

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Education
747 Capitol Square Bldg.

TO : Special Ass't. Attorney General
204 Administration Building

DATE: 12-13-82

FROM : Lois E. Steinhaus LES
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval of Rules Governing Area Vocational-Technical Institute Accreditation and Complaint Procedures

Rules Without a Public Hearing

Enclosed is a copy or more than one if indicated, of the following materials:

1. Rules as Adopted (original plus three) no changes
2. Order Adopting Rules (original plus one)
3. Certificate of Board's Resolution Adopting Rules
4. Order for Notice of Intent to Adopt Rules Without Public Hearing
5. Certificate of Board's Authorizing Resolution
6. Notice of Intent to Adopt Rules Without Public Hearing
7. Affidavit of Mailing
   Affidavit of the Additional Notice....Rulemaking Mailing List Certificate
8. Rules as Proposed - State Register (copy of appropriate pages) and as mailed
9. Findings of Fact and Conclusions
10. Statement of Need and Reasonableness
11. Correspondence - none
12. Notice of Intent to Solicit Outside Opinion
13. Affidavit of Mailing Notice of Submission to the Attorney General n/a

Please call me when the material is ready to be returned and I will have some one come and pick it up.

Thank you.

Our File No. 871

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-16-82
DATE FOR REVIEW 12-27-82
DATE DUE 12-30-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 12/15/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.13.82 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 7.20.81

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
10.12.82 At least 30 days prior to ~~hearing~~/adoption

✓ Affidavit. Add. Mailing

✓ Mailing list Certificate

✓ Publication in State Register
10.18.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO JOHN J. FEDA, Secretary DATE: 12/15/82

Attn: CHARLES T. MOTTL, Special Assistant Attorney General

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Education (State Board for Vocational Education) Governing 5 MCAR §§ 1.01031 and 1.01032, Accreditation of Area Vocational Technical Institutes and Complaint Procedures.

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

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

1. Affixation of stamps of the Attorney General and Secretary of State;

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

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

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

Encs.
LDS/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy.

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

Adopted Rules Governing the Accreditation of Vocational-Technical Institutes and Complaint Procedures (5 MCAR SS 1.01031-1.01032)

Rules as Adopted

5 MCAR S 1.01031 Accreditation of area vocational-technical institutes.

A. Powers of State Board for Vocational Education. The State Board for Vocational Education shall grant accredited status to an area vocational-technical institute if it meets the requirements in B. It may also grant accredited status contingent upon a specified task to be performed by the institute, grant probationary status, revoke accredited status, reinstate accredited status, defer action, or deny accredited status if the institute does not meet the requirements in B.

B. Requirements.

1. The division of vocational-technical education shall use evaluations conducted pursuant to 5 MCAR S 1.0073 to recommend a status to the State Board for Vocational Education.

2. To obtain accredited status, an institute shall:

a. secure program approval pursuant to 5 MCAR S 1.0071 and 5 MCAR S 1.0102;

b. secure specialized department and class approval pursuant to 5 MCAR S 1.0061;

c. maintain a local advisory committee pursuant to 5 MCAR S 1.0075, even if an institute does not receive federal assistance;

d. upon request by a student, give a copy of the student's transcript to the student;

e. not make, directly or indirectly, any statement or representation, oral, written, or visual, in connection with

offering or publicizing a course if the institute or its agent knows or should know the statement or representation is false, fraudulent, deceptive, substantially inaccurate, or misleading; and

f. comply with the requirements about refunds set forth in Minnesota Statutes, section 124.565.

3. The recommendation of the division shall be reviewed at a meeting of the board. An institute shall be given the opportunity to present objections it may have to the recommendation. The board shall make a written final decision.

5 MCAR S 1.01032 Complaint procedures.

A. Local review. A student, parent of a student, staff member, or any other interested person may submit a complaint related to an area vocational-technical institute. The complaint must be submitted in writing to the director of the area vocational-technical institute within one year of the event. The institute and school board shall provide procedures for prompt response to a grievance.

B. Review by state board. Upon request by the complainant, the State Board for Vocational Education shall review a complaint which the commissioner of education determines is about institutional or program quality, as the qualities are related to 5 MCAR S 1.01031. The request of the complainant must be submitted to the commissioner within 15 days of completing the procedures in A. The commissioner shall forward qualifying complaints to the state board. The state board shall place the complaint on the agenda of its next regularly scheduled meeting and review it at that meeting. The complainant and school board shall be given an opportunity to be heard. The state board shall make a written final decision containing findings and conclusions. If the commissioner determines the complaint is not about institutional or program quality, as the qualities are related to 5 MCAR S 1.01031, the commissioner shall notify the complainant that no action will be taken.

APPROVED AS TO LEGALITY

December 30, 1982

WARREN SPANNAUS, ATTORNEY GENERAL

BY Jerry D. Davis

SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed (all new material)

5 MCAR S 1.01031 Accreditation of area vocational-technical institutes.

A. Powers of State Board for Vocational Education. The State Board for Vocational Education shall grant accredited status to an area vocational-technical institute if it meets the requirements in B. It may also grant accredited status contingent upon a specified task to be performed by the institute, grant probationary status, revoke accredited status, reinstate accredited status, defer action, or deny accredited status if the institute does not meet the requirements in B.

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1. The division of vocational-technical education shall use evaluations conducted pursuant to 5 MCAR S 1.0073 to recommend a status to the State Board for Vocational Education.

2. To obtain accredited status, an institute shall:

a. secure program approval pursuant to 5 MCAR S 1.0071 and 5 MCAR S 1.0102;

b. secure specialized department and class approval pursuant to 5 MCAR S 1.0061;

c. maintain a local advisory committee pursuant to 5 MCAR S 1.0075, even if an institute does not receive federal assistance;

d. upon request by a student, give a copy of the student's transcript to the student;

e. not make, directly or indirectly, any statement or representation, oral, written, or visual, in connection with offering or publicizing a course if the institute or its agent knows or should know the statement or representation is false, fraudulent, deceptive, substantially inaccurate, or misleading; and

f. comply with the requirements about refunds set forth in Minnesota Statutes, section 124.565.

3. The recommendation of the division shall be reviewed at a meeting of the board. An institute shall be given the opportunity to present objections it may have to the

APPROVED BY THE REVISOR OF STATUTES

recommendation. The board shall make a written final decision.

5 MCAR S 1.01032 Complaint procedures.

A. Local review. A student, parent of a student, staff member, or any other interested person may submit a complaint related to an area vocational-technical institute. The complaint must be submitted in writing to the director of the area vocational-technical institute within one year of the event. The institute and school board shall provide procedures for prompt response to a grievance.

B. Review by state board. Upon request by the complainant, the State Board for Vocational Education shall review a complaint which the commissioner of education determines is about institutional or program quality, as the qualities are related to 5 MCAR S 1.01031. The request of the complainant must be submitted to the commissioner within 15 days of completing the procedures in A. The commissioner shall forward qualifying complaints to the state board. The state board shall place the complaint on the agenda of its next regularly scheduled meeting and review it at that meeting. The complainant and school board shall be given an opportunity to be heard. The state board shall make a written final decision containing findings and conclusions. If the commissioner determines the complaint is not about institutional or program quality, as the qualities are related to 5 MCAR S 1.01031, the commissioner shall notify the complainant that no action will be taken.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD22

Agency: Department of Education
State Board for Vocational Education

Division: Vocational-Technical Division

Agency Contact: Lois Steinhaus

Rule Numbers: 5 MCAR SS 1.01031 and 1.01032

Title: Proposed Rules Governing Area Vocational-Technical Institute Accreditation and Complaint Procedures

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Elizabeth V. Rice
Assistant Revisor
Phone: 296-2798
Date: September 15, 1982

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

In the Matter of the Proposed
Adoption of Rules of the State
Board of Education (State Board
for Vocational Education) Governing
5 MCAR §§ 1.01031 and 1.01032,
Accreditation of Area Vocational
Technical Institutes and Complaint
Procedures

ORDER ADOPTING
RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on October 18, 1982 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes Section 15.0412, subd. 4 on October 12, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving no written requests for a public hearing within the 30-day comment period, receiving no comments, and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as 5 MCAR §§ 1.01031 and 1.01032, accreditation of area vocational-technical institutes and complaint procedures, are adopted this 13th day of December 1982 pursuant to authority vested in the Board by Minnesota Statutes Sections 121.21 subd. 6 and 121.11, subd. 12.

STATE OF MINNESOTA



John J. Feda, Secretary

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Granting of Accredited Status and Withdrawal of Accredited Status

Notice is hereby given that the State Department of Education is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing accreditation. The promulgation of these rules is authorized by Minnesota Statutes, § 121.11, subd. 12 which permits the agency to promulgate rules governing procedures by which the State Department of Education shall address the conditions for granting or withdrawing accredited status from public post secondary institutions under the terms of a franchise with the U.S. Department of Education.

The State Department of Education requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Melvin E. Johnson
Minnesota State Department of Education
Room 548, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at 612-296-2421 and in person at the above address.

All statements of information and comment shall be accepted until August 17, 1981. Any written material received by the State Department of Education shall become part of the record in the event the Rules are promulgated.

June 30, 1981

Melvin E. Johnson, Manager
Operational Services Section

Department of Education
Vocational-Technical Education Division

Notice of Intent to Solicit Outside Opinion Regarding Rules Governing Criteria for Adult Program Funding

Notice is hereby given that the State Department of Education, Vocational-Technical Education Division is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing the criteria to be applied by the commissioner in approving funding of Adult Vocational Education programs. The promulgation of these rules is authorized by Minnesota Statutes, section 124.572, subdivision 3, which requires the state board to adopt criteria for program approval.

The State Department of Education, Vocational-Technical Education Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

State of Minnesota
Department of Education

State Board of Education
(State Board for Vocational Education)
Vocational-Technical Division

In the Matter of the Proposed Adoption of Rules of the State Board of Education (State Board for Vocational Education) Governing the Accreditation of Area Vocational-Technical Institutes and Complaint Procedures

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 13th day of September, 1982, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Board of Education (State Board for Vocational Education) for that purpose and be published in the State Register.

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

John J. Feda by Gerald Kleve
Deputy

John J. Feda
Secretary

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, John J. Feda, do hereby certify that I am the secretary of the State Board of Education (State Board for Vocational Education) a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education (State Board for Vocational Education) duly and properly called and held on the 13th of September, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that John J. Feda, secretary of the State Board of Education (State Board for Vocational Education), be and he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing to the rules governing Accreditation of Vocational-Technical Institutes and Complaint Procedures to sign the Notice thereof, and to perform any and all acts incidental thereof. In the event a public hearing becomes necessary, he or his deputy hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of September, 1982.

John J. Feda by Gerald Kler Deputy

John J. Feda, Secretary
State Board of Education
(State Board for Vocational Education)

William J. Kelly

Member, State Board of Education
(State Board for Vocational Education)

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

In the Matter of the Proposed
Adoption of Rules of the
State Board of Education
(State Board for Vocational Education)
Governing the Accreditation of
Vocational-Technical Institutes
and Complaint Procedures
5 MCAR §§ 1.01031-1.01032

Notice of Intent to Adopt Rules
Without a Public Hearing

Notice is hereby given that the State Board of Education (State Board for Vocational Education) proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The rules will clarify the authority of the Board to accredit area vocational-technical institutes and establish certain standards for accreditation. There will also be established a procedure for handling complaints against area vocational-technical institutes that may be brought against the schools by students, parents, staff or others.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Melvin E. Johnson, Manager
Operational Services Section
548 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-2421

Authority for the adoption of these rules is contained in Minn. Stat. §§ 121.21, subd. 6 and 121.11, subd. 12. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Melvin E. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, and the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of

substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Melvin E. Johnson.

A copy of the proposed rules is attached to this Notice. 10

Copies of this Notice and the proposed rules are available and may be obtained by contacting Melvin E. Johnson.

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

September 13, 1982

John J. Feda by Gerald Kleve
Deputy

John J. Feda
Secretary

State of Minnesota
Department of Education

State Board of Education
(State Board for Vocational Education)
Vocational-Technical Division

IN THE MATTER OF: The Proposed Adoption
of Rules of the State Board of Education
(State Board for Vocational Education)
Governing the Accreditation of Vocational-
Technical Institutes and Camplaint Procedures
5 MCAR §§ 1.01031-1.01032
Without Public Hearing

STATE OF MINNESOTA)
) ss.
County of Ramsey)

AFFIDAVIT OF MAILING

John R. Jelinek, being first duly sworn, deposes and says:

That on the 12th day of October, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without Public Hearing and a copy of the proposed rules, by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations named on the certified list (see attached Certificate) who have requested that their names be placed on file with the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education.

John R Jelinek

Subscribed and sworn to before me
this 12th day of October
1982.

LOIS E. STEINHAUS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MAY 9, 1989

Lois E. Steinhaus

State of Minnesota
Department of Education

State Board of Education
(State Board for Vocational Education)
Vocational-Technical Division

IN THE MATTER OF: The Proposed Adoption
of Rules of the State Board of Education
(State Board for Vocational Education)
Governing the Accreditation of Vocational-
Technical Institutes and Complaint Procedures
5 MCAR §§ 1.01031-1.01032
Without Public Hearing

Affidavit of Additional Notice
of the State Board of Education
Mailing List

I hereby certify that in addition to the Notice required for persons on the State Board of Education rulemaking mailing list, of persons who have specifically requested notice of rulemaking proceedings, a Notice was mailed to selected persons on the Education Statistics memo series mailing list, as of 10 o'clock A.M., this 12th day of October, 1982, which includes school superintendents, Directors of ECSUs, AVTIs, Vocational Centers and Joint Powers Districts.

State Board of Education

John J. Fedo
Secretary

Subscribed and sworn to before me
this 12 day of October, 1982.

Luana Vadnais

Ramsey County, Minnesota

My Commission expires

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

State of Minnesota
Department of Education

State Board of Education
(State Board for Vocational Education)
Vocational-Technical Division

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The Proposed Adoption

of Rules of the State Board of Education

(State Board for Vocational Education)

Governing the Accreditation of Vocational-

Technical Institutes and Complaint Procedures

5 MCAR §§ 1.01031-1.01032

Without Public Hearing

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education is accurate and complete as of 10 o'clock A.M. this 8th day of October, 1982.

STATE BOARD OF EDUCATION

By Linda Alberg

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

Proposed Rules Governing the Accreditation of Vocational-Technical Institutes and Complaint Procedures (5 MCAR §§ 1.01031-1.01032)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Education (State Board for Vocational Education) proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The rules will clarify the authority of the board to accredit area vocational-technical institutes and establish certain standards for accreditation. There will also be established a procedure for handling complaints against area vocational-technical institutes that may be brought against the schools by students, parents, staff or others.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Melvin E. Johnson, Manager
Operational Services Section
548 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-2421

Authority for the adoption of these rules is contained in Minn. Stat. §§ 121.21, subd. 6 and 121.11, subd. 12. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Melvin E. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Melvin E. Johnson.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Melvin E. Johnson.

September 13, 1982

John J. Feda
Secretary

Rules as Proposed (all new material)

5 MCAR § 1.01031 Accreditation of area vocational-technical institutes.

A. Powers of State Board for Vocational Education. The State Board for Vocational Education shall grant accredited status to an area vocational-technical institute if it meets the requirements in B. It may also grant accredited status contingent upon a

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

specified task to be performed by the institute, grant probationary status, revoke accredited status, reinstate accredited status, defer action, or deny accredited status if the institute does not meet the requirements in B.

B. Requirements.

1. The division of vocational-technical education shall use evaluations conducted pursuant to 5 MCAR § 1.0073 to recommend a status to the State Board for Vocational Education.

2. To obtain accredited status, an institute shall:

a. secure program approval pursuant to 5 MCAR § 1.0071 and 5 MCAR § 1.0102;

b. secure specialized department and class approval pursuant to 5 MCAR § 1.0061;

c. maintain a local advisory committee pursuant to 5 MCAR § 1.0075, even if an institute does not receive federal assistance;

d. upon request by a student, give a copy of the student's transcript to the student;

e. not make, directly or indirectly, any statement or representation, oral, written, or visual, in connection with offering or publicizing a course if the institute or its agent knows or should know the statement or representation is false, fraudulent, deceptive, substantially inaccurate, or misleading; and

f. comply with the requirements about refunds set forth in Minnesota Statutes, section 124.565.

3. The recommendation of the division shall be reviewed at a meeting of the board. An institute shall be given the opportunity to present objections it may have to the recommendation. The board shall make a written final decision.

5 MCAR § 1.01032 Complaint procedures.

A. Local review. A student, parent of a student, staff member, or any other interested person may submit a complaint related to an area vocational-technical institute. The complaint must be submitted in writing to the director of the area vocational-technical institute within one year of the event. The institute and school board shall provide procedures for prompt response to a grievance.

B. Review by state board. Upon request by the complainant, the State Board for Vocational Education shall review a complaint which the commissioner of education determines is about institutional or program quality, as the qualities are related to 5 MCAR § 1.01031. The request of the complainant must be submitted to the commissioner within 15 days of completing the procedures in A. The commissioner shall forward qualifying complaints to the state board. The state board shall place the complaint on the agenda of its next regularly scheduled meeting and review it at that meeting. The complainant and school board shall be given an opportunity to be heard. The state board shall make a written final decision containing findings and conclusions. If the commissioner determines the complaint is not about institutional or program quality, as the qualities are related to 5 MCAR § 1.01031, the commissioner shall notify the complainant that no action will be taken.

Department of Energy, Planning and Development Business Development Division

Proposed Rules Governing Designation of Enterprise Zones

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State of Minnesota, Department of Energy, Planning and Development proposes to adopt the above entitled rules without a public hearing. The commissioner has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statute 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if modifications are supported by data and views submitted to the agency do not result in substantial change in the proposed language.

Unless 7 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statute 15.0412, subdivision 4-4f.

Persons who wish to submit written request for a public hearing should submit such requests to:

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

In the Matter of the Proposed
Adoption of Rules of the
State Board of Education
(State Board for Vocational Education)
Governing the Accreditation of
Vocational-Technical Institutes
and Complaint Procedures
5 MCAR §§ 1.01031-1.01032

Findings of Fact and
Conclusions

FINDINGS OF FACT

1. On October 18, 1982, the Minnesota State Board of Education (Minnesota State Board for Vocational Education) published in the State Register a proposed rule governing the authority of the Board to accredit area vocational technical institutes 5 MCAR § 1.01031 and another rule relating to complaint procedures 5 MCAR § 1.01032. The proposed rules were published pursuant to Minnesota Statutes Section 15.0412, subd. 4h authorizing adoption of "non controversial" rules without a public hearing.

2. Under those statutes a public hearing must be held if requested by seven or more persons. The Department received no such requests for a public hearing.

3. No written comments were submitted concerning the rules as proposed.

CONCLUSIONS

1. The Board gave due, timely, and adequate legal notice of its intent to adopt the rules without a public hearing.

2. No one requested a public hearing during the 30-day comment period.

3. The Board has the statutory authority to promulgate the proposed rules.

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

5. The Board has demonstrated the need for and the reasonableness of the proposed rules by an affirmative presentation of facts.

6. The Department has concluded that the proposed rules satisfy the requirements of Minnesota Statutes Section 15.0412, subd. 4h and that the proposed rules should be adopted and published as final rules.

December 13, 1982

Secretary, State Board of Education
(State Board for Vocational Education)

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, John J. Feda, do hereby certify that I am the Secretary of the Board of Education (Board for Vocational Education), a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education (Board for Vocational Education), duly and properly called and held on the 13th day of December, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to 5 MCAR §§ 1.01031 and 1.01032, accreditation of area vocational-technical institutes and complaint procedures be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 121.21, subd. 6 and 121.11, subd. 12, and that John J. Feda, the Secretary of the Board of Education (Board for Vocational Education), be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of December, 1982.

John J. Feda, Secretary

Member, State Board of Education
(State Board for Vocational Education

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

Statement of Need and Reasonableness

The Veterans Readjustment Act of 1952 instructed the Commissioner of Education in Washington to publish a list of nationally recognized accrediting agencies. The purpose of the action was to approve various schools for Veterans Education. Later, the same list was used to authorize schools to participate in the various student loan programs and grants from the federal government for disadvantaged students. No opportunity was afforded public vocational schools to participate in the loan programs until 1972 when the congress included the public vocational schools by amending the Vocational Education Act of 1965. In 1974, the Minnesota State Board for Vocational Education was designated the accrediting agency for vocational schools in Minnesota by the U.S. Department of Education and all public vocational schools were granted accredited status by a grandfather clause. On December 8, 1980, the Minnesota State Board for Vocational Education was reauthorized by the U.S. Department of Education to perform the accrediting function with the understanding that two problems would be remedied:

1. It was recommended that the advisory committee for accreditation be broadened to include a wider community of interest. A new committee was appointed to accommodate this recommendation.
2. It was recommended that complaint procedures concerning area vocational institutes be formalized in a published document. The Vocational Division elected to install the complaint procedures in rules.

Advice and counsel were obtained from the new advisory committee consisting of the Minnesota Vocational Association, Minnesota Area Vocational Institute Assistant Directors, Minnesota AFL-CIO, Minnesota Education Association, Minnesota Association of School Administrators, Minnesota School Boards Association, Area Vocational Institute Directors Association, Minnesota Area Vocational Technical Institute Student Services Association, North Central Accreditation, Minnesota Association of Commerce and Industry, Office of Planning and Evaluation, Post-Secondary Section, Spanish Speaking Affairs Council, Minnesota State Advisory Council for Vocational Education, Sex Equity Advisory Committee, State Student Senate and the Minnesota Federation of Teachers.

The rule concerning complaints provides that the local district establish a procedure for responding to grievances and that all grievances be addressed locally before being considered by the Commissioner of Education. Grievances are required to be submitted to the local AVTI in writing. From reasonable estimates based upon past experience with informal complaint processes at the AVTIs, it is anticipated that 95% of the complaints will be resolved at the local level. The subject matter of complaints brought at the local level may be of any type or variety.

If a complaint is advanced to the Commissioner of Education for State Board consideration, the complaint must relate to the quality of the institution or the quality of the program in which the student is enrolled. The purpose for limiting complaints to consideration of quality tends to exclude grievances dealing with disciplinary problems, tardiness and unauthorized absence, and the like. These matters are appropriately, and consistent with existing statutes, left to the decision-making function of the local school boards.

5MCAR S 1.01031, subsection A, of the proposed rules describes the basis by which accredited status is granted. It is reasonable inasmuch as it provides for granting or withholding accredited status under a variety of conditions thereby granting fair treatment to the several affected schools.

Subsection B.1. This part of the proposed rule describes the use of evaluation in the accrediting process. It is reasonable because it employs an existing criteria and process rather than to create new criteria and process for the purpose of accreditation which may add nothing substantive but create an unnecessary administrative burden on the AVTI.

Subsection B.2.a. This part of the proposed rule requires compliance with standards regarding space, class size, equipment and other essential matters. It is reasonable because it is based upon generally accepted standards, applicable to the operation of vocational programs, which have been in effect for a number of years.

B.2.b. This proposed portion of the rule establishes licensure standards for teachers, class length, record keeping and credit transfer. It is reasonable because it recognizes that specialized departments, programs and course offerings have distinctive concerns with regard to these matters. It is also reasonable because it requires compliance with standards which have generally been in effect since 1956 and which remain viable currently.

B.2.c. This part of the proposed rule deals with the maintenance of local advisory committees. This part is reasonable because local advisory committees assist AVTIs in establishing and maintaining the relevancy of the course offerings. They have been accepted as general practice since 1978 and are required of an AVTI to qualify for receipt of various federal education funds.

B.2.d. This part requires AVTI to provide student transcripts as required by 20 U.S.C. §1232g; 34 C.F.R. part 99; 34 C.F.R. §603.24(c)(i); and Minnesota Statutes, §15.165, subd. 3 (supp. 1981). It is reasonable because accreditation of an AVTI: (1) brings recognition to the AVTI by a public agency; and (2) connotes acceptability thereby encouraging students to attend the accredited institution. It is therefore appropriate that the accrediting agency's rules operate to protect students particularly in those areas of particular student interests.

Subsection B.2.e. This proposed subsection prohibits false representation. Compliance with ethical standards is a prerequisite to accreditation pursuant to 34 C.F.R. §603.24 (c)(i). Such a requirement is reasonable for the same reasons expressed under proposed subpart B.2.d. above.

Subsection B.2.f. This proposed subsection deals with refunds. It is reasonable because section 124.565 of the Minnesota Statutes specifically provides for refunds to vocational students under certain circumstances. It is reasonable for the same reasons expressed under proposed subpart B.2.d. above.

A student will be able to attend any vocational school with reasonable certainty that refunds will be provided if the student withdraws from training within a stated period of time.

Subsection B.3. This proposed subsection deals with a review of the findings of the Vocational Division preliminary to a school receiving accredited status. This part is reasonable because it affords the school an opportunity to utilize a review process. The process gives the state board the opportunity to reevaluate the division's recommendation.

5MCAR S 1.01032, subsection A, deals with complaint procedures at the local level whereby complaints may be lodged against an area vocational technical institute. This process is consistent with the federal requirement in 34 C.F.R. §603.24 (b)(1)(ix). This proposal is reasonable because it affords a complaintant the opportunity to resolve differences at the local level thereby saving time and expense.

Subsection B. This proposed subsection deals with a review process in the event that the local vocational school does not adequately address the complaint. This proposed subsection is reasonable because it allows the state board to address those disputes which directly relate to its rules. The Commissioner's role in deciding issues of program or institutional quality is reasonable inasmuch as it is consistent with the duties of the executive officer of the board.

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

In the Matter of the Proposed Adoption of Rules of the State Board of Education (State Board for Vocational Education) Governing 5 MCAR §§ 1.01031 and 1.01032, Accreditation of Area Vocational Technical Institutes and Complaint Procedures

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Charles T. Mottl, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: December 15, 1982.

Charles T. Mottl

CHARLES T. MOTTL
Special Assistant
Attorney General