary application shall be on forms provided by the department of education and shall include:

1. An estimate of the nonpublic school pupils, kindergarten through grade twelve, who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for ~~textbooks and standardized tests.~~ eligible materials.

2. An estimate of the total allocation available to the nonpublic pupils attending the nonpublic school for ~~textbooks and standardized tests.~~ eligible materials. The estimated allocation is determined by multiplying the estimated count of participating pupils by the allocation available per pupil for ~~textbooks and standardized tests.~~ eligible materials. Pupils in grades one though twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

B. Purchase of materials. On or before May 1, the public school district or intermediary service area shall have completed its review of the preliminary application and shall notify the nonpublic school that it may begin submitting requests for ~~textbooks and standardized tests~~ eligible materials for the following school year based on the estimated allocation. The materials requested by the nonpublic school shall be purchased by the public school district or intermediary service area within a reasonable time of the receipt of the requests. After the materials have arrived, they shall be promptly transmitted to each nonpublic school in the public school district or intermediary service area for distribution to the pupil applicants.

C. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Textbooks, Individualized Instructional Materials, and Standardized Tests. This form shall be separate from the Health Services Pupil Request Form and the Guidance and Counseling Services Pupil Request Form. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

D. ~~E.~~ Final application. On or before September 25 the nonpublic school shall make final application for participation in the ~~textbooks and standardized tests aid~~ textbooks, individualized instructional materials, and standardized tests aid program to the district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall be on forms provided by the department of education and shall include:

1. A count of the nonpublic school pupils, kindergarten through grade twelve, who are enrolled as of September 15 of the current school year and ~~who have signed a separate pupil request form for textbooks and standardized tests only.~~ for whom Pupil Request Forms have been properly completed.

2. The allocation for ~~textbooks and standardized tests~~ eligible materials to the nonpublic pupils attending the nonpublic school. The actual allocation shall be determined ~~by multiplying the allocation available per pupil for textbooks and standardized tests by the total number of participating pupils. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one half pupil each.~~ according to 5 MCAR § 1.0822 C. above.

~~D. Nonpublic school files. The nonpublic school shall maintain on file for three years all pupil request forms for textbooks and standardized tests loaned or provided to nonpublic school pupils. The forms shall be available for inspection by the department of education, the public school district, or the intermediary service area.~~

E. Inventory. ~~Textbooks and standardized tests loaned to pupils in nonpublic schools shall be maintained on inventory by the public school district or intermediary service area except in cases of consumable or nonreusable materials. The public school district or intermediary service area may declare loaned school books unusable after five years, remove them from the inventory, and divest of them in any manner.~~ The public school district or intermediary service area shall maintain an inventory of each of the eligible materials loaned under the program for the material's useful life. The useful life of eligible materials is as follows: (a) for workbooks and manuals in which the students write - 1 year, (b) paperbacks, computer programs, and audio-visual materials - 3 years, (c) hardbound materials and textbooks - 5 years. Thereafter the public school district or intermediary service area may divest itself of the materials in any manner it deems appropriate. A compilation of invoices, showing descriptions and destinations of eligible materials purchased under the program, satisfies the inventory requirement.

F. Reimbursement. Upon completion of the distribution of the ~~textbooks and standardized tests,~~ eligible materials each public school district or intermediary service area may claim from the department of education (1) the cost of materials, not to exceed the allocation available, and (2) a sum for the actual cost of administration which shall not exceed five percent of the cost of the materials distributed. The administrative costs shall be in addition to the allocation available for ~~textbooks and standardized tests.~~ eligible materials. Handling and shipping charges by the vendor shall be included in the allocation for ~~textbooks and standardized tests~~ eligible materials for each nonpublic school. A public school district shall not be considered a vendor.

G. Certificate of compliance. Each claim for reimbursement shall include a certificate of compliance from the public school district or intermediary service area indicating that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in 5 MCAR § 1.0821. The public school district shall also include a list of the textbooks eligible materials actually purchased, ~~which list shall include the publisher of those textbooks.~~ and the names of the publishers of those materials.

Temporary Rule as proposed

Chapter Forty-One-B: Health Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0860 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, health services as provided by Minn. Stat. §§ 123.931-~~123.937~~123.947, shall be made available to pupils in nonpublic schools.

5 MCAR § 1.0861 Definitions and general requirements.

A. "Health services" means physical and mental health services provided by licensed health services personnel or their assistants. Licensed health services personnel includes physicians, dentists, professional nurses or optometrists.

B. Health services shall not include the direct educational instruction of nonpublic pupils by health services personnel.

C. Health services shall not include those services which are required under the Special Education Law, Minn. Stat. § 120.17 (1976, as amended), or which are eligible to receive reimbursement under the Special Education Aid Law, Minn. Stat. § 124.32 (1976, as amended).

D. The public school district or intermediary service areas shall provide those specific health services which it offers to its public school pupils, provided the costs for such services do not exceed the amount allocated for health services by the department of education.

E. Costs relating to the provision of health services shall include (1) the salaries of licensed health services personnel and their assistants and (2) expenses for supplies, equipment, travel, and necessary in-service training and other eligible expenses that are associated with the provision of health services by the licensed health services personnel or their assistants.

F. Health services may be provided at the nonpublic school, a neutral site, or at the public school.

5 MCAR § 1.0862 State administration.

A. The department of education shall administer funds for the provision of health services to nonpublic school pupils.

B. The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records associated with the provision of health services to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the department of education shall determine from the most recent data available the allocation available per pupil for health services to be used for the following school year. The allocation per pupil for health services shall be the average expenditure per public school pupil in average daily membership for these services by those Minnesota public elementary and secondary schools which provide health services to public school pupils. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

D. Computation of actual allocation. Based on the year-end report filed by each district, the department shall allot to each district or intermediary service area for the provision of health services the actual cost of the services provided during the school year. The actual allotment shall not exceed the pupil allocation available.

E. December 1 payment. On or before December 1, the department shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved budget.

F. Final payment. On or before September 1 following the school year, the department shall make the final adjustment payment to the district or intermediary service area based on the year-end report.

5 MCAR § 1.0863 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the district or intermediary service area a preliminary application for health services beginning with the following school year. The preliminary application shall be on forms provided by the department of education and shall include an estimate of the nonpublic school pupils, kindergarten through grade twelve, who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for health services. The preliminary application shall also include an assessment of the type and level of health services desired for the following school year.

B. Annual consultation. The district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the location at which health services for nonpublic school pupils are to be offered. Final decision as to location shall be made by the public school district or intermediary service area.

C. Notification of services. On or before September 1 the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of health services that are to be made available to the nonpublic school students during the following school year.

D. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Health Services. This form shall be separate from the Guidance and Counseling Services Pupil Request Form and the Pupil Request Form for Textbooks, Individualized Instructional Materials and standardized tests. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

E. ~~D.~~ Final application. On or before September 25 the nonpublic school shall make final application for health services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of nonpublic school pupils who are enrolled as of September 15 and ~~have signed a separate pupil request form for health services only.~~ for whom Pupil Request Forms have been properly completed.

F. ~~E.~~ Submission of program and budget. On or before October 15 the public school district or intermediary service area shall submit to the department of education a program and budget of the health services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the department of education and shall include:

1. Projected health services expenditures for salaries, supplies, equipment and other expenses, which expenditures shall not exceed the amount allocated for health services to the public school district or intermediary service area by the department of education. The allocation for health services is determined by multiplying the total number of participating pupils by the allocation available per pupil for health services as set forth in 5 MCAR § 1.0862 C. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.

2. Projected expenditures for health services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for health services for nonpublic school pupils and which shall be in addition to the health services allocation.

G. ~~F.~~ Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the department of education a year-end report of health services provided to nonpublic school pupils. The report shall be on forms made available by the department of education.

~~G. Nonpublic school files. The nonpublic school shall maintain on file for three years all pupil request forms for health services. The forms shall be available for inspection by the department of education, the public school district or the intermediary service area.~~

Temporary Rule as Proposed

Chapter Forty-One-C: Guidance and Counseling Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0880 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, guidance and counseling services as provided by Minn. Stat. §§ 123.931-~~123.937~~123.947, shall be made available to secondary pupils in nonpublic schools.

5 MCAR § 1.0881 Definitions and general requirements.

A. "Guidance and counseling services" means all activities of a licensed counselor in counseling pupils and parents, providing counseling on learning problems, evaluating the abilities of pupils, assisting pupils in personal and social development and providing referral assistance.

B. Guidance and counseling services provided to nonpublic school pupils shall not include the planning or selection of particular courses or classroom activities of the nonpublic school.

C. The district where the nonpublic school is located shall provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided guidance and counseling services.

D. The public school district or intermediary service areas shall provide those specific guidance and counseling services which it offers to its public school secondary pupils, provided the costs for such services do not exceed the amount allocated for guidance and counseling services by the department of education.

E. Costs relating to the provision of guidance and counseling services shall include (1) the salaries of licensed guidance and counseling services personnel and their assistants and (2) expenses for supplies, equipment, travel, and other eligible expenses that are directly attributable to the provision of guidance and counseling services by the licensed guidance and counseling services personnel or their assistants.

F. Guidance and counseling services may be provided to nonpublic school pupils only at a neutral site or at the public school.

5 MCAR § 1.0882 State administration.

A. The department of education shall administer funds for the provision of guidance and counseling services to nonpublic school pupils.

B. The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records associated with the provision of guidance and counseling services to nonpublic school pupils.

C. Computation of pupil allocation available. On or before March 1 the department of education shall determine from the most recent data available the allocation available per secondary pupil in average daily membership for guidance and counseling services to be used for the following school year. The allocation available per secondary pupil for guidance and counseling services shall be the average expenditure per public secondary school pupil for these services by those Minnesota public school districts which provide guidance and counseling services to public secondary school pupils. Pupils shall be counted as one pupil each.

D. Computation of actual allocation. Based on the year-end report filed by each district, the department shall allot to each district or intermediary service area for the provision of guidance and counseling services the actual cost of the services provided in that school year. The actual allotment for guidance and counseling services for the nonpublic secondary pupils shall not exceed the total pupil allocation available.

E. December 1 payment. On or before December 1, the department shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved allocation.

F. Final payment. On or before September 1, the department of education shall make the final adjustment payment to the district or intermediary service area based on the year-end report.

5 MCAR § 1.0883 Local administration.

A. Preliminary application. On or before April 1 the nonpublic school shall submit to the district or intermediary service area a preliminary application for guidance and counseling services beginning with the following school year. The preliminary application shall be on forms provided by the department of education and shall include an estimate of the nonpublic secondary school pupils who may be enrolled as of September 15 of the following school year and who may be signing pupil request forms for guidance and counseling services. The preliminary application shall also include an assessment of the type and level of guidance and counseling services desired for the following school year.

B. Annual consultation. The district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the location at which guidance and counseling services for nonpublic school pupils are to be offered. Final decision as to location shall be made by the public school district or intermediary service area.

C. Notification of services. On or before September 1 the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of guidance and counseling services that are to be made available during the following school year.

D. Pupil request forms. Each year the Department of Education shall prepare a Pupil Request Form for Guidance and Counseling Services. The form shall be separate from the Health Services Pupil Request Form and the Pupil Request Form for Textbooks, Individualized Instructional Materials and Standardized Tests. The form shall be processed as follows:

1. The nonpublic school administrator shall distribute a copy of the Pupil Request Form to each pupil or parent or guardian and shall collect and maintain on file forms properly completed.

2. A signed Pupil Request Form must be properly completed, signed, and on file with the nonpublic school by September 25 in order for that pupil to be counted on the final application form for aid.

3. The nonpublic school shall maintain on file the Pupil Request Forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.

E. ~~D.~~ Final application. On or before September 25 the nonpublic school shall make final application for guidance and counseling services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of nonpublic school pupils who are enrolled as of September 15 and ~~have signed a separate pupil request form for guidance and counseling services only.~~ for whom Pupil Request Forms have been properly completed.

F. ~~E.~~ Submission of program and budget. On or before October 15 the public school district or intermediary service area shall submit to the department of education a program and budget of the guidance and counseling services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the department of education and shall include:

1. Projected guidance and counseling services expenditures for salaries, supplies, equipment and other eligible expenses, which expenditures shall not exceed the amount allocated for guidance and counseling services to the public school district or intermediary service area by the department of education. The allocation for guidance and counseling services is determined by multiplying the total number of participating secondary pupils by the allocation available per pupil for guidance and counseling services as set forth in 5 MCAR § 1.0882 C. Pupils shall be counted as one pupil each.

2. Projected expenditures for guidance and counseling services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for guidance and counseling services for nonpublic school pupils and which shall be in addition to the guidance and counseling services allocation.

G. F. Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the department of education a year-end report of guidance and counseling services provided to nonpublic school pupils. The report shall be on forms made available by the department of education.

~~G.--Nonpublic-school-files.--The-nonpublic-school-shall-maintain-on-file-for-a-period-of-3-years-all-pupil-request-forms-for-guidance-and-counseling-services.--The-forms-shall-be-available-for-inspection-by-the-department-of-education,-the-public-school-district-or-the-intermediary-service-area.~~