

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: 2-2-83

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

PHONE: 6-4428

SUBJECT: Approval of Rules of the State Board of Education
(Amendments to or repeal of)

Rules Without a Public Hearing

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

1. Rules as Adopted (4 copies showing 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
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.

RECEIVED

FEB 2 1983

Attorney General's Office
Bremer Towers Office

Our File No. 890

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 2-17-83
DATE FOR REVIEW 2-28-83
DATE DUE 3-3-83

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

Approved 3/3/83 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency 3/1/83

Date filed w/Secretary of State 3/7/83 Revisor approved 2/18/83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 1.18.83 Date

✓ Notice of Intent to Solicit Outside Opinion 6/21/82. 8/16/82 5/28/79

✓ 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

✓ Additional 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

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ 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

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO :JOHN J. FEDA, Secretary DATE: 3/3/83

Attn: MICHAEL J. BRADLEY, Special Assistant Atty. General

FROM :LARRY D. STARNS PHONE: 297-3493
Special Assistant
Attorney General

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Education Governing Amendments to the following rules: Chapter One---EDU 1, EDU 2, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A--EDU 30, EDU, 31, DEU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46, Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen--EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Twenty-Nine--EDU 561; Chapter Thrity-Five--EDU 700, EDU 701, EDU 701, EDU 702, EDU 703,
(Cont. Below) 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

EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1.0761, § 1.0762, § 1.0773, § 1.0764, § 1.0766, § 1.0767, § 1.0768, and § 1.0769; Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805.

AG copy

State Board of Education
Department of Education
Executive Division

Adopted Amendments to or Repeal of Rules Governing Chapter One - EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR S 1.0010; Chapter Two - EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A - EDU 30, EDU 31, EDU 32; Chapter Three - EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight - EDU 140, EDU 141, EDU 142; Chapter Nine - EDU 160, EDU 161, EDU 162; Chapter Seventeen - EDU 327; Chapter Twenty-Two - EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Twenty-Nine - EDU 561; Chapter Thirty-Five - EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight - 5 MCAR SS 1.0760-1.0764, 1.0766-1.0769; Chapter Forty - 5 MCAR SS 1.0800-1.0805.

Rules as Adopted

EDU 4 General educational program requirements.

A. Program for all pupils. The educational program shall provide a general education for all pupils and suitable special education for exceptional children -- handicapped, gifted and talented. It shall meet the needs and interests of all pupils and the needs of the community served. Except as provided in this paragraph and in 5 MCAR SS 1.0667-1.0672, no school shall provide any course or activity on the basis of sex. This includes health, physical education, home economics, and industrial education. Separation by sex is acceptable for the purpose of locker or dressing room use, facility supervision and presentation of topics in health having to do with human reproduction.

FOF 1 a)

B. Guidance. Each school shall provide a guidance program to assist pupils in making satisfactory personal adjustments and appropriate educational and vocational plans.

C. Evaluation of pupil growth and progress.

1. Each district shall provide a testing program for the

purpose of ~~assessing~~ measuring pupil ~~needs and~~ growth and for curriculum evaluation.

2. [Unchanged.]

3. Each district shall develop an appropriate program of pupil progress and promotion for its elementary, middle and secondary schools. The program shall meet the State Board of Education requirements for graduation.

~~B.--Summer-school.--All-summer-school-classes-for-elementary, middle-and-secondary-school-pupils-and-special-summer-school classes-for-area-vocational-technical-school-students-shall-be for-a-minimum-term-of-six-weeks,-provided-that-120-hours-of instruction-may-be-accepted-as-an-equivalent-term.~~

D.-F. [See repealer.]

E. D. Civil defense education. Each district shall provide civil defense education in grades K-12.

EDU 5 General staff requirements.

A. License on file. For each teacher there shall be on file in the office of the superintendent at the beginning of each school year a copy of a valid license.

B. Superintendent's administrative and supervisory time. In school districts maintaining elementary, middle, and secondary schools but employing fewer than ten teachers, the superintendent shall devote at least one-half of the school day to the administration and supervision of the schools. In school districts maintaining elementary, middle, and secondary schools but employing ten or more teachers, the superintendent shall devote at least two-thirds of the school day to the administration and supervision of the schools.

C. Teacher's lunch period. Each teacher shall be provided with a duty free lunch period, scheduled according to school board policy.

D. [See repealer.]

EDU 6 Library.

A. Personnel. In all schools, library or library media service appropriate to the enrollment and educational program

shall be given by persons licensed for their positions.

1. [See repealer.]

B. Materials and equipment. The instructional collection shall consist of an adequate number of appropriate materials and equipment organized to meet pupil and teacher needs.

C. Facilities. There shall be a well-equipped central library ~~or library media~~ room, of a size appropriate to the enrollment in every elementary, middle, and secondary school building plus, in all new school buildings, the auxiliary space and facilities needed for work storage, viewing, listening, and conference purposes. ~~The room shall be in a central location and have space for work storage, production, viewing, listening, and conferences~~ In one- and two-room elementary schools, provisions shall be made for a library service.

FoF 4) a)

EDU 7 Records and reports.

A.-B. [Unchanged.]

C. Health record review. Each district shall assign a teacher, school nurse, or other professional person to review ~~each pupil's health record,~~ at the beginning of each school year, the health record of all pupils under his or her direction. ~~The review is to assess the pupil's health status and, if necessary, to seek remedies for health concerns.~~ Growth, results of vision and hearing screening, and findings obtained from health assessments must be entered periodically on the pupil's health record.

FoF 6) f

5 MCAR S 1.0010 Exemptions for experimental and flexible school year programs.

A. Request. A district may request approval from the State Board of Education for an experimental program of study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

1. improved instructional quality;

2. increase cost effectiveness;

3. make better use of community resources or available technology.

B. Exemption from rules. If the proposed program is approved, the State Board of Education shall provide an exemption to rules that otherwise would apply.

C. Contents of proposal. The proposal shall include: specific rules from which the district requests exemption, the goals and objectives of the program, the activities to be used to accomplish the objectives, a definite time limit which may not exceed three years, and the evaluation procedures to be used.

D. Involvement required. Evidence shall be provided that the proposal has been given thorough exposure to students and parents, that the faculty has been involved in the development of the proposal, and that the proposal has the approval of the school board.

E. Permanent exemption. If the evaluation at the end of the time period is positive, the State Board of Education shall authorize permanent continuation of the program and specify the rules from which the program is exempt.

5 MCAR S 1.0011 Definitions for pupil fees.

A. Applicability. For the purposes of Minnesota Statutes, sections 120.72 to 120.76 the following terms have the meanings given them.

B. Curricular. "Curricular" means those portions of the school program for which credit is granted. This definition applies equally to required or elective curricular programs.

C. Cocurricular. "Cocurricular" means those portions of the school sponsored and directed activities designed to provide opportunities for pupils to participate in such experiences on an individual basis or in groups, at school and at public events, for improvement of skills. Cocurricular activities have one or more of the following characteristics:

1. are for credit or required for graduation;

2. are conducted at regular and uniform times during school hours, or if at times other than school hours, are established by school authorities;

3. are directed or supervised by instructional staff in a learning environment similar to that found in courses offered

for credit;

4. are primarily or totally funded by public monies for general instructional purposes under direction and control of the local board of education. Any deficits resulting from these activities are always subsidized by general school funds.

D. Noncurricular. "Noncurricular" activities means those activities that include all direct and personal services for public school pupils for their enjoyment that are managed and generally operated under the guidance of an adult or staff member. Noncurricular activities have all of the following characteristics:

1. are not for credit or required for graduation;

2. are conducted for the most part during other than school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities;

3. the content of the activities is determined primarily by the interests of the student participants and their parents with only the guidance of the staff member or other adult;

4. with the possible exception of direct costs of any salaries and indirect costs of the use of school facilities, the activity is self-sustaining as all other expenses are met by dues, admissions or other pupil fund raising events.

E. Extracurricular. "Extracurricular" has the same meaning as noncurricular.

F. Supplementary. "Supplementary" has the same meaning as noncurricular.

G. Regular school day. "Regular school day" means that which is defined in 5 MCAR S 1.00301 for middle and secondary pupils and in EDU 21 for elementary pupils.

5 MCAR S 1.00201 Elementary school curriculum.

A. Common branches. The following common branches of learning, or subjects, shall be included in grades K-6 or K-8 in the elementary curriculum:

Art

Health and safety

Language arts, including

Media center skills
Listening
Oral communication
Reading and children's literature
Written communication, handwriting and spelling
Mathematics
Music
Physical education
Science and environmental education
Social studies

B. Method of instruction. The common branches may be taught separately, paired, or clustered for instructional purposes.

C. ~~Balanced time.--Time allocations for each of the common branches must be balanced to provide a breadth of knowledge.~~ FofF 7) 9)

~~D.~~ Physical education time requirements. Physical education in elementary schools shall be scheduled as follows: grades one and two, one 10-minute period and one 25-minute period daily; grades three through eight, one 30-minute period daily.

EDU 21 Elementary school day and organization.

A. Length of school day. In an elementary school, the minimum number of instructional hours per day, not including noon intermission, shall be as follows:

Kindergarten . . . . . 2-1/2 hours
Grades 1, 2, and 3 . . . . . 5 hours
Grades 4 through 8 in elementary schools . 5-1/2 hours

B. [See repealer.]

B. Kindergarten. Kindergarten may be scheduled separately or in combination with another grade. A licensed kindergarten teacher shall be assigned to teach kindergarten students whether the kindergarten is separate or combined with another grade.

EDU 23 Elementary school staff.

A. Principal.

1. Every elementary school shall be under the immediate charge of a licensed principal.

2. In each school building or combination of school

buildings in a district with an enrollment of 200 but less than 400 elementary pupils in grades 1-6, 1-8, K-6, or K-8, the principal must devote not less than one-half time to administration and supervision. Provision must be made for clerical assistance as necessary.

3. In each school building with an enrollment of 400 or more elementary pupils in grades 1-6, 1-8, K-6, or K-8, and in any combination of school buildings in a district with a total enrollment of 400 or more but less than 900 elementary pupils, the district shall provide a full-time nonteaching licensed principal and clerical assistance as necessary.

4. In each school building and in any combination of school buildings in a district with an enrollment of 900 or more elementary pupils in grades 1-6, 1-8, K-6, or K-8, the district shall provide a full-time nonteaching licensed principal, and additional professional and secretarial staff as necessary.

4.-5. [See repealer.]

B. Pupil-teacher ratio. The acceptable maximum pupil-teacher ratio ~~shall not exceed~~ is 30 to 1 in any class in grades K-6 or K-8. The superintendent shall make a written report to the State Board of Education indicating the circumstances making an exception to this ratio necessary.

1.-2. [See repealer.]

5 MCAR S 1.00301 General provisions for middle and secondary school.

A. Length of school day. In all middle and secondary schools the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours.

B. Required and elective subjects. Each of the required subject hours set forth in EDU 40, 5 MCAR SS 1.0036, 1.00401, and 1.00402 must equal 60 minutes of instruction. The remaining number of hours in a school year may be used to provide required or elective subjects. The length of actual class periods may be determined by the district.

5 MCAR S 1.0036 Middle school curriculum.

A.-C. [See repealer.]

A. Common branches and hours. The following common branches of learning, or subjects, shall be required for the hours specified in a middle school:

Subjects	Minimum hours			
	Grades 6-8	Grades 6-9	Grades 5-8	Grades 5-9
Art	120	120	150	150
Communication skills	480	600	760	880
Health	90	90	120	120
Home economics or Industrial education	120	160	120	160
Mathematics	360	480	480	600
Music	120	120	150	150
Physical education	240	320	320	400
Science	360	480	480	600
Social studies	360	480	480	600

1. [See repealer.]

B. Subjects required in grades. Communication skills, mathematics, physical education, science and social studies shall be required each year. Physical education shall be scheduled throughout the academic year for grades 7, 8, and 9. Art, music, and health shall be required in grades 5 and 6.

5 MCAR S 1.0037 Middle school staff.

A. Principal. Every middle school shall be under the immediate charge of a licensed principal. A middle school principal must hold either a valid elementary or secondary school principal's license. A middle school principal shall be assigned full time responsibility to the middle school.

B. Teacher. A middle school teacher shall hold a valid license appropriate for the subject or area taught.

EDU 40 Curriculum for junior secondary schools.

A. Common branches and hours.

1.-2. [See repealer.]

The following common branches of learning, or subjects, shall be required for the hours specified in a secondary school

composed of grades 7, 8, and 9:

Subjects	Minimum Hours
Art	90
Communication skills	360
Health	60
Home economics or Industrial education	150
Mathematics	360
Music	90
Physical education	240
Science	240
Social studies	360

B. Scheduling. Period length and grade placement of required and elective hours are at the discretion of the school board. However, each pupil must take at least 80 hours of physical education each year. Physical education must be scheduled throughout the academic year.

b. [See repealer.]

4.-5. [See repealer.]

B.-G. [See repealer.]

5 MCAR S 1.00401 Curriculum for three-year senior secondary schools.

A. Common branches and hours. The following common branches of learning, or subjects, and credits shall be required in a secondary school composed of grades 10, 11, and 12:

Subjects	Minimum Hours	Credit
Communication skills	360	3
Health	60	1/2
Physical education in grade 10	60	1/2
Social studies	240	2

B. Social studies. Social studies must consist of 120 hours or one credit of studies of America, which includes American history, and 120 hours or one credit of contemporary world problems.

5 MCAR S 1.00402 Curriculum for four-year senior secondary schools.

A. Common branches and hours. The following common branches of learning, or subjects, and credits shall be required in a secondary school composed of grades 9, 10, 11, and 12, in addition to any unmet requirements from EDU 40:

Subjects	Minimum Hours	Credit
Communication skills	480	4
Social studies	360	3
Mathematics	120	1
Science	120	1
Physical education in		
~~grades~~ grade 9	~~120~~ 80	~~1~~ 2/3
~~and~~ in grade 10	60	1/2
Health	60	1/2

? cannot find any ref. to why of these changes. but agency told me that this is existing language — different figures were inadvertent + unwanted change.

B. Social studies. Social studies must consist of 120 hours or one credit of studies of America, which includes American history, and 120 hours or one credit of contemporary world problems. The remaining hours may be determined by the district.

EDU 42 Basis for secondary school credit.

A. Basic requirements.

1. Satisfactory completion of at least 120 hours shall be the basis for a credit course, or subject, in grades 9, 10, 11, and 12 in four-year secondary schools and in grades 10, 11, and 12 in three-year secondary schools. Length of periods and frequency of meeting may be determined by the district. A credit may be divided into semester, trimester, or quarter units by offering courses covering 60, 40, or 30 hours respectively.

2. Credit may be given on a performance basis for any course if a student successfully completes an examination approved by the district covering the content ordinarily included in the subject.

3. A district may accept the transfer of credit awarded by a postsecondary institution according to an agreement entered into under Minnesota Statutes, section 123.3511.

B. Summer school. Credit toward graduation by secondary schools for subjects taken in summer school shall be on the same basis as a regular school program.

1.-3. [See repealer.]

C. Private tutoring. Credit toward graduation for work completed through any form of private tutoring by a licensed teacher may be granted by a secondary school.

D. Correspondence courses.

1. Correspondence courses, at district expense, may be offered for credit toward graduation by any secondary school only to provide:

a. additional courses in secondary schools with limited course offerings; or

b. an opportunity for special secondary pupils to meet requirements for secondary school graduation when the pupil's handicap prevents the pupil from attending school regularly; or

c. an opportunity for secondary pupils who, due to unusual circumstances, are unable to be in attendance at school; or

d. an opportunity for secondary school drop-outs.

2. Correspondence courses to be offered shall be approved by the commissioner of education and by the ~~district~~ local school administration before pupils are enrolled. ~~A teacher licensed in the area of the correspondence course shall supervise and guide a pupil enrolled in a course~~ Pupils taking such courses shall be under the supervision and guidance of a teacher assigned to such work.

3. [See repealer.]

EDU 43 Completion of secondary school requirements.

A. Graduation requirements. Each student must successfully complete 15 credits earned in a three-year secondary school, or 20 credits earned in a four-year secondary school in order to graduate. These credits must be ~~from~~ the same subjects required in 5 MCAR SS 1.00401 and 1.00402 and elective subjects.

2.-3. [See repealer.]

B. Early graduation. Early graduation may be allowed for a

student who accumulates the required number of credits for graduation before completing the usual years of secondary school. A student graduating after the normal graduation date cannot be claimed as an early graduate.

C. Attendance certificate. A secondary school attendance certificate, indicating completion of the secondary school period may be given by a school board to a student who does not meet all the requirements for graduation.

a.-d. [See repealer.]

2. [See repealer.]

C. [See repealer.]

D. Equivalency certificate.

1. A secondary school equivalency certificate may be issued by the State Board of Education to a resident of Minnesota 19 years of age or over who needs the certificate for advancement in an occupational field or for higher education if both of the following are met:

a. the person makes written application on forms, prepared and provided by the Department of Education, which are available on request from any of the approved General Educational Development Testing Centers, most secondary schools, or from the Department of Education; and

b. the person obtains a minimum standard score of 35 on each of the five General Educational Development Tests and an average standard score of at least 45 on all five tests.

2. General Educational Development tests shall be administered only by official agencies established by the American Council on Education and approved by the commissioner of education.

3. The minimum age requirement may be waived if supportive evidence of special need is provided by a recognized rehabilitative agency.

EDU 44 Exceptions to the length of school day.

Exceptions to a six-hour school day required in all secondary schools may be made as follows:

1. The State Board of Education may approve

community-based programs for all or part of the school day. Employment-related, community-based programs in excess of one hour per day shall be supervised by the vocational-technical division. Nonemployment related, community-based programs in excess of one hour per day shall be supervised by the division of instruction.

2. The local board of education may adopt a policy allowing adjustments in the length of the school day for individual students if all of the following circumstances exist:

a. the student is at least 16 years of age.

b. the student attends supervised classes in usual school facilities for not less than five hours per day.

c. the secondary school principal designs for each student a work-study option or other nonwork experience of real educational value. A written record must be maintained indicating the type of work-study option or other educational experience to be pursued, the reason for the exemption, and the method of ensuring that the program is actually pursued.

d. the student's parent approves the option in writing.

EDU 45 Admission to secondary schools.

A. Grades 7, 8, and 9. Admission to grades 7, 8, or 9 of any secondary school shall be limited to pupils who have satisfactorily completed the work of the preceding grade and to special pupils who, in the judgment of the district, may profit by such work.

B. Secondary school. Admission as regular pupils to any specified year of a three- or four-year secondary school shall be ~~these~~ based upon the following conditions: pupils, from public or nonpublic schools or schools with equivalent standards in this state or any other state, who shall submit admission records showing successful completion of the preceding years' work. ~~If the records can not be submitted, admission shall be determined by an examination or other method approved by the district~~ Other pupils shall furnish evidence of educational attainment satisfactory to the administrator. If such evidence cannot be shown, examinations approved by school authorities

FoF 10) i) 2) k)

shall be administered to the pupil by the administrator.

b. [See repealer.]

EDU 46 Secondary school staff.

A. Licensed principal. Every secondary school shall be under the direction of a licensed principal.

B. Licensed teacher. A secondary school teacher shall be assigned to teach subjects and perform services only in areas in which the teacher is properly licensed.

C. Teaching assignment. The maximum assignment of subjects for any secondary school teacher shall be five periods in a six-period day or six periods in a seven- or eight-period day. Each teacher shall have one period during the school day for preparation and conferences.

D. Maximum number of pupils. The maximum number of pupils per day for a secondary school teacher is 160 except for teachers of performing music groups and physical education classes. ~~The maximum number of pupils for each teacher in a physical education class is 40~~ An acceptable class size for instruction in physical education shall not exceed 40 pupils.

D. [See repealer.]

5 MCAR S 1.0760 Coverage.

A. Applicability. 5 MCAR SS 1.0760-1.07642 apply to all school districts; educational cooperative service units; area vocational-technical institutes; elementary, secondary and vocational regional computer centers; cooperative centers for special education; cooperative centers for vocational education; and governmental units formed by joint powers agreements entered into by school districts. For purposes of 5 MCAR SS 1.0760-1.07642, all entities are referred to as "districts."

B.-C. [Unchanged.]

D. Recommendations for reporting methods. Where methods for reporting to the department are specified, such methods shall be prescribed by the commissioner after recommendations have been made by the advisory council on uniform financial accounting and reporting standards.

E. Requirements named. The requirements adopted in 5 MCAR SS 1.0760-1.07642 shall be known as the uniform financial accounting and reporting standards for school districts.

F.-G. [Unchanged.]

5 MCAR S 1.0761 Modified accrual accounting and other accounting requirements.

A. Recognition principles. Revenues and expenditures shall be recorded and recognized in accordance with generally accepted accounting principles. Generally accepted accounting principles provide for the accrual basis of accounting and the modified accrual basis of accounting as appropriate for the particular fund. The cash basis of accounting is not acceptable for district budgeting, accounting, and reporting. Specific standards for revenue recognition are contained in Minnesota Statutes, section 121.904. Specific standards for expenditure recognition are contained in Minnesota Statutes, section ~~121.905~~ 121.906.

B. Reporting categories. Budgeting, accounting, and reporting systems shall be designed to provide financial data, where applicable, according to the terms and categories used in Minnesota Statutes with particular attention to categorical programs funded by the state.

C. Accounting structure. Development of programmatic data for district internal reporting and management purposes, and for reporting to the public and the department, requires the use of multidimensional systems of classification of transactions.

D. School district accounting principles. The "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the state of Minnesota, Department of Education, shall contain the standards for budgeting, accounting, and reporting. Amendments to the principles contained in this manual shall be approved by the State Board of Education.

E. Student activities accounting principles. The "Manual of Instructions for Uniform Student Activities Accounting for Minnesota School Districts," issued by the state of Minnesota,

Department of Education, shall contain the accounting and reporting standards for extracurricular student activities. Amendments to the generally accepted accounting principles contained in this manual shall be approved by the State Board of Education.

5 MCAR S 1.0762 Fund accounting.

A. Definition. [Unchanged.]

B. Funds maintained. The following funds shall be maintained:

General fund;

Food service fund;

Pupil transportation fund;

Community services fund;

Capital expenditures fund;

Building construction fund;

Debt redemption fund;

Trust and agency fund;

Enterprise fund.

C. Operating and nonoperating funds. The general fund, food service fund, pupil transportation fund, community services fund, and enterprise fund shall collectively be known as the operating funds. The other funds collectively shall be known as the nonoperating funds.

D. Enterprise fund requirement. The enterprise fund shall be maintained by elementary, secondary, and vocational regional computer centers.

D. [See relettering.]

F. Fund accounting. Revenues and expenditures shall be recorded in the appropriate funds.

G. Fund transfers. General fund assets may be used for any general or special operating purpose of a district and may be transferred permanently by school board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

The portion of the general fund unappropriated fund balance permanently transferred to eliminate a negative building construction fund unappropriated fund balance must be reduced by the capital expenditure fund year-end unappropriated fund balance.

H. Special fund uses and transfer limitations. All funds other than the general fund are special purpose funds in which expenditures may only be made for the special purposes of the fund. Transfers of moneys from special purpose funds to other funds are not permitted unless authorized by law. Transfers may be made from any fund to another fund to pay for expenditures legitimately chargeable to one fund but expended from another. Such items are most appropriately accounted for on a current basis, as interfund transactions, increasing the expenditures of one fund and reducing those of another. Transfers may be made from the capital expenditure fund to pay for expenditures from other funds for capital expenditure purposes.

3.-4. [See repealer.]

5 MCAR S 1.07631 Revenue and expenditure classification principles.

A. Definition of system. Revenue and expenditure budgeting, accounting, and reporting is based on individual accounts. An account, in the multidimensional system, requires the use of six dimensions each of which has a distinct meaning. The revenue dimensions are fund, organization, program, finance, source, and course. The expenditure dimensions are fund, organization, program, finance, object, and course. The mutually exclusive dimensions and account components are defined in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the state of Minnesota, Department of Education on July 1, 1981. All revenue and expenditure accounts shall specify classification detail to permit grouping in the respective revenue and expenditure categories and to permit required state and federal reporting.

B. Netting principles. Netting revenues and expenditures is not permissible except as allowed under generally accepted

accounting principles.

C. Account distribution. District accounting practice must include requirements for appropriate expenditure account distribution, according to generally accepted accounting principles.

D. Account structure for indirect costs. Appropriate account codes shall be used to identify indirect cost factors, as required for federal programs.

E. Capital expenditures classification. Maintenance and capital improvements expenditures shall be distinguished, in accordance with generally accepted accounting principles. Capital expenditures are those which extend the life of an asset, increase its value, or change its use or character.

F. Supply classification. Supplies and equipment shall be distinguished in accordance with generally accepted accounting principles and item definitions. Supplies are those items which have a nominal value and are expendable or are consumed in use. Equipment items are tangible units of nonexpendable character, are not consumed in use, have an extended useful life, and are of material value.

5 MCAR S 1.07641 Unaudited and audited financial reports, statements, budgets.

A. Unaudited financial reporting. The unaudited financial report is to be submitted to the commissioner by the district through an elementary, secondary, and vocational regional computer center. This report shall contain total fiscal year amounts by fund for assets, liabilities, fund balances, revenues, and expenditures as well as the general fixed asset and general long-term debt groups of accounts. The account structure and account definitions for these accounts are contained in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the state of Minnesota, Department of Education, September, 1977. Material audit adjustments of the unaudited financial reports shall be submitted to the commissioner by the district through an elementary, secondary, and vocational regional computer

center.

B. Audited financial statements. An audit is an examination of the various financial statements of the funds and account groups of a district by the state auditor or an independent certified public accountant. This examination shall be performed in accordance with generally accepted auditing standards as set forth in "AICPA Professional Standards," issued by the American Institute of Certified Public Accountants (New York, New York, 1974). It shall also meet the audit requirements contained in the Office of Management and Budget Circular A-102 Revised and published in the Federal Register, volume 42, pages 45828 to 45891 (1977).

C. Audited financial statement format. Audited financial statements are those financial statements which have been examined pursuant to an audit. The format of these statements shall comply with the standards in "Governmental Accounting, Auditing, and Financial Reporting," issued by the Municipal Finance Officers Association of the United States and Canada (Chicago, Illinois, 1980). If a district levies to retire its statutory operating debt, the district shall footnote its audited financial statement. An historical analysis of the statutory operating debt shall be provided in the audited financial report.

D. Budget requirement. By August 15 each year, a revenue and expenditure budget for that fiscal year shall be submitted to the commissioner through an elementary, secondary, and vocational regional computer center. Revenue and expenditure budget amounts are required by fund and in sufficient detail to permit comparison with actual revenue and expenditure amounts reported at the end of the fiscal period. Subsequent revisions to the budget which are of a material amount shall also be submitted to the commissioner through the elementary, secondary, and vocational regional computer center.

5 MCAR S 1.07642 Fixed assets. For the fiscal year ending June 30, 1984 and each year thereafter, each area vocational-technical institute shall report its fixed assets by

item and categories as defined in accordance with the uniform property accounting and reporting standards in 5 MCAR SS 1.0760-1.07642 adopted by the State Board of Education. Fixed asset accounting principles and definitions shall be contained in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the state of Minnesota, Department of Education on June 7, 1982.

5 MCAR S 1.0800 Grant application and review procedures.

A. Who may apply. Regional library systems designated as eligible under provisions of Minnesota Statutes, section 134.34, subdivision 3, may apply for establishment grants as specified in 5 MCAR S 1.0801 and for regional library basic system support grants as specified in 5 MCAR S 1.0802 and for special project grants as specified 5 MCAR S 1.0803. County and city public libraries which are participating in the aforementioned regional library systems may also apply for special project grants as specified in 5 MCAR S 1.0803. The Minnesota Department of Corrections and the Minnesota Department of Welfare may apply for grants for institution library service and for library service for the blind and physically handicapped as specified in 5 MCAR S 1.0804. Multicounty multitype library systems designated by the State Board of Education as eligible under provisions of Minnesota Statutes, section 134.351, subdivision 1 may apply for development grants as specified in 5 MCAR S 1.0805 and for operating grants as specified in 5 MCAR S 1.0806.

B. [Unchanged.]

C. Application dates. All grant applications shall be filed on or before July 1 to be considered for funding during the succeeding state fiscal year provided that applications for establishment grants shall be filed by regional library systems on or before July 1 or on or before January 1, to be considered for funding for the succeeding 12-month period. Applications for special project grants and for multicounty multitype library cooperation development grants shall be filed on a date established by the State Board of Education and published in the newsletter of OPLIC not less than 90 days before such date.

D.-H. [Unchanged.]

I. Proposed amendments. If after a project or program has been funded, the grant recipient determines that modifications are necessary, the grant recipient shall file an amendment to the grant application. Budget modifications resulting in transfer from one budget category to one or more other budget categories of less than 20 percent of the budget need not be filed as amendments. The grant amendment shall not change the purpose for which the grant was awarded. It shall, however, address at least one of the following:

1.-2. [Unchanged.]

3. modification of the budget of the project or program, within limits of the amount of the grant and amounting to more than 20 percent of the budget, judged by the recipient to be necessary to most economically and practically achieve project objectives.

All amendments shall be filed in writing with the information the recipient determines is necessary to accurately and completely explain the need for the amendment.

J. Approval of amendments. The director of the Office of Public Libraries and Interlibrary Cooperation shall review all amendments and shall use the following standards in determining whether an amendment is approved:

1.-4. [Unchanged.]

Approval or disapproval of all amendments shall be communicated to a grant recipient within ten working days following OPLIC's receipt of the proposed amendment.

5 MCAR S 1.0801 Establishment grants.

A. Application. Regional library systems may apply for establishment grants to extend library service to additional counties. Applicants shall submit the following information:

1.-3. [Unchanged.]

4. a copy of the resolution adopted by the county board of commissioners in which they agree to provide minimum levels of local support;

5.-6. [Unchanged.]

B.-C. [Unchanged.]

5 MCAR S 1.0802 Regional library basic system support grants.

A. Application. Regional library systems may apply for regional library basic system support grants. Applicants shall submit the following information:

1.-5. [Unchanged.]

6. provision for each participating governmental unit of the following financial information:

a. the amount provided by the governmental unit for operating purposes of public library service during the preceding fiscal year;

b. the amount provided by the governmental unit for operating purposes of public library service during the current fiscal year.

7. [Unchanged.]

B. Criteria for eligibility. Regional library systems shall be designated as eligible by the State Board of Education provided they meet the criteria in Minnesota Statutes, section 134.34, and the following:

1.-2. [Unchanged.]

C. Calculation of grant amounts. Regional library basic system support grants shall be calculated as specified in Minnesota Statutes, section 134.35. The most recent United States census shall be used in calculation of all per capita and land area amounts, reduced by the population and land area of any nonparticipating governmental units.

D. Audit. Regional library systems which receive regional library basic system support grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the regional library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minnesota Statutes, sections 6.64 to 6.71.

5 MCAR S 1.0803 Special project grants.

A. Application. Regional library systems and county and city public libraries which are participating in regional library systems may apply for special project grants as authorized by Minnesota Statutes, section 134.32, subdivision 4.

B.-F. [Unchanged.]

5 MCAR S 1.0804 Grants for institution library service and for library service for the blind and physically handicapped.

A. Application. The Minnesota Department of Corrections and the Minnesota Department of Welfare may apply annually for grants to improve library services for institutionalized persons and for the blind and physically handicapped as authorized by Minnesota Statutes, section 134.32, subdivision 6, and by the Library Services and Construction Act, 20 USC 351 et seq. (1970). Applicants shall submit the following information:

1.-7. [Unchanged.]

B.-D. [Unchanged.]

5 MCAR S 1.0805 Multicounty multitype library cooperation development grants.

A.-E. [Unchanged.]

F. Audit. Multicounty multitype library systems which receive grants shall annually submit to (OPLIC) an audit of receipts and disbursements within 180 days after the end of the multicounty multitype library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minnesota Statutes, sections 6.64 to 6.71.

Relettering and renumbering. Reletter 5 MCAR S 1.0762 D. as E. Renumber EDU 420-425 as 5 MCAR SS 1.00051-1.00056.

Repealer. Rules EDU 1, 2, 3, 4 E., 4 F., 5 D., 6 A.1., 9, 20, 21 B., 22, 23 A.4., 23 A.5., 23 B.1., 23 B.2., 30, 32 A., 32 B., 32 C., 32 D.1., 40 A.1., 40 A.2., 40 A.3.b., 40 A.4., 40 A.4.a., 40 A.4.b., 40 A.4.c., 40 A.4.c.(1), 40 A.4.c.(2), 40 A.4.c.(3),

40 A.5., 40 B., 40 C., 40 D., 40 E., 40 F., 40 G., 41, 42 B.1., 42 B.2., 42 B.3., 42 D.3., 42 D.3.a., 42 D.3.b.(1), 42 D.3.b.(2), 42 D.3.c., 42 D.3.d., 42 D.3.d.(1), 43 A.2., 43 A.2.a., 43 A.2.b., 43 A.2.c., 43 A.2.d., 43 A.3., 43 B.1.a., 43 B.1.b., 43 B.1.c., 43 B.1.d., 43 B.2., 43 C., 43 C.1., 43 C.2., 43 C.2.a., 43 C.2.b., 43 C.2.c., 45 A.2.b., 46 D., 140 A., 140 B., 141, 142, 160, 161, 162, 327, 561, 700, 702, 703, 704, 705, 706, 5 MCAR SS 1.0761 D., 1.0762 G.3. and G.4., 1.0763, 1.0764, 1.0766, 1.0767, 1.0768, and 1.0769 of the State Board of Education are repealed.

APPROVED AS TO LEGALITY

March 3, 1983

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR - 7 1983

_____
Secretary of State

11:15 AM

Rules as Proposed

EDU 4 ~~Curriculum~~ General educational program requirements.

A. ~~The educational~~ Program for all pupils. The educational program shall ~~be such as to~~ provide a ~~program of~~ general education for all pupils and suitable special education for exceptional children -- handicapped, gifted and talented~~,~~. It shall meet the needs and interests of all pupils and the needs of the community served. Except as provided in this ~~rule~~ paragraph and in 5 MCAR SS 1.0667-1.0672, no school shall provide any course or activity on the basis of sex. This includes health, physical education, home economics, and industrial education. Separation by sex is acceptable for the purpose of locker or dressing room use, facility supervision and presentation of topics in health having to do with human reproduction.

B. Guidance. Each school shall provide a guidance program to assist pupils in making satisfactory personal adjustments and appropriate educational and vocational plans.

C. Evaluation of pupil growth and progress.

1. ~~Testing.~~ Each ~~school~~ district shall provide a testing program for the purpose of ~~measuring~~ assessing pupil needs and growth and for curriculum evaluation.

2. [Unchanged.]

3. ~~Promotion.~~ Each district shall develop an appropriate program of pupil progress and promotion for its elementary, middle and secondary schools. The program shall ~~provide for meeting, in the senior secondary school period,~~ meet the State Board of Education requirements for graduation.

D. Summer school. All summer school classes for elementary, middle and secondary school pupils and special summer school classes for area vocational-technical school students ~~for which maximum foundation aid is to be claimed~~ shall be for a minimum term of six weeks, provided that 120 hours of instruction may be accepted as an equivalent term.

E. [See repealer.]

E. Civil defense education. Each district shall provide

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civil defense education in grades K-12.

F. [See repealer.]

EDU 5 ~~Staff~~ General staff requirements.

A. ~~Certificates; filing~~ License on file. For each teacher there shall be on file in the office of the superintendent ~~or school head~~ at the beginning of each ~~new~~ school year a ~~certificate of qualifications or a record of such certificate~~ copy of a valid license.

B. ~~Superintendent, administration and supervision~~ Superintendent's administrative and supervisory time.

~~1.~~ In school districts ~~maintaining elementary, middle and secondary schools but~~ employing ~~less~~ fewer than ~~10~~ ten teachers, the superintendent shall devote at least one-half of the school day to the administration and supervision of the schools.

~~2.~~ In school districts ~~maintaining elementary, middle and secondary schools but~~ employing ten or more teachers, the superintendent shall devote at least two-thirds of the school day to the administration and supervision of the schools.

C. ~~Teachers;~~ Teacher's lunch period. Each teacher shall be provided with a duty free lunch period, scheduled ~~in accordance with local~~ according to school board policy.

D. [See repealer.]

EDU 6 Library.

A. Personnel. In ~~elementary, middle, and secondary~~ all schools, library or library media service appropriate to the enrollment and educational program shall be given by ~~a qualified librarian~~ persons licensed for their positions.

1. [See repealer.]

B. Materials ~~collection~~ and equipment. The instructional ~~materials~~ collection shall consist of an adequate number of appropriate ~~and up-to-date books, films, recordings, models, magazines, pamphlets, film-strips, flat pictures, globes, and similar materials, carefully selected and systematically~~ materials and equipment organized to meet pupil and teacher

needs.

C. ~~Library quarters~~ Facilities. There shall be a well-equipped ~~central~~ library or library media room, of a size appropriate to the enrollment, in every ~~elementary, middle and secondary~~ school building, ~~plus, in all new school buildings, the auxiliary space and facilities needed for work storage, viewing, listening and conference purposes. In one and two-room elementary schools, provisions shall be made for a library service~~. The room shall be in a central location and have space for work storage, production, viewing, listening, and conferences.

EDU 7 Records and reports.

A.-B. [Unchanged.]

C. Health record review. Each district shall assign a teacher, school nurse, or other professional person to review each pupil's health record at the beginning of each school year. The review is to assess the pupil's health status and, if necessary, to seek remedies for health concerns. Growth, results of vision and hearing screening, and findings obtained from health assessments must be entered periodically on the pupil's health record.

5 MCAR S 1.0010 Exemptions for experimental and flexible school year programs.

~~Elementary and middle schools desiring to offer~~ A. Request. A district may request approval from the State Board of Education for an experimental ~~course or~~ program of ~~studies that would require exemption to existing state board of education rules may request approval for such course offerings or programs~~ study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

1. improve instructional quality;
2. increase cost effectiveness;
3. make better use of community resources or available technology.

B. Exemption from rules. If the proposed program is approved, the State Board of Education ~~is empowered to~~ shall provide an exemption to rules that otherwise would apply.

~~A.~~ C. Contents of proposal. The proposal shall include: A ~~statement of~~ specific rules from which the district requests exemption, the goals and objectives of the program ~~which must include an expectation of improving the instructional program or the reduction of program costs without reduction in effectiveness or quality.~~,

~~A listing of~~ the activities ~~and procedures~~ to be ~~utilized in accomplishing~~ used to accomplish the ~~stated~~ objectives~~.~~, a definite time limit ~~for the experiment~~ which may not ~~to~~ exceed three years~~.~~, and A ~~statement of~~ the evaluation procedures to be used ~~in determining the effectiveness of the program. Such evaluation shall be conducted by persons other than employees of the district~~.

~~An identification of the state board of education rules, from which the district requests exemption for the purpose of the proposed program~~.

~~B.~~ D. Involvement required. Evidence shall be provided that the proposal has been given thorough exposure to students and parents, that the faculty has been involved in the development of the proposal, and that the proposal has the approval of the ~~local~~ school board ~~of education~~.

~~C.~~ E. Permanent exemption. If the evaluation at the end of the ~~course or program~~ time period is positive, the State Board of Education shall authorize permanent continuation of the program~~. When such continuation is granted, the state board of education shall stipulate~~ and specify the ~~specific~~ rules from which the program ~~shall continue to be~~ is exempt.

~~EDU 701~~ 5 MCAR S 1.0011 Definitions for pupil fees.

A. Applicability. For the purposes of Minnesota Statutes, sections 120.72-120.76 the following terms ~~in this chapter~~ have the meanings ~~assigned to~~ given them.

~~A.~~ B. Curricular. "Curricular" means those portions of the school program for which credit is granted. This ~~chapter~~

definition applies equally to "required" or "elective" curricular programs.

B. C. Cocurricular. "Cocurricular" means those portions of the school sponsored and directed activities designed to provide opportunities for pupils to participate in such experiences on an individual basis or in groups, at school and at public events, for improvement of skills. "Cocurricular activities" have one or more of the following characteristics:

1. are for credit or required for graduation;

2. are conducted at regular and uniform times during school hours, or if at times other than school hours, are established by school authorities;

3. are directed or supervised by instructional staff in a learning environment similar to that found in courses offered for credit;

4. are primarily or totally funded by public monies for general instructional purposes under direction and control of the local board of education. Any deficits resulting from these activities are always subsidized by general school funds.

C. D. Noncurricular. "Noncurricular" activities means those activities that include all direct and personal services for public school pupils for their enjoyment that are managed and generally operated under the guidance of an adult or staff member. Noncurricular activities have all of the following characteristics:

1. are not for credit or required for graduation;

2. are conducted for the most part during other than school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities;

3. the content of the activities is determined primarily by the interests of the student participants and their parents with only the guidance of the staff member or other adult;

4. with the possible exception of direct costs of any salaries and indirect costs of the use of school facilities, the activity is self-sustaining as all other expenses are met by dues, admissions or other pupil fund raising events.

~~D.~~ E. Extracurricular. "Extracurricular" has the same meaning as "noncurricular."

~~E.~~ F. Supplementary. "Supplementary" has the same meaning as "noncurricular."

~~F.~~ G. Regular school day. "Regular school day" means that which is defined in ~~EDU~~ 44 5 MCAR S 1.00301 for middle and secondary pupils and in EDU 21 for elementary pupils.

5 MCAR S 1.00201 Elementary school curriculum.

A. Common branches. The following common branches of learning, or subjects, shall be included in grades K-6 or K-8 in the elementary curriculum:

- Art
- Health and safety
- Language arts, including
  - Media center skills
  - Listening
  - Oral communication
  - Reading and children's literature
  - Written communication, handwriting and spelling
- Mathematics
- Music
- Physical education
- Science and environmental education
- Social studies

B. Method of instruction. The common branches may be taught separately, paired, or clustered for instructional purposes.

C. Balanced time. Time allocations for each of the common branches must be balanced to provide a breadth of knowledge.

D. Physical education time requirements. Physical education in elementary schools shall be scheduled as follows: grades one and two, one 10-minute period and one 25-minute period daily; grades three through eight, one 30-minute period daily.

EDU 21 ~~Class schedules~~ Elementary school day and organization.

A. Length of school day. In ~~the~~ an elementary school, the ~~length of the instructional school day which shall be maintained~~

~~throughout the school year, exclusive of the noon intermission~~ minimum number of instructional hours per day, not including noon intermission, shall be as follows:

	~~Not less than~~
Kindergarten	2-1/2 hours
Grades 1, 2, and 3	5 hours
Grades 4 through 6 8 ~~(in schools maintaining six-year~~ elementary schools~~)~~	5-1/2 hours
~~Grades 4 through 8 (in schools maintaining eight-year elementary schools) .~~	~~5-1/2 hours~~

B. [See repealer.]

~~C.~~ B. Kindergarten may be scheduled ~~only as a separate unit, never~~ separately or in combination with ~~a first~~ another grade. A licensed kindergarten teacher shall be assigned to teach kindergarten students whether the kindergarten is separate or combined with another grade.

EDU 23 Elementary school staff.

A. Principal.

1. Every ~~graded~~ elementary school shall be ~~in~~ under the immediate charge of a ~~certificated~~ licensed principal.

2. In each school building or combination of school buildings in a district with an enrollment of 200 but less than 400 elementary pupils in grades 1-6, 1-8, K-6, or K-8, the principal must devote not less than one-half time to administration and supervision. Provision must be made for clerical assistance as necessary.

~~2.~~ 3. In each school building ~~enrolling~~ with an enrollment of 400 or more elementary pupils in grades 1-6, ~~or~~ 1-8, ~~or~~ K-6 , or K-8, and in any combination of school buildings ~~within~~ in a district with a total enrollment of 400 or more but less than 900 elementary pupils, the district shall provide a full-time non-teaching ~~certificated~~ licensed principal ~~shall be provided~~ and clerical assistance as necessary.

~~3.~~ 4. In each school building and in any combination of school buildings ~~within~~ in a district ~~enrolling~~ with an enrollment of 900 or more elementary pupils in grades 1-6, ~~or~~

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1-8, ~~or~~ K-6 , or K-8, the district shall provide a full-time non-teaching ~~certificated~~ licensed principal, ~~shall be provided~~ and ~~the~~ additional professional and secretarial staff as necessary.

4.-5. [See repealer.]

B. ~~Teacher-pupil load.~~ Pupil-teacher ratio. The pupil-teacher ratio shall not exceed 30 to 1 in any class in grades K-6 or K-8. The superintendent shall make a written report to the State Board of Education indicating the circumstances making an exception to this ratio necessary.

1.-2. [See repealer.]

5 MCAR S 1.00301 General provisions for middle and secondary school.

A. Length of school day. In all middle and secondary schools the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours.

B. Required and elective subjects. Each of the required subject hours set forth in EDU 40, 5 MCAR SS 1.0036, 1.00401, and 1.00402 must equal 60 minutes of instruction. The remaining number of hours in a school year may be used to provide required or elective subjects.

~~EDU 32~~ 5 MCAR S 1.0036 Middle school ~~program of studies~~ curriculum.

A.-C. [See repealer.]

~~D.~~ A. Common branches and hours. The following common branches of learning, or subjects, shall be required for the hours specified in a middle school ~~program organization.~~:

Subjects	Minimum ~~clock~~ hours			
	Grades 6-8	Grades 6-9	Grades 5-8	Grades 5-9
Art	120	120	150	150
Communication skills	480	600	760	880
Health	90	90	120	120
Home economics or Industrial education	120	160	120	160
Mathematics	360	480	480	600

Music	120	120	150	150
Physical education	240	320	320	400
Science	360	480	480	600
Social studies	360	480	480	600
~~Sub-Total~~	~~2250~~	~~2850~~	~~3060~~	~~3660~~
~~Open Elective~~	~~900~~	~~1350~~	~~1140~~	~~1590~~
~~Total~~	~~3150~~	~~4200~~	~~4200~~	~~5250~~
	~~3 yr.~~	~~4 yr.~~	~~4 yr.~~	~~5 yr.~~

1. [See repealer.]

~~2.~~ B. Subjects required in grades. Communication skills, mathematics, physical education, science and social studies shall be ~~a constant requirement~~ required each year ~~of the middle school~~. Physical education shall be scheduled throughout the academic year for grades 7, 8, and 9.

~~3. In grades five and/or six of the middle school,~~ Art, music, and health shall ~~also~~ be ~~a constant requirement each year~~ required in grades 5 and 6.

~~EDU 31~~ 5 MCAR S 1.0037 Middle school staff.

A. Principal.

~~1.~~ Every middle school shall be ~~in~~ under the immediate charge of a ~~certificated~~ licensed principal.

~~2. Every person employed as~~ A middle school principal ~~is to~~ must hold either a valid elementary or secondary school principal's ~~certificate or a valid secondary school principal's certificate~~ license.

~~3.~~ A middle school principal shall be assigned full time responsibility to the middle school.

B. Teacher.

~~1. Every~~ A middle school teacher shall hold a valid ~~certification to perform the particular service for which he or she is employed~~ license appropriate for the subject or area taught.

EDU 40 ~~Program of studies~~ Curriculum for junior secondary schools.

A. ~~Curriculum, general requirements~~ Common branches and hours.

1.-2. [See repealer.]

~~3. Constants. The specific program of constants to be maintained for all pupils in any type of secondary school shall be as follows:~~

~~a. Junior secondary period. The minimum total pupil load for~~ The ~~three~~ year period of following common branches of learning, or subjects, shall be required for the hours specified in a secondary school composed of grades ~~seventh, eighth, and ninth, shall be 3,150 clock hours consisting of required and elective subjects. Of this minimum total, there shall be 1,950 required (constant) clock hours and 1,200 elective clock hours. Elective clock hours shall be utilized to provide additional time for required and/or elective subjects.~~ 7, 8, and 9:

~~Subject area~~	Subjects	~~Clock~~ Minimum Hours	~~Elective clock hours~~
	Art	90	~~Plus 1,200~~
	Communication skills	360	~~additional~~
	Health	60	~~or elective~~
	Home economics or		~~clock hours~~
	Industrial education	150	
	Mathematics	360	
	Music	90	
	Physical education	240	
	Science	240	
	Social studies	360	
	~~Required (constant) clock hours~~	~~1,950~~	
	~~Elective clock hours~~	~~1,200~~	
	~~Total clock hours~~	~~3,150~~	

B. Scheduling. Period length and grade placement of ~~the above~~ required ~~(constant)~~ and elective ~~clock~~ hours ~~shall be left to~~ are at the discretion of the ~~local~~ school board. However, each pupil must take at least 80 hours of physical education each year. Physical education must be scheduled throughout the academic year.

b. [See repealer.]

4.-5. [See repealer.]

B.-G. [See repealer.]

5 MCAR S 1.00401 Curriculum for three-year senior secondary schools.

A. Common branches and hours. The following common branches of learning, or subjects, and credits shall be required in a secondary school composed of grades 10, 11, and 12:

Subjects	Minimum Hours	Credit
Communication skills	360	3
Health	60	1/2
Physical education in grade 10	60	1/2
Social studies	240	2

B. Social Studies. Social studies must consist of 120 hours or one credit of studies of America, which includes American history, and 120 hours or one credit of contemporary world problems.

5 MCAR S 1.00402 Curriculum for four-year senior secondary schools.

A. Common branches and hours. The following common branches of learning, or subjects, and credits shall be required in a secondary school composed of grades 9, 10, 11, and 12, in addition to any unmet requirements from EDU 40:

Subjects	Minimum Hours	Credit
Communication skills	480	4
Social studies	360	3
Mathematics	120	1
Science	120	1
Physical education in grades 9 and 10	120	1
Health	60	1/2

B. Social studies. Social studies must consist of 120 hours or one credit of studies of America, which includes American history, and 120 hours or one credit of contemporary world

problems. The remaining hours may be determined by the district.

EDU 42 Basis for secondary school credit.

A. Basic requirements.

1. Satisfactory completion of at least 120 hours shall be the basis for a credit course, or subject, in grades 9, 10, 11, and 12 in ~~all types of secondary~~ four-year secondary schools ~~shall be the satisfactory completion of a course on the secondary school level, covering a minimum of 120 clock hours~~ and in grades 10, 11, and 12 in three-year secondary schools. Length of periods and frequency of meeting ~~will~~ may be determined by the ~~local~~ district. A credit ~~units~~ may be divided into semester, trimester, or quarter units by offering courses covering 60, 40, or 30 ~~clock~~ hours respectively.

2. Credit may be given on a performance basis ~~to any student~~ for any ~~elective~~ course ~~upon successful completion of approved examinations~~ if a student sucessfully completes an examination approved by the district covering the content ordinarily included in the subject.

3. A district may accept the transfer of credit awarded by a postsecondary institution according to an agreement entered into under Minnesota Statutes, section 123.3511.

B. Summer school. Credit ~~to be allowed~~ toward graduation by secondary schools for ~~courses~~ subjects taken in summer school shall be ~~based~~ on the ~~following requirements:~~ same basis as a regular school program.

C. Private tutoring. Credit toward graduation for work ~~to be~~ completed through any form of private tutoring by a ~~certificated~~ licensed teacher may be granted by a secondary school.

D. Correpondence courses.

1. Correspondence courses, at district expense, may be offered for credit toward graduation by any secondary school only to provide:

~~(1) to provide~~ a. additional courses in secondary schools with limited course offerings~~,~~; or

~~(2) to provide~~ b. an opportunity for special secondary pupils~~, who because of individual handicaps cannot attend school~~

~~regularly,~~ to meet requirements for secondary school graduation when the pupil's handicap prevents the pupil from attending school regularly; or

c. an opportunity for secondary pupils who, due to unusual circumstances, are unable to be in attendance at school; or

d. an opportunity for secondary school drop-outs.

2. Correspondence courses to be offered shall be approved by the commissioner of education and by the ~~local school administration~~ district before pupils are enrolled. ~~Pupil taking such courses shall be under the supervision and guidance of a teacher assigned to such work.~~ A teacher licensed in the area of the correspondence course shall supervise and guide a pupil enrolled in a course.

3. [See repealer.]

EDU 43 Completion of secondary ~~course~~ school requirements.

A. Graduation ~~requirement~~ requirements.

~~1.~~ Each ~~pupil shall have completed~~ student must successfully complete 15 credits earned in ~~the 10th, 11th, and 12th years of the secondary school in required and elective courses~~ a three-year secondary school, or 20 credits earned in a four-year secondary school in order to graduate. These credits must be from the same subjects required in 5 MCAR SS 1.00401 and 1.00402 and elective subjects.

2.-3. [See repealer.]

B. Early graduation. Early graduation may be allowed for a student who accumulates the required number of credits for graduation before completing the usual years of secondary school. A student graduating after the normal graduation date cannot be claimed as an early graduate.

~~B.~~ C. ~~Secondary school certificates~~ Attendance certificate.

~~1.~~ A secondary school ~~certificates~~ attendance certificate, indicating ~~the~~ completion of the secondary school period may be given by a school board to ~~pupils~~ a student who ~~do~~ does not ~~have the ability to~~ meet all the requirements for graduation, ~~provided each pupil has~~.

a.-d. [See repealer.]

2. [See repealer.]

C. [See repealer.]

D. ~~Secondary school~~ Equivalency certificate.

1. A secondary school equivalency certificate may be issued by the State Board of Education to ~~residents~~ a resident of Minnesota 19 years of age or over who ~~need this credential~~ needs the certificate for advancement in an occupational field or for higher education~~, provided.~~ if both of the following are met:

a. ~~Each such~~ the person ~~shall make~~ makes written application on forms ~~specifically~~, prepared and provided ~~for this purpose, and~~ by the Department of Education, which are available on request from any of the approved General Educational Development Testing Centers, most secondary schools, or from the ~~state~~ Department of Education~~.~~; and

b. ~~Each such~~ the person ~~shall obtain satisfactory scores on the General Educational Development Tests as described below.~~

~~General educational development tests (high school level).~~ ~~To qualify for a certificate,~~ obtains a minimum standard score of 35 ~~must be obtained~~ on each of the five ~~tests in this battery~~ General Educational Development Tests and an average standard score of at least 45 on all five tests.

2. General Educational Development tests shall be administered only by official agencies established by the American Council on Education and approved by the commissioner of education.

~~2.~~ 3. The minimum age requirement may be waived ~~on the basis of~~ if supportive evidence of special need is provided by a recognized rehabilitative agency.

EDU 44 Exceptions to the length of school day.

~~In all classified secondary schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours.~~

Exceptions to ~~the~~ a six-hour school day required in all

OF STATUTES

secondary schools may be made as follows:

~~A.~~ 1. The State Board of Education may approve community-based programs for all or part of the school day~~.~~ Employment ~~rated~~ related, community-based programs in excess of one hour per day shall be supervised by the vocational-technical division. Nonemployment related, community-based programs in excess of one hour per day shall be supervised by the division of instruction.

~~B.~~ 2. The local board of education may adopt a policy ~~which allows secondary school principals to adjust~~ allowing adjustments in the length of the school day for individual students ~~provided that~~ if all of the following circumstances exist:

~~1.~~ a. The student is at least 16 years of age~~,~~ ~~and~~.

~~2.~~ b. The student attends supervised classes in usual school facilities for not less than five hours per day~~,~~ ~~and~~.

~~3.~~ c. The secondary school principal ~~must design~~ designs for each student ~~exempted from six hour requirement~~ a work-study option or other non-work experience of real educational value. ~~The secondary school principal shall ensure that the educational program is actually pursued.~~ A written record must be maintained indicating the type of work-study option or other educational experience to be pursued, the reason for the exemption, and the method of ensuring that the program is actually pursued~~,~~ ~~and~~.

~~4.~~ d. The student's parent ~~has approved~~ approves the option in writing.

EDU 45 Admission to secondary schools.

A. ~~Admission to secondary schools~~ Grades 7, 8, and 9.

~~1.~~ Admission to grades ~~seven~~ 7, ~~eight~~ 8, or ~~nine~~ 9 of any ~~classified~~ secondary school shall be limited to pupils who have satisfactorily completed the work of the preceding grade~~,~~ ~~or~~ and to ~~these~~~~,~~ ~~as~~ special pupils~~,~~ who, in the judgment of the ~~school authorities~~ district, may profit by such work.

~~2.~~ B. Secondary school. Admission as regular pupils to

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any specified year of ~~the senior~~ a three- or four-year secondary school ~~period (10-11-12) of any classified secondary school~~ shall be ~~based upon the following conditions:~~ those

~~a.~~ pupils, from ~~classified~~ public or nonpublic schools ~~, or schools with equivalent standards,~~ in ~~this state or~~ any ~~other~~ state, ~~shall~~ who submit admission records showing ~~the~~ successful completion of the preceding years' work ~~of the preceding years~~. If the records can not be submitted, admission shall be determined by an examination or other method approved by the district.

~~b.~~ [See repealer.]

EDU 46 Secondary school staff.

A. Licensed principal. Every ~~junior, senior, six-year, and four-year~~ secondary school shall be under the direction of a ~~properly certificated~~ licensed principal.

B. ~~All teachers~~ Licensed teacher. A secondary school teacher shall be assigned to teach subjects ~~or courses~~ and perform services only in areas ~~for~~ in which ~~they are~~ the teacher is properly ~~certificated~~ licensed.

C. Teaching ~~load~~ assignment.

~~1.~~ The maximum assignment ~~of subjects~~ for any secondary school teacher shall be five periods in a six-period day or six periods in a seven- or eight-period day.

~~2.~~ Each ~~secondary school~~ teacher shall have one period during the school day for preparation and conferences.

~~3.~~ D. Maximum number of pupils. The ~~total pupil load~~ maximum number of pupils per day for a secondary school teacher ~~shall not exceed~~ is 160 ~~pupils per day, exclusive of classes in physical education and applied music~~ except for teachers of performing music groups and physical education classes. ~~The total pupil load for a teacher in the various team teaching programs, or other such organization of teaching, shall not exceed an average of 160 pupils per day per week.~~ The maximum number of pupils for each teacher in a physical education class is 40.

D. [See repealer.]

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5 MCAR S 1.0760 Coverage.

A. ~~This chapter is applicable~~ Applicability. 5 MCAR SS 1.0760-1.07642 apply to all ~~Minnesota~~ school districts~~, however organized, including those formed pursuant to Minnesota Statutes, section 121.21, as well as to all governmental units formed by joint powers agreements entered into by such school districts pursuant to Minnesota Statutes, sections 120.17, 123.351, 471.59, or any other law, and all~~; educational cooperative service units; area vocational-technical institutes; elementary, secondary and vocational regional computer centers; cooperative centers for special education; cooperative centers for vocational education; and governmental units formed by joint powers agreements entered into by school districts. For purposes of ~~this chapter~~ 5 MCAR SS 1.0760-1.07642, all ~~covered~~ entities are referred to as "districts."

B.-C. [Unchanged.]

D. Recommendations for reporting methods. Where ~~details of and forms~~ methods for reporting to the department are specified, such ~~details and forms~~ methods shall be prescribed by the commissioner after recommendations have been made by the advisory council on uniform financial accounting and reporting standards.

E. Requirements named. The requirements adopted in ~~this chapter~~ 5 MCAR SS 1.0760-1.07642 shall be known as the uniform financial accounting and reporting standards for ~~Minnesota~~ school districts.

F.-G. [Unchanged.]

5 MCAR S 1.0761 Modified accrual accounting and other accounting requirements.

A. Recognition principles. Revenues and expenditures shall be recorded and recognized in accordance with generally accepted accounting principles. Generally accepted accounting principles provide for the accrual basis of accounting and the modified accrual basis of accounting as appropriate for the particular fund. The cash basis of accounting is not acceptable for

AS PUBLISHED IN THE REVISOR OF STATUTES OFFICE

district budgeting, accounting, and reporting. Specific standards for revenue recognition are contained in Minnesota Statutes, section 121.904. Specific standards for expenditure recognition are contained in Minnesota Statutes, section 121.905.

B. Reporting categories. Budgeting, accounting, and reporting systems shall be designed to provide financial data, where applicable, according to the terms and categories used in ~~the~~ Minnesota Statutes with particular attention to categorical programs funded by the state.

C. Accounting structure. Development of programmatic data for district internal reporting and management purposes, and for reporting to the public and the department, requires the use of multidimensional systems of classification of transactions. ~~Installation of such multi-dimensional systems shall be implemented as of July 1, 1980, as specified in Minnesota Statutes, section 121.92.~~

~~D. Participation in a computer-based financial management, accounting, and reporting system is required as of July 1, 1980, as specified in Minnesota Statutes, section 121.92. Any stipulated form of participation in this computer-based system shall be appealable to the commissioner.~~ School district accounting principles. The "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the state of Minnesota, Department of Education, shall contain the standards for budgeting, accounting, and reporting. Amendments to the principles contained in this manual shall be approved by the State Board of Education.

E. Student activities accounting principles. The "Manual of Instructions for Uniform Student Activities Accounting for Minnesota School Districts," issued by the State of Minnesota, Department of Education, shall contain the accounting and reporting standards for extracurricular student activities. Amendments to the generally accepted accounting principles contained in this manual shall be approved by the State Board of Education.

5 MCAR S 1.0762 Fund accounting.

A. Definition. [Unchanged.]

B. Funds maintained. The following funds shall be maintained:

General fund;

Food service fund;

Pupil transportation fund;

Community services fund;

Capital expenditures fund;

Building construction fund;

Debt redemption fund;

Trust and agency fund;

Enterprise fund.

C. Operating and nonoperating funds. The general fund, ~~the~~ food service fund, ~~the~~ pupil transportation fund, ~~and the~~ community services fund, and enterprise fund shall collectively be known as the operating funds. The other funds collectively shall be known as the nonoperating funds.

D. Enterprise fund requirement. The enterprise fund shall be maintained by elementary, secondary, and vocational regional computer centers.

D. [See relettering instruction.]

~~E.~~ F. Fund accounting. Revenues, and expenditures, ~~and encumbrances~~ shall be recorded in the appropriate funds ~~as designated by law, this chapter, or generally accepted accounting principles~~.

~~F.~~ G. Fund transfers. General fund assets may be used for any general or special operating purpose of a ~~school~~ district and may be transferred permanently by ~~local governing~~ school board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

The portion of the general fund unappropriated fund balance permanently transferred to eliminate a negative building construction fund unappropriated fund balance must be reduced by

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~~1.~~ the capital expenditure fund year-end unappropriated fund balance~~, plus~~

~~2. The difference between the capital expenditure levy limitation and the certified capital expenditure levy for the three previous years~~.

~~C.~~ H. Special fund uses and transfer limitations. All funds other than the general fund are special purpose funds in which expenditures may only be made for the special purposes of the fund.

Transfers of monies from special purpose funds to other funds are not permitted unless ~~herein provided.~~ authorized by law.

~~1.~~ Transfers may be made from any fund to another fund to pay for expenditures legitimately chargeable to one fund but expended from another. Such items are most appropriately accounted for on a current basis, as interfund transactions, increasing the expenditures of one fund and reducing those of another.

~~2.~~ Transfers may be made from the capital expenditure fund to pay for expenditures from other funds for capital expenditure purposes ~~as defined in S 1.0763 C~~.

5 MCAR S 1.07631 Revenue and expenditure classification principles.

A. Definition of system. Revenue and expenditure budgeting, accounting, and reporting is based on individual accounts. An account, in the multidimensional system, requires the use of six dimensions each of which has a distinct meaning. The revenue dimensions are fund, organization, program, finance, source, and course. The expenditure dimensions are fund, organization, program, finance, object, and course. The mutually exclusive dimensions and account components are defined in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education on July 1, 1981. All revenue and expenditure accounts shall specify classification detail to permit grouping in the respective revenue and expenditure categories and to

AS AMENDED IN THE MINNESOTA STATUTES CHAPTER 5

permit required state and federal reporting.

B. Netting principles. Netting revenues and expenditures is not permissible except as allowed under generally accepted accounting principles.

C. Account distribution. District accounting practice must include requirements for appropriate expenditure account distribution, according to generally accepted accounting principles.

D. Account structure for indirect costs. Appropriate account codes shall be used to identify indirect cost factors, as required for federal programs.

E. Capital expenditures classification. Maintenance and capital improvements expenditures shall be distinguished, in accordance with generally accepted accounting principles. Capital expenditures are those which extend the life of an asset, increase its value, or change its use or character.

F. Supply classification. Supplies and equipment shall be distinguished in accordance with generally accepted accounting principles and item definitions. Supplies are those items which have a nominal value and are expendable or are consumed in use. Equipment items are tangible units of nonexpendable character, are not consumed in use, have an extended useful life, and are of material value.

5 MCAR S 1.07641 Unaudited and audited financial reports, statements, budgets.

A. Unaudited financial reporting. The unaudited financial report is to be submitted to the commissioner by the district through an elementary, secondary, and vocational regional computer center. This report shall contain total fiscal year amounts by fund for assets, liabilities, fund balances, revenues, and expenditures as well as the general fixed asset and general long-term debt groups of accounts. The account structure and account definitions for these accounts are contained in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education, September, 1977. Material

audit adjustments of the unaudited financial reports shall be submitted to the commissioner by the district through an elementary, secondary, and vocational regional computer center.

B. Audited financial statements. An audit is an examination of the various financial statements of the funds and account groups of a district by the State Auditor or an independent certified public accountant. This examination shall be performed in accordance with generally accepted auditing standards as set forth in "AICPA Professional Standards," issued by the American Institute of Certified Public Accountants (New York, New York, 1974). It shall also meet the audit requirements contained in the Office of Management and Budget Circular A-102 Revised and published in the Federal Register, volume 42, pages 45828 to 45891 (1977).

C. Audited financial statement format. Audited financial statements are those financial statements which have been examined pursuant to an audit. The format of these statements shall comply with the standards in "Governmental Accounting, Auditing, and Financial Reporting," issued by the Municipal Finance Officers Association of the United States and Canada (Chicago, Illinois, 1980). If a district levies to retire its statutory operating debt, the district shall footnote its audited financial statement. An historical analysis of the statutory operating debt shall be provided in the audited financial report.

D. Budget requirement. By August 15 each year, a revenue and expenditure budget for that fiscal year shall be submitted to the commissioner through an elementary, secondary, and vocational regional computer center. Revenue and expenditure budget amounts are required by fund and in sufficient detail to permit comparison with actual revenue and expenditure amounts reported at the end of the fiscal period. Subsequent revisions to the budget which are of a material amount shall also be submitted to the commissioner through the elementary, secondary, and vocational regional computer center.

5 MCAR S 1.07642 Fixed assets. For the fiscal year ending June

30, 1984 and each year thereafter, each area vocational-technical institute shall report its fixed assets by item and categories as defined in accordance with the uniform property accounting and reporting standards in 5 MCAR SS 1.0760-1.07642 adopted by the State Board of Education. Fixed asset accounting principles and definitions shall be contained in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education on June 7, 1982.

5 MCAR S 1.0800 Grant application and review procedures.

A. Who may apply. Regional library systems designated as eligible under provisions of ~~Laws of 1978, ch. 546, section 5~~ Minnesota Statutes, section 134.34, subdivision 3, may apply for establishment grants as specified in 5 MCAR S 1.0801 and for regional library basic system support grants as specified in 5 MCAR S 1.0802 and for special project grants as specified in 5 MCAR S 1.0803. County and city public libraries which are participating in the aforementioned regional library systems may also apply for special project grants as specified in 5 MCAR S 1.0803. The Minnesota Department of Corrections and the Minnesota Department of Welfare may apply for grants for institution library service and for library service for the blind and physically handicapped as specified in 5 MCAR S 1.0804. Multi-county multi-type library systems designated by the State Board of Education as eligible under provisions of Minnesota Statutes, section 134.351, subdivision 1, ~~(Supp. 1979)~~ may apply for development grants as specified in 5 MCAR S 1.0805 and for operating grants as specified in 5 MCAR S 1.0806.

B. [Unchanged.]

C. Application dates. All grant applications shall be filed on or before July 1 to be considered for funding during the succeeding state fiscal year provided that applications for establishment grants shall be filed by regional library systems on or before July 1 or on or before January 1, to be considered for funding for the succeeding twelve-month period. Applications for special project grants and for multi-county

multi-type library cooperation development grants shall be filed on a date established ~~annually~~ by the State Board of Education and published in the newsletter of OPLIC not less than 90 days before such date. ~~During Fiscal Year 1981 only, applications for multi-county multi-type library cooperation operating grants shall be filed on or before April 1, 1981.~~

D.-H. [Unchanged.]

I. Proposed amendments. If after a project or program has been funded, the grant recipient determines that modifications are necessary, the grant recipient shall file an amendment to the grant application. Budget modifications resulting in transfer from one budget category to one or more other budget categories of less than 20 percent of the ~~total grant amount~~ budget need not be filed as amendments. The grant amendment shall not change the purpose for which the grant was awarded. It shall, however, address at least one of the following:

1.-2. [Unchanged.]

3. modification of the budget of the project or program, within limits of the amount of the grant and amounting to more than 20 percent of the ~~total grant amount~~ budget, judged by the recipient to be necessary to most economically and practically achieve project objectives.

All amendments shall be filed in writing with the information the recipient determines is necessary to accurately and completely explain the need for the amendment.

J. Approval of amendments. The director of the Office of Public Libraries and Interlibrary Cooperation shall review all amendments and shall use the following standards in determining whether an amendment is approved:

1.-4. [Unchanged.]

Approval or disapproval of all amendments shall be communicated to a grant recipient within ten working days following OPLIC's receipt of the proposed amendment.

5 MCAR S 1.0801 Establishment grants.

A. Application. Regional library systems may apply for establishment grants to extend library service to additional

counties ~~as authorized in Laws of 1978, ch. 546 Section 3 subd. 2~~. Applicants shall submit the following information:

1.-3. [Unchanged.]

4. a copy of the resolution adopted by the county board of commissioners in which they agree to provide minimum levels of local support ~~as required by Laws of 1978, ch. 546, Section 4~~;

5.-6. [Unchanged.]

B.-C. [Unchanged.]

5 MCAR S 1.0802 Regional library basic system support grants.

A. Application. Regional library systems may apply for regional library basic system support grants ~~authorized in Laws of 1978, ch. 546, Section 3, subd. 3~~. Applicants shall submit the following information:

1.-5. [Unchanged.]

6. ~~for purposes of determining compliance with Laws of 1978, ch. 546, Section 5,~~ provision for each participating governmental unit of the following financial information:

a. the amount provided by the governmental unit for operating purposes of public library service during the preceding fiscal year;

b. the amount provided by the governmental unit for operating purposes of public library service during the current fiscal year.

7. [Unchanged.]

B. Criteria for eligibility. Regional library systems shall be designated as eligible by the State Board of Education provided they meet the criteria in ~~Laws of 1978, ch. 546, section 5~~ Minnesota Statutes, section 134.34, and the following:

1.-2. [Unchanged.]

C. Calculation of grant amounts. Regional library basic system support grants shall be calculated as specified in ~~Laws of 1978, ch. 546, section 6 or in subsequent law~~ Minnesota Statutes, section 134.35. The most recent United States census shall be used in calculation of all per capita and land area amounts, reduced by the population and land area of any nonparticipating governmental units.

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D. Audit. Regional library systems which receive regional library basic system support grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the regional library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minnesota Statutes, sections 6.64-6.71 ~~(1976)~~.

5 MCAR S 1.0803 Special project grants.

A. Application. Regional library systems and county and city public libraries which are participating in regional library systems may apply for special project grants as authorized by ~~Laws of 1978, ch. 546, section 3~~ Minnesota Statutes, section 134.32, subdivision 4.

B.-F. [Unchanged.]

5 MCAR S 1.0804 Grants for institution library service and for library service for the blind and physically handicapped.

A. Application. The Minnesota Department of Corrections and the Minnesota Department of Welfare may apply annually for grants to improve library services for institutionalized persons and for the blind and physically handicapped as authorized by ~~Laws of 1978, ch. 546, section 3~~ Minnesota Statutes, section 134.32, subdivision 6, and by the Library Services and Construction Act, 20 USC 351 et seq. (1970). Applicants shall submit the following information:

1.-7. [Unchanged.]

B.-D. [Unchanged.]

5 MCAR S 1.0805 Multicounty multitype library cooperation development grants.

A.-E. [Unchanged.]

F. Audit. Multicounty multitype library systems which receive grants shall annually submit to (OPLIC) an audit of receipts and disbursements within 180 days after the end of the multicounty multitype library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office,

by a certified public accountant or by a public accountant as defined in and in accordance with Minnesota Statutes, sections 6.64-6.71 ~~(1978)~~.

Relettering and renumbering. Reletter 5 MCAR S 1.0762 D. as E.

Renumber EDU 420-425 as 5 MCAR SS 1.00051-1.00056.

Repealer: Rules EDU 1, 2, 3, 4 E., 4 F., 5 D., 6 A.1., 9, 20, 21 B., 22, 23 A.4., 23 A.5., 23 B.1., 23 B.2., 30, 32 A., 32 B., 32 C., 32 D.1., 40 A.1., 40 A.2., 40 A.3.b., 40 A.4., 40 A.4.a., 40 A.4.b., 40 A.4.c., 40 A.4.c.(1), 40 A.4.c.(2), 40 A.4.c.(3), 40 A.5., 40 B., 40 C., 40 D., 40 E., 40 F., 40 G., 41, 42 B.1., 42 B.2., 42 B.3., 42 D.3., 42 D.3.a., 42 D.3.b.(1), 42 D.3.b.(2), 42 D.3.c., 42 D.3.d., 42 D.3.d.(1), 43 A.2., 43 A.2.a., 43 A.2.b., 43 A.2.c., 43 A.2.d., 43 A.3., 43 B.1.a., 43 B.1.b., 43 B.1.c., 43 B.1.d., 43 B.2., 43 C., 43 C.1., 43 C.2., 43 C.2.a., 43 C.2.b., 43 C.2.c., 45 A.2.b., 46 D., 140 A., 140 B., 141, 142, 160, 161, 162, 327, 561, 700, 702, 703, 704, 705, 706, 5 MCAR SS 1.0761 D., 1.0762 G.3. and G.4., 1.0763, 1.0764, 1.0766, 1.0767, 1.0768, and 1.0769 of the State Board of Education are repealed.

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

Agency: State Board of Education RD233

Division: Executive - Instruction, Special Services, School Management Services, Vocational-Technical

Agency Contact: Lois Steinhaus

Rule Numbers: EDU 4, 5, 6, 7, 21, 23, 40, 42, 43, 44, 45, 46
5 MCAR SS 1.00051-1.00056, 1.0010, 1.0011, 1.00201, 1.00301, 1.0036, 1.0037, 1.00401, 1.00402, 1.0760, 1.0761, 1.0762, 1.07631, 1.07641, 1.07642, 1.0800, 1.0801, 1.0802, 1.0803, 1.0804, 1.0805

Title: Proposed Amendments to Rules Governing General Requirements for Elementary and Secondary Schools and Pupils, Uniform Financial Accounting Reporting Requirements, and Regional Library Systems

Type of Rules: Permanent

Incorporations by Reference:

Rule Number:	Material Incorporated:
5 MCAR SS 1.0761 D., 1.07631 A., 1.07641 A., 1.07642	Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools
5 MCAR S 1.0761 E.	Manual of Instructions for Uniform Student Activities Accounting for Minnesota School Districts
5 MCAR S 1.07641 B.	AICPA Professional Standards - Office of Management and Budget Circular A-102 Revised
5 MCAR S 1.07641 C.	Governmental Accounting, Auditing, and Financial Reporting

Duplication of Statutory Language:

Rule Number:	Statutory Section Duplicated:
EDU 42 A.3.	Minnesota Statutes, section 123.3512

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Elizabeth V. Rice
Assistant Revisor

Phone: 296-2798

Date: September 21, 1982

State Board of Education
Department of Education

In the Matter of the Proposed Adoption of Rules of the State Board of Education Governing Amendments to the following rules: Chapter One--EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A--EDU 30, EDU 31, EDU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen--EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Twenty-Nine--EDU 561; Chapter Thirty-Five--EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1.0761, § 1.0762, § 1.0763, § 1.0764, § 1.0766, § 1.0767, § 1.0768, and § 1.0769; Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805.

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. 4h on October 12, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Amendments to the following rules: Chapter One--EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A--EDU 30, EDU 31, EDU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen--EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Twenty-Nine--EDU 561; Chapter Thirty-Five--EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1.0761, § 1.0762, § 1.0763, § 1.0764, § 1.0766, § 1.0767, § 1.0768, and § 1.0769; Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805 are adopted this 18th day of January, 1983, pursuant to authority vested in the Board by Minnesota Statutes Sections 125.185, subd. 4 and 121.11, subd. 12.

STATE OF MINNESOTA

John J. Feda, Secretary

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-1486, and in person at the above address.

All statements of information and comment must be received by July 21, 1982. Any written material received by the department shall become part of the hearing record.

June 11, 1982

Mark W. Seetin
Commissioner

Rollin M. Dennistoun
Deputy Commissioner

Department of Agriculture
Grain Inspection Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendments to Rules Governing the Licensing of Local Grain Warehouses and Warehouses Other Than Grain or Cold Storage (Chapters Nine and Ten: PSC 240-269)

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to promulgate amendments to the rules governing the licensing of local grain warehouses and warehouses other than grain or cold storage. The promulgation of these amendments is authorized by Laws of 1979, chap. 332, art. I, §§ 67-78, which requires the agency to exercise general supervision over the grain interests of the state and of the buying, selling, handling and storing grain, and of the management of public warehouses and public grain markets; and by Laws of 1982, chap. 508, §§ 3 and 5, which requires the department to promulgate rules establishing the penal sum for grain warehouse operator's bonds, and allows the department to authorize audits of grain warehouses to be conducted by qualified nongovernmental units.

The department 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 of information and comment may be addressed to:

Gerald Heil
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-1486, and in person at the above address.

All statements of information and comment must be received by July 21, 1982. Any written material received by the department shall become part of the hearing record.

June 11, 1982

Mark W. Seetin
Commissioner
Rollin M. Dennistoun
Deputy Commissioner
Minnesota Department of Agriculture

State Board of Education
Department of Education
Executive Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Education

Notice is hereby given that the State Department of Education is seeking information or opinions from sources outside the agency in preparing to recommend the repeal of State Board of Education rules which are obsolete and amendments to those

which are unclear. In addition, the department is seeking information or opinions from sources outside the agency in preparing to recommend the repeal of State Board of Education rules which have become unnecessarily costly or burdensome to school districts. The promulgation of these rules is authorized by Minnesota Statutes § 121.11, subd. 12, which permits the board to adopt rules.

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:

Dr. E. Raymond Peterson, Associate Commissioner
Department of Education
713 Capitol Square Building—550 Cedar
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-2414 and in person at the above address.

All statements of information and comment shall be accepted until August 15, 1982. Any written material received by the State Department of Education shall become part of the record in the event that the rules are promulgated.

June 8, 1982

Department of Public Safety
Driver & Vehicle Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Appointment of Deputy Registrars and Regulation of Deputy Registrar Facilities

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing deputy registrars. The rules must cover such subjects as volume and location criteria for establishing a new deputy registrar facility, requirements for layout and security of deputy registrar facilities, and general rules of operation for deputy registrars.

The promulgation of these rules is authorized by Minnesota Statutes § 168.33, which authorizes the Commissioner of Public Safety to appoint deputy registrars and for cause discontinue such appointments.

The State Department of Public Safety 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:

Marlene Swanson
Room 161 Transportation Bldg.
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at 296-2001 and in person at the above address.

All statements of information and comment shall be accepted until July 5, 1982. Any written material received by the State Department of Public Safety shall become part of the record in the event that the rules are promulgated.

John P. Sopsic
Commissioner of Public Safety

Department of Transportation
Program Management Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Standards for Special Transportation Service

Notice is hereby given that the Department of Transportation is seeking information or opinions from sources outside the agency in preparing to amend or promulgate new rules governing Operating Standards for Special Transportation Services. The

Trial court properly refused to order prosecutor to disclose identity of informant.

Although trial court erred in admitting contents of unavailable informant's tip, which named defendant as one of two men planning to commit a robbery, the error was nonprejudicial.

Trial court properly made defendant's sentence consecutive rather than concurrent.

Affirmed. Kelley, J.

81-628 In the Matter of the Petition for Disciplinary Action Against Ronald J. Johnson, a Minnesota Lawyer. Supreme Court. Per Curiam.

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
Department of Education
School Financial Management Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Financial Accounting and Reporting

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 financial accounting and reporting. The promulgation of these rules is authorized by *Minn. Stat.* § 121.902, Subd. 2, which requires the agency to maintain these rules.

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:

Stan Tikkanen
807 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3384 and in person at the above address.

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

Department of Health
Health Systems Division

Criteria for Waivers of Certificate of Need Review Pursuant to *Laws of Minnesota* 1982, chapter 614, section 6

Notice is hereby given that the Minnesota Commissioner of Health has adopted the above-entitled criteria effective on the date of this publication. The procedure for adopting the criteria is prescribed in *Laws of Minnesota* 1982, chapter 614, section 6.

I. Public Comments on Criteria is Proposed

On May 31, 1982 proposed criteria for waivers of Certificate of Need review related to the previously referenced law were

Department of Education School Management Services Division

Notice of Intent to Solicit Outside Opinion Regarding Financial Accounting Reporting Requirements Rules Change

The Department of Education is proposing revisions in financial accounting reporting requirements, 5 MCAR § 1.0768, in an effort to simplify the accounting and reporting treatment of mobile home taxes. Minn. Stat. § 121.902, subd. 2 requires the State Board of Education to meet the requirements of Ch. 15 in the initial adoption and maintenance of these standards.

The Department invites interested persons or groups to provide information, comment and advice on the subject, in writing or orally to Mr. Stan Tikkanen, Education Specialist, School Financial Management, 807 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

Written statements will be made part of the public hearing record.

All material to be considered in the original draft should be submitted by June 29, 1979.

Department of Education Special and Compensatory Education Division

Notice of Public Hearing on Minnesota's State Plan for Meeting the Requirements of the Education of All Handicapped Children Act, Title VI — Part B (Public Law 94-142)

A public hearing will be held on Minnesota's 1980 State Plan for meeting the requirements of Public Law 94-142, the Education of All Handicapped Children Act. The Act requires the publishing of a State Plan and an opportunity for the public to comment on it. Public testimony will be taken on June 20, 1979, between 9:00 a.m. and 3:00 p.m. in the auditorium of the St. Paul Public School's Administration Building, 360 Colborne Street, St. Paul, Minnesota. The hearing will be conducted by Jo Gascoigne, Assistant Director of Special Education for Federal Programs, Minnesota State Department of Education.

Written comment may be submitted on or before June 30, 1979, to Dr. Will Antell, Assistant Commissioner of Education, Division of Special and Compensatory Education, Minnesota State Department of Education, 802 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Copies of the State Plan will be available on June 1, 1979, by written request or telephone through Dr. Antell's office (612) 296-7020, or through the office of a Special Education Regional Consultant located in Thief River Falls, Hibbing, Fergus Falls, Cambridge, Marshall, Faribault, Inver Grove Heights or St. Louis Park.

The purpose of the State Plan is to verify to the United States Office of Education, that Minnesota is in substantial compliance with Part B of the Act and is eligible to receive federal funds. Approximately $16 million in federal funds will be made available to Minnesota in fiscal year 1980 for carrying out the intent of the Act, re.. the development of educational programs for handicapped children. The Plan includes: Rights of parents and children, policies, procedures, monitoring, evaluation, confidentiality, personnel development and use of the federal funds.

Following public comment, the State Plan will be presented to the State Board of Education at its July 9, 1979, meeting. Subsequent to State Board approval the Plan will be signed by the Minnesota Commissioner of Education and then submitted to the United States Office of Education for its approval.

Department of Health Emergency Medical Services Section

Notice of Filing of Application for Licensure by Mid-Continent Airlines, Inc., for Emergency Air Ambulance Service in Anoka, MN

On April 25, 1979, Mid-Continent Airlines, Inc. filed application with George R. Pettersen, Commissioner of Health, for a license to operate an emergency air ambulance service with a base of operation in Anoka, Minnesota. The notice is made pursuant to Minn. Stat. § 144.802 (1977 Supp.). Please be advised that subd. 2 of that statute states,

State Board of Education
Department of Education
Executive Division

In the Matter of the Proposed Amendments to or repeal of Rules of the State Board of Education Governing Chapter One--EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A--EDU 30, EDU 31, EDU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen--EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Thirty-Five--EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1.0761, § 1.0762, § 1.0763, § 1.0764, § 1.0766, § 1.0767, § 1.0768, § 1.0769; Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805.

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Education proposes to revise 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 proposed changes to the rules cited above would remove obsolete or redundant provisions

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 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:

Dr. E. Raymond Peterson
Associate Commissioner
Department of Education
713 Capital Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-2414

Authority for the adoption of these rules is contained in Minn. Stat. § 121.11, subd 12. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. E. Raymond Peterson 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 Dr. E. Raymond Peterson.

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 Dr. E. Raymond Peterson.

State of Minnesota
State Board of Education

September 14, 1982

John J. Feda
John J. Feda
Secretary by Gerald Kleve
Deputy

State of Minnesota
Department of Education

State Board of Education

In the Matter of the Proposed Adoption of Amendments to Rules of the State Board of Education the following rules: Chapter One--EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A--EDU 30, EDU 31, EDU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen--EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Thirty-Five--EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1.0761, § 1.0762, § 1.0763, § 1.0764, § 1.0766, § 1.0767, § 1.0768, § 1.0769; Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 14th day of September, 1982, that Notice of Intent to Adopt Amendments to 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 for that purpose and be published in the State Register.

STATE OF MINNESOTA
State Board of Education

John J. Feda

John J. Feda, Secretary
By Gerald L. Klove
Deputy Commissioner of Education

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, John J. Feda, do hereby certify that I am secretary of the Board of Education, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education, duly and properly called and held on the 14th day 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 Board of 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 amendments to or repeal of the following rules: Chapter One--EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A--EDU 30, EDU 31, EDU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen--EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Thirty-Five--EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1.0761, § 1.0762, § 1.0763, § 1.0764, § 1.0766, § 1.0767, § 1.0768, and § 1.0769; Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805, 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 designee hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rule 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 14th day of September, 1982.

John J. Feda by Gerald Kleve Deputy
John J. Feda, Secretary
State Board of Education

Member, State Board of Education

State of Minnesota
Department of Education

State Board of Education
Executive Division

IN THE MATTER OF: The Proposed Adoption of Amendments to Rules of the State Board of Education Governing General Requirements for Elementary and Secondary Schools and Pupils, Uniform Financial Accounting Reporting Requirements, and Regional Library Systems 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

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

State of Minnesota
Department of Education

State Board of Education
Executive Division

IN THE MATTER OF: The Proposed Adoption of Amendments to Rules of the State Board of Education Governing General Requirements for Elementary and Secondary Schools and Pupils, Uniform Financial Accounting Reporting Requirements, and Regional Library Systems 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. Feda
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
Executive Division

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The Proposed Adoption of Amendments to Rules of the State Board of Education Governing General Requirements for Elementary and Secondary Schools and Pupils, Uniform Financial Accounting Reporting Requirements, and Regional Library Systems 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

d. application of any other factor based on the analysis provided by the data service organization or on the insurer's own interpretation of underlying data.

3. Insurers may adjust premiums by application of discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and merit rating as defined in Minnesota Statutes, section 79.52, subdivision 9. Insurers may use their own plans or plans developed by a data service organization in which they maintain membership.

4. All data and calculations used to calculate rates from the pure premium base rate schedule shall be clearly documented.

5. Prior to January 1, 1986, an insurer's rates and rating plans, along with clearly documented justification, must be filed with the commissioner 30 days prior to use.

Repealer: Rule 4 MCAR § 1.9142 is repealed effective January 1, 1986.

State Board of Education
Department of Education
Executive Division

Proposed Amendments to or Repeal of Rules Governing Chapter One—EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two—EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A—EDU 30, EDU 31, EDU 32; Chapter Three—EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight—EDU 140, EDU 141, EDU 142; Chapter Nine—EDU 160, EDU 161, EDU 162; Chapter Seventeen—EDU 327; Chapter Twenty-Two—EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Thirty-Five—EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight—5 MCAR §§ 1.0760-1.0764, 1.0766-1.0769; Chapter Forty—5 MCAR §§ 1.0800-1.0805

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Education proposes to revise 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 proposed changes to the rules cited above would remove obsolete or redundant provisions.

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 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:

Dr. E. Raymond Peterson
Associate Commissioner
Department of Education
713 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-2414

Authority for the adoption of these rules is contained in Minn. Stat. § 121.11, subd. 12. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. E. Raymond Peterson 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 Dr. E. Raymond Peterson.

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 Dr. E. Raymond Peterson.

September 14, 1982

John J. Feda
Secretary

Rules as Proposed

EDU 4 ~~Curriculum~~ General educational program requirements.

A. ~~The educational~~ Program for all pupils. The educational program shall ~~be such as to~~ provide a ~~program of~~ general education for all pupils and suitable special education for exceptional children—handicapped, gifted and talented~~.~~. It shall meet the needs and interests of all pupils and the needs of the community served. Except as provided in this ~~rule~~ paragraph and in 5 MCAR §§ 1.0667-1.0672, no school shall provide any course or activity on the basis of sex. This includes health, physical education, home economics, and industrial education. Separation by sex is acceptable for the purpose of locker or dressing room use, facility supervision and presentation of topics in health having to do with human reproduction.

B. Guidance. Each school shall provide a guidance program to assist pupils in making satisfactory personal adjustments and appropriate educational and vocational plans.

C. Evaluation of pupil growth and progress.

1. ~~Testing.~~ Each ~~school~~ district shall provide a testing program for the purpose of ~~measuring~~ assessing pupil needs and growth and for curriculum evaluation.

2. [Unchanged.]

3. ~~Promotion.~~ Each district shall develop an appropriate program of pupil progress and promotion for its elementary, middle and secondary schools. The program shall ~~provide for meeting, in the senior secondary school period,~~ meet the State Board of Education requirements for graduation.

D. Summer school. All summer school classes for elementary, middle and secondary school pupils and special summer school classes for area vocational-technical school students ~~for which maximum foundation aid is to be claimed~~ shall be for a minimum term of six weeks, provided that 120 hours of instruction may be accepted as an equivalent term.

E. [See repealer.]

E. Civil defense education. Each district shall provide civil defense education in grades K-12.

F. [See repealer.]

EDU 5 ~~Staff~~ General staff requirements.

A. ~~Certificates, filing~~ License on file. For each teacher there shall be on file in the office of the superintendent ~~or school head~~ at the beginning of each ~~new~~ school year a ~~certificate of qualifications or a record of such certificate~~ copy of a valid license.

B. ~~Superintendent, administration and supervision~~ Superintendent's administrative and supervisory time.

~~1.~~ In school districts ~~maintaining elementary, middle and secondary schools but~~ employing ~~less~~ fewer than ~~10~~ ten teachers, the superintendent shall devote at least one-half of the school day to the administration and supervision of the schools.

~~2.~~ In school districts ~~maintaining elementary, middle and secondary schools but~~ employing ten or more teachers, the superintendent shall devote at least two-thirds of the school day to the administration and supervision of the schools.

C. ~~Teachers.~~ Teacher's lunch period. Each teacher shall be provided with a duty free lunch period, scheduled ~~in accordance with local~~ according to school board policy.

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.

D. [See repealer.]

EDU 6 Library.

A. Personnel. In ~~elementary, middle, and secondary~~ all schools, library or library media service appropriate to the enrollment and educational program shall be given by ~~a qualified librarian~~ persons licensed for their positions.

1. [See repealer.]

B. Materials ~~collection~~ and equipment. The instructional ~~materials~~ collection shall consist of an adequate number of appropriate ~~and up-to-date books, films, recordings, models, magazines, pamphlets, film strips, flat pictures, globes, and similar materials, carefully selected and systematically~~ materials and equipment organized to meet pupil and teacher needs.

C. ~~Library quarters~~ Facilities. There shall be a well-equipped ~~central~~ library or library media room, of a size appropriate to the enrollment, in every ~~elementary, middle and secondary~~ school building, ~~plus, in all new school buildings, the auxiliary space and facilities needed for work storage, viewing, listening and conference purposes. In one and two-room elementary schools, provisions shall be made for a library service~~. The room shall be in a central location and have space for work storage, production, viewing, listening, and conferences.

EDU 7 Records and reports.

A.-B. [Unchanged.]

C. Health record review. Each district shall assign a teacher, school nurse, or other professional person to review each pupil's health record at the beginning of each school year. The review is to assess the pupil's health status and, if necessary, to seek remedies for health concerns. Growth, results of vision and hearing screening, and findings obtained from health assessments must be entered periodically on the pupil's health record.

5 MCAR § 1.0010 Exemptions for experimental and flexible school year programs.

~~Elementary and middle schools desiring to offer~~ A. Request. A district may request approval from the State Board of Education for an experimental ~~course or~~ program of ~~studies that would require exemption to existing state board of education rules may request approval for such course offerings or programs~~ study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

1. improve instructional quality;

2. increase cost effectiveness;

3. make better use of community resources or available technology.

B. Exemption from rules. If the proposed program is approved, the State Board of Education ~~is empowered to~~ shall provide an exemption to rules that otherwise would apply.

~~A.~~ C. Contents of proposal. The proposal shall include: ~~A statement of~~ specific rules from which the district requests exemption, the goals and objectives of the program ~~which must include an expectation of improving the instructional program or the reduction of program costs without reduction in effectiveness or quality.~~,

~~A listing of~~ the activities ~~and procedures~~ to be ~~utilized in accomplishing~~ used to accomplish the ~~stated~~ objectives~~.~~, a definite time limit ~~for the experiment~~ which may not ~~to~~ exceed three years~~.~~, and ~~A statement of~~ the evaluation procedures to be used ~~in determining the effectiveness of the program. Such evaluation shall be conducted by persons other than employees of the district~~.

~~An identification of the state board of education rules, from which the district requests exemption for the purpose of the proposed program~~.

~~B.~~ D. Involvement required. Evidence shall be provided that the proposal has been given thorough exposure to students and parents, that the faculty has been involved in the development of the proposal, and that the proposal has the approval of the ~~local~~ school board ~~of education~~.

~~C.~~ E. Permanent exemption. If the evaluation at the end of the ~~course or program~~ time period is positive, the State Board of Education shall authorize permanent continuation of the program~~.~~ ~~When such continuation is granted, the state board of education shall stipulate~~ and specify the ~~specific~~ rules from which the program ~~shall continue to be~~ is exempt.

~~EDU 701~~ 5 MCAR § 1.0011 Definitions for pupil fees.

A. Applicability. For the purposes of Minnesota Statutes, sections 120.72-120.76 the following terms ~~in this chapter~~ have the meanings ~~assigned to~~ given them.

~~A.~~ B. Curricular. "Curricular" means those portions of the school program for which credit is granted. This ~~chapter~~ definition applies equally to "required" or "elective" curricular programs.

~~B.~~ C. Cocurricular. "Cocurricular" means those portions of the school sponsored and directed activities designed to provide opportunities for pupils to participate in such experiences on an individual basis or in groups, at school and at public events, for improvement of skills. "Cocurricular activities" have one or more of the following characteristics:

1. are for credit or required for graduation~~.~~;

2. are conducted at regular and uniform times during school hours, or if at times other than school hours, are established by school authorities~~.~~;

3. are directed or supervised by instructional staff in a learning environment similar to that found in courses offered for credit~~.~~;

4. are primarily or totally funded by public monies for general instructional purposes under direction and control of the local board of education. Any deficits resulting from these activities are always subsidized by general school funds.

~~C.~~ D. Noncurricular. "Noncurricular" activities means those activities that include all direct and personal services for public school pupils for their enjoyment that are managed and generally operated under the guidance of an adult or staff member. Noncurricular activities have all of the following characteristics:

1. are not for credit or required for graduation~~.~~;

2. are conducted for the most part during other than school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities~~.~~;

3. the content of the activities is determined primarily by the interests of the student participants and their parents with only the guidance of the staff member or other adult~~.~~;

4. with the possible exception of direct costs of any salaries and indirect costs of the use of school facilities, the activity is self-sustaining as all other expenses are met by dues, admissions or other pupil fund raising events.

~~D.~~ E. Extracurricular. "Extracurricular" has the same meaning as "noncurricular."

~~E.~~ F. Supplementary. "Supplementary" has the same meaning as "noncurricular."

~~F.~~ G. Regular school day. "Regular school day" means that which is defined in ~~EDU 44~~ 5 MCAR § 1.00301 for middle and secondary pupils and in EDU 21 for elementary pupils.

5 MCAR § 1.00201 **Elementary school curriculum.**

A. Common branches. The following common branches of learning, or subjects, shall be included in grades K-6 or K-8 in the elementary curriculum:

Art

Health and safety

Language arts, including

- Media center skills
- Listening
- Oral communication
- Reading and children's literature
- Written communication, handwriting and spelling

Mathematics

Music

Physical education

Science and environmental education

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Social studies

B. Method of instruction. The common branches may be taught separately, paired, or clustered for instructional purposes.

C. Balanced time. Time allocations for each of the common branches must be balanced to provide a breadth of knowledge.

D. Physical education time requirements. Physical education in elementary schools shall be scheduled as follows: grades one and two, one 10-minute period and one 25-minute period daily; grades three through eight, one 30-minute period daily.

EDU 21 ~~Class schedules~~ Elementary school day and organization.

A. Length of school day. In ~~the~~ an elementary school, the ~~length of the instructional school day which shall be maintained throughout the school year, exclusive of the noon intermission~~ minimum number of instructional hours per day, not including noon intermission, shall be as follows:

	~~Not less than~~
Kindergarten	2½ hours
Grades 1, 2, and 3	5 hours
Grades 4 through ~~6~~ 8 ~~(in schools maintaining six-year~~ elementary schools~~)~~	5½ hours
~~Grades 4 through 8 (in schools maintaining eight-year elementary schools))~~	~~5½ hours~~

B. [See repealer.]

~~C.~~ B. Kindergarten may be scheduled ~~only as a separate unit, never~~ separately or in combination with ~~a~~ ~~first~~ another grade. A licensed kindergarten teacher shall be assigned to teach kindergarten students whether the kindergarten is separate or combined with another grade.

EDU 23 Elementary school staff.

A. Principal.

1. Every ~~graded~~ elementary school shall be ~~in~~ under the immediate charge of a ~~certificated~~ licensed principal.

2. In each school building or combination of school buildings in a district with an enrollment of 200 but less than 400 elementary pupils in grades 1-6, 1-8, K-6, or K-8, the principal must devote not less than one-half time to administration and supervision. Provision must be made for clerical assistance as necessary.

~~2.~~ 3. In each school building ~~enrolling~~ with an enrollment of 400 or more elementary pupils in grades 1-6, ~~or~~ 1-8, ~~or~~ K-6, or K-8, and in any combination of school buildings ~~within~~ in a district with a total enrollment of 400 or more but less than 900 elementary pupils, the district shall provide a full-time non-teaching ~~certificated~~ licensed principal ~~shall be provided~~ and clerical assistance as necessary.

~~3.~~ 4. In each school building and in any combination of school buildings ~~within~~ in a district ~~enrolling~~ with an enrollment of 900 or more elementary pupils in grades 1-6, ~~or~~ 1-8, ~~or~~ K-6, or K-8, the district shall provide a full-time non-teaching ~~certificated~~ licensed principal, ~~shall be provided~~ and ~~the~~ additional professional and secretarial staff as necessary.

4.-5. [See repealer.]

B. ~~Teacher-pupil load.~~ Pupil-teacher ratio. The pupil-teacher ratio shall not exceed 30 to 1 in any class in grades K-6 or K-8. The superintendent shall make a written report to the State Board of Education indicating the circumstances making an exception to this ratio necessary.

1.-2. [See repealer.]

5 MCAR § 1.00301 General provisions for middle and secondary school.

A. Length of school day. In all middle and secondary schools the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours.

B. Required and elective subjects. Each of the required subject hours set forth in EDU 40, 5 MCAR §§ 1.0036, 1.00401, and 1.00402 must equal 60 minutes of instruction. The remaining number of hours in a school year may be used to provide required or elective subjects.

~~EDU 32~~ 5 MCAR § 1.0036 Middle school ~~program of studies~~ curriculum.

A.-C. [See repealer.]

~~D.~~ A. Common branches and hours. The following common branches of learning, or subjects, shall be required for the hours specified in a middle school ~~program organization.~~:

Subjects	Minimum ~~clock~~ hours			
	Grades 6-8	Grades 6-9	Grades 5-8	Grades 5-9
Art	120	120	150	150
Communication skills	480	600	760	880
Health	90	90	120	120
Home economics or Industrial education	120	160	120	160
Mathematics	360	480	480	600
Music	120	120	150	150
Physical education	240	320	320	400
Science	360	480	480	600
Social studies	360	480	480	600
~~Sub-Total~~	~~2250~~	~~2850~~	~~3060~~	~~3660~~
~~Open Elective~~	~~900~~	~~1350~~	~~1140~~	~~1590~~
~~Total~~	~~3150~~	~~4200~~	~~4200~~	~~5250~~
	~~3 yr.~~	~~4 yr.~~	~~4 yr.~~	~~5 yr.~~

1. [See repealer.]

~~2.~~ B. Subjects required in grades. Communication skills, mathematics, physical education, science and social studies shall be ~~a constant requirement~~ required each year ~~of the middle school~~. Physical education shall be scheduled throughout the academic year for grades 7, 8, and 9.

~~3. In grades five and/or six of the middle school.~~ Art, music, and health shall ~~also~~ be ~~a constant requirement each year~~ required in grades 5 and 6.

~~EDU 31~~ 5 MCAR § 1.0037 Middle school staff.

A. Principal.

~~1.~~ Every middle school shall be ~~in~~ under the immediate charge of a ~~certificated~~ licensed principal.

~~2. Every person employed as~~ A middle school principal ~~is to~~ must hold either a valid elementary or secondary school principal's ~~certificate of a valid secondary school principal's certificate~~ license.

~~3.~~ A middle school principal shall be assigned full time responsibility to the middle school.

B. Teacher.

~~1. Every~~ A middle school teacher shall hold a valid ~~certification to perform the particular service for which he or she is employed~~ license appropriate for the subject or area taught.

EDU 40 ~~Program of studies~~ Curriculum for junior secondary schools.

A. ~~Curriculum. general requirements~~ Common branches and hours.

1.-2. [See repealer.]

~~3. Constants. The specific program of constants to be maintained for all pupils in any type of secondary school shall be as follows:~~

~~a. Junior secondary period. The minimum total pupil load for~~ The ~~three year period of~~ following common branches of learning, or subjects, shall be required for the hours specified in a secondary school composed of grades ~~seventh,~~

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~~eighth, and ninth, shall be 3,150 clock hours consisting of required and elective subjects. Of this minimum total, there shall be 1,950 required (constant) clock hours and 1,200 elective clock hours. Elective clock hours shall be utilized to provide additional time for required and/or elective subjects.~~ 7, 8, and 9:

~~Subject area~~ Subjects	Minimum ~~Clock~~ Hours	~~Elective clock hours~~
Art	90	~~Plus 1,200 additional or elective clock hours~~
Communication skills	360	
Health	60	
Home economics or Industrial education	150	
Mathematics	360	
Music	90	
Physical education	240	
Science	240	
Social studies	360	
~~Required (constant) clock hours~~	~~1,950~~	
~~Elective clock hours~~	~~1,200~~	
~~Total clock hours~~	~~3,150~~	

B. Scheduling. Period length and grade placement of ~~the above~~ required ~~(constant)~~ and elective ~~clock~~ hours ~~shall be left to~~ are at the discretion of the ~~local~~ school board. However, each pupil must take at least 80 hours of physical education each year. Physical education must be scheduled throughout the academic year.

b. [See repealer.]

4.-5. [See repealer.]

B.-G. [See repealer.]

5 MCAR § 1.00401 Curriculum for three-year senior secondary schools.

A. Common branches and hours. The following common branches of learning, or subjects, and credits shall be required in a secondary school composed of grades 10, 11, and 12:

Subjects	Minimum Hours	Credit
Communication skills	360	3
Health	60	1/2
Physical education in grade 10	60	1/2
Social studies	240	2

B. Social Studies. Social studies must consist of 120 hours or one credit of studies of America, which includes American history, and 120 hours or one credit of contemporary world problems.

5 MCAR § 1.00402 Curriculum for four-year senior secondary schools.

A. Common branches and hours. The following common branches of learning, or subjects, and credits shall be required in a secondary school composed of grades 9, 10, 11, and 12, in addition to any unmet requirements from EDU 40.

Subjects	Minimum Hours	Credit
Communication skills	480	4
Social studies	360	3
Mathematics	120	1
Science	120	1
Physical education in grades 9 and 10	120	1
Health	60	1/2

B. Social studies. Social studies must consist of 120 hours or one credit of studies of America, which includes American history, and 120 hours or one credit of contemporary world problems. The remaining hours may be determined by the district.

EDU 42 Basis for secondary school credit.

A. Basic requirements.

1. Satisfactory completion of at least 120 hours shall be the basis for a credit course, or subject, in grades 9, 10, 11, and 12 in ~~all types of secondary~~ four-year secondary schools ~~shall be the satisfactory completion of a course on the secondary school level covering a minimum of 120 clock hours~~ and in grades 10, 11, and 12 in three-year secondary schools. Length

of periods and frequency of meeting ~~will~~ may be determined by the ~~local~~ district. A credit ~~units~~ may be divided into semester, trimester, or quarter units by offering courses covering 60, 40, or 30 ~~clock~~ hours respectively.

2. Credit may be given on a performance basis ~~to any student~~ for any ~~elective~~ course ~~upon successful completion of approved examinations~~ if a student successfully completes an examination approved by the district covering the content ordinarily included in the subject.

3. A district may accept the transfer of credit awarded by a postsecondary institution according to an agreement entered into under Minnesota Statutes, section 123.3511.

B. Summer school. Credit ~~to be allowed~~ toward graduation by secondary schools for ~~courses~~ subjects taken in summer school shall be ~~based~~ on the ~~following requirements:~~ same basis as a regular school program.

C. Private tutoring. Credit toward graduation for work ~~to be~~ completed through any form of private tutoring by a ~~certificated~~ licensed teacher may be granted by a secondary school.

D. Correspondence courses.

1. Correspondence courses, at district expense, may be offered for credit toward graduation by any secondary school only to provide:

~~(1) to provide~~ a. additional courses in secondary schools with limited course offerings~~.~~; or

~~(2) to provide~~ b. an opportunity for special secondary pupils~~,~~ ~~who because of individual handicaps cannot attend school regularly,~~ to meet requirements for secondary school graduation when the pupil's handicap prevents the pupil from attending school regularly; or

c. an opportunity for secondary pupils who, due to unusual circumstances, are unable to be in attendance at school; or

d. an opportunity for secondary school drop-outs.

2. Correspondence courses to be offered shall be approved by the commissioner of education and by the ~~local school administration~~ district before pupils are enrolled. ~~Pupil taking such courses shall be under the supervision and guidance of a teacher assigned to such work.~~ A teacher licensed in the area of the correspondence course shall supervise and guide a pupil enrolled in a course.

3. [See repealer.]

EDU 43 Completion of secondary ~~course~~ school requirements.

A. Graduation ~~requirement~~ requirements.

~~1.~~ Each ~~pupil shall have completed~~ student must successfully complete 15 credits earned in ~~the 10th, 11th, and 12th years of the secondary school in required and elective courses~~ a three-year secondary school, or 20 credits earned in a four-year secondary school in order to graduate. These credits must be from the same subjects required in 5 MCAR §§ 1.00401 and 1.00402 and elective subjects.

2.-3. [See repealer.]

B. Early graduation. Early graduation may be allowed for a student who accumulates the required number of credits for graduation before completing the usual years of secondary school. A student graduating after the normal graduation date cannot be claimed as an early graduate.

~~B.~~ C. ~~Secondary school certificates~~ Attendance certificate.

~~1.~~ A secondary school ~~certificates~~ attendance certificate, indicating ~~the~~ completion of the secondary school period may be given by a school board to ~~pupils~~ a student who ~~do~~ does not ~~have the ability to~~ meet all the requirements for graduation~~, provided each pupil has~~.

a.-d. [See repealer.]

2. [See repealer.]

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C. [See repealer.]

D. ~~Secondary school~~ Equivalency certificate.

1. A secondary school equivalency certificate may be issued by the State Board of Education to ~~residents~~ a resident of Minnesota 19 years of age or over who ~~need this credential~~ needs the certificate for advancement in an occupational field or for higher education~~, provided~~ if both of the following are met:

a. ~~Each such~~ the person ~~shall make~~ makes written application on forms ~~specifically~~, prepared and provided ~~for this purpose, and~~ by the Department of Education, which are available on request from any of the approved General Education Development Testing Centers, most secondary schools, or from the ~~state~~ Department of Education~~.~~; and

b. ~~Each such~~ the person ~~shall obtain satisfactory scores on the General Educational Development Tests as described below.~~

~~General educational development tests (high school level). To qualify for a certificate,~~ obtains a minimum standard score of 35 ~~must be obtained~~ on each of the five ~~tests in this battery~~ General Educational Development Tests and an average standard score of at least 45 on all five tests.

2. General Educational Development tests shall be administered only by official agencies established by the American Council on Education and approved by the commissioner of education.

~~2.~~ 3. The minimum age requirement may be waived ~~on the basis of~~ if supportive evidence of special need is provided by a recognized rehabilitative agency.

EDU 44 Exceptions to the length of school day.

~~In all classified secondary schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours.~~

Exceptions to ~~the~~ a six-hour school day required in all secondary schools may be made as follows:

~~A.~~ 1. The State Board of Education may approve community-based programs for all or part of the school day. Employment ~~rated~~ related, community-based programs in excess of one hour per day shall be supervised by the vocational-technical division. Nonemployment related, community-based programs in excess of one hour per day shall be supervised by the division of instruction.

~~B.~~ 2. The local board of education may adopt a policy ~~which allows secondary school principals to adjust~~ allowing adjustments in the length of the school day for individual students ~~provided that~~ if all of the following circumstnaces exist:

~~1.~~ a. The student is at least 16 years of age~~;~~ ~~and~~.

~~2.~~ b. The student attends supervised classes in usual school facilities for not less than five hours per day~~;~~ ~~and~~.

~~3.~~ c. The secondary school principal ~~must design~~ designs for each student ~~exempted from six hour requirement~~ a work-study option or other non-work experience of real educational value. ~~The secondary school principal shall ensure that the educational program is actually pursued.~~ A written record must be maintained indicating the type of work-study option or other educational experience to be pursued, the reason for the exemption, and the method of ensuring that the program is actually pursued~~;~~ ~~and~~.

~~4.~~ d. The student's parent ~~has approved~~ approves the option in writing.

EDU 45 Admission to secondary schools.

A. ~~Admission to secondary schools~~ Grades 7, 8, and 9.

~~1.~~ Admission to grades ~~seven~~ 7, ~~eight~~ 8, or ~~nine~~ 9 of any ~~classified~~ secondary school shall be limited to pupils who have satisfactorily completed the work of the preceding grade~~, or~~ and to ~~those, as~~ special pupils~~,~~ who, in the judgment of the ~~school authorities~~ district, may profit by such work.

~~2.~~ B. Secondary school. Admission as regular pupils to any specified year of ~~the senior~~ a three- or four-year secondary school ~~period (10-11-12) of any classified secondary school~~ shall be ~~based upon the following conditions:~~ those

~~a.~~ pupils, from ~~classified~~ public or nonpublic schools~~, or schools with equivalent standards,~~ in ~~this state or~~ any ~~other~~ state, ~~shall~~ who submit admission records showing ~~the~~ successful completion of the preceding years' work ~~of the preceding years~~. If the records can not be submitted, admission shall be determined by an examination or other method approved by the district.

b. [See repealer.]

EDU 46 Secondary school staff.

A. Licensed principal. Every ~~junior, senior, six-year, and four-year~~ secondary school shall be under the direction of a ~~properly certificated~~ licensed principal.

B. ~~All teachers~~ Licensed teacher. A secondary school teacher shall be assigned to teach subjects ~~or courses~~ and perform services only in areas ~~for~~ in which ~~they are~~ the teacher is properly ~~certificated~~ licensed.

C. Teaching ~~load~~ assignment.

~~1.~~ The maximum assignment ~~of subjects~~ for any secondary school teacher shall be five periods in a six-period day or six periods in a seven- or eight-period day.

~~2.~~ Each ~~secondary school~~ teacher shall have one period during the school day for preparation and conferences.

~~3.~~ D. Maximum number of pupils. The ~~total pupil load~~ maximum number of pupils per day for a secondary school teacher ~~shall not exceed~~ is 160 ~~pupils per day, exclusive of classes in physical education and applied music~~ except for teachers of performing music groups and physical education classes. ~~The total pupil load for a teacher in the various team teaching programs, or other such organization of teaching, shall not exceed an average of 160 pupils per day per week.~~ The maximum number of pupils for each teacher in a physical education class is 40.

D. [See repealer.]

5 MCAR § 1.0760 Coverage.

A. ~~This chapter is applicable~~ Applicability. 5 MCAR §§ 1.0760-1.07642 apply to all ~~Minnesota~~ school districts~~, however organized, including those formed pursuant to Minnesota Statutes, section 121.21, as well as to all governmental units formed by joint powers agreements entered into by such school districts pursuant to Minnesota Statutes, sections 120.17, 123.351, 471.59, or any other law, and all~~; educational cooperative service units; area vocational-technical institutes; elementary, secondary and vocational regional computer centers; cooperative centers for special education; cooperative centers for vocational education; and governmental units formed by joint powers agreements entered into by school districts. For purposes of ~~this chapter~~ 5 MCAR §§ 1.0760-1.07642, all ~~covered~~ entities are referred to as "districts."

B.-C. [Unchanged.]

D. Recommendations for reporting methods. Where ~~details of and forms~~ methods for reporting to the department are specified, such ~~details and forms~~ methods shall be prescribed by the commissioner after recommendations have been made by the advisory council on uniform financial accounting and reporting standards.

E. Requirements named. The requirements adopted in ~~this chapter~~ 5 MCAR §§ 1.0760-1.07642 shall be known as the uniform financial accounting and reporting standards for ~~Minnesota~~ school districts.

F.-G. [Unchanged.]

5 MCAR § 1.0761 Modified accrual accounting and other accounting requirements.

A. Recognition principles. Revenues and expenditures shall be recorded and recognized in accordance with generally accepted accounting principles. Generally accepted accounting principles provide for the accrual basis of accounting and the modified accrual basis of accounting as appropriate for the particular fund. The cash basis of accounting is not acceptable for district budgeting, accounting, and reporting. Specific standards for revenue recognition are contained in Minnesota Statutes, section 121.904. Specific standards for expenditure recognition are contained in Minnesota Statutes, section 121.905.

B. Reporting categories. Budgeting, accounting, and reporting systems shall be designed to provide financial data, where applicable, according to the terms and categories used in ~~the~~ Minnesota Statutes with particular attention to categorical programs funded by the state.

C. Accounting structure. Development of programmatic data for district internal reporting and management purposes, and for reporting to the public and the department, requires the use of multidimensional systems of classification of transactions. ~~Installation of such multi-dimensional systems shall be implemented as of July 1, 1980, as specified in Minnesota Statutes, section 121.92.~~

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D. ~~Participation in a computer-based financial management, accounting, and reporting system is required as of July 1, 1980, as specified in Minnesota Statutes, section 121.92. Any stipulated form of participation in this computer-based system shall be appealable to the commissioner.~~ School district accounting principles. The "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the state of Minnesota, Department of Education, shall contain the standards for budgeting, accounting, and reporting. Amendments to the principles contained in this manual shall be approved by the State Board of Education.

E. Student activities accounting principles. The "Manual of Instructions for Uniform Student Activities Accounting for Minnesota School Districts," issued by the State of Minnesota, Department of Education, shall contain the accounting and reporting standards for extracurricular student activities. Amendments to the generally accepted accounting principles contained in this manual shall be approved by the State Board of Education.

5 MCAR § 1.0762 Fund accounting.

A. Definition. [Unchanged.]

B. Funds maintained. The following funds shall be maintained:

General fund;

Food service fund;

Pupil transportation fund;

Community services fund;

Capital expenditures fund;

Building construction fund;

Debt redemption fund;

Trust and agency fund;

Enterprise fund.

C. Operating and nonoperating funds. The general fund, ~~the~~ food service fund, ~~the~~ pupil transportation fund, ~~and the~~ community services fund, and enterprise fund shall collectively be known as the operating funds. The other funds collectively shall be known as the nonoperating funds.

D. Enterprise fund requirement. The enterprise fund shall be maintained by elementary, secondary, and vocational regional computer centers.

D. [See relettering instruction.]

~~E.~~ F. Fund accounting. Revenues~~,~~ and expenditures~~,~~ ~~and encumbrances~~ shall be recorded in the appropriate funds ~~as designated by law, this chapter, or generally accepted accounting principles~~.

~~F.~~ G. Fund transfers. General fund assets may be used for any general or special operating purpose of a ~~school~~ district and may be transferred permanently by ~~local governing~~ school board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

The portion of the general fund unappropriated fund balance permanently transferred to eliminate a negative building construction fund unappropriated fund balance must be reduced by

~~1.~~ the capital expenditure fund year-end unappropriated fund balance~~,~~ ~~plus~~

~~2. The difference between the capital expenditure levy limitation and the certified capital expenditure levy for the three previous years~~.

~~G.~~ H. Special fund uses and transfer limitations. All funds other than the general fund are special purpose funds in which expenditures may only be made for the special purposes of the fund.

Transfers of monies from special purpose funds to other funds are not permitted unless ~~herein provided~~ authorized by law.

~~1.~~ Transfers may be made from any fund to another fund to pay for expenditures legitimately chargeable to one fund but expended from another. Such items are most appropriately accounted for on a current basis, as interfund transactions, increasing the expenditures of one fund and reducing those of another.

~~2.~~ Transfers may be made from the capital expenditure fund to pay for expenditures from other funds for capital expenditure purposes ~~as defined in § 1.0763 C~~.

5 MCAR § 1.07631 Revenue and expenditure classification principles.

A. Definition of system. Revenue and expenditure budgeting, accounting, and reporting is based on individual accounts. An account, in the multidimensional system, requires the use of six dimensions each of which has a distinct meaning. The revenue dimensions are fund, organization, program, finance, source, and course. The expenditure dimensions are fund, organization, program, finance, object, and course. The mutually exclusive dimensions and account components are defined in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education on July 1, 1981. All revenue and expenditure accounts shall specify classification detail to permit grouping in the respective revenue and expenditure categories and to permit required state and federal reporting.

B. Netting principles. Netting revenues and expenditures is not permissible except as allowed under generally accepted accounting principles.

C. Account distribution. District accounting practice must include requirements for appropriate expenditure account distribution, according to generally accepted accounting principles.

D. Account structure for indirect costs. Appropriate account codes shall be used to identify indirect cost factors, as required for federal programs.

E. Capital expenditures classification. Maintenance and capital improvements expenditures shall be distinguished, in accordance with generally accepted accounting principles. Capital expenditures are those which extend the life of an asset, increase its value, or change its use or character.

F. Supply classification. Supplies and equipment shall be distinguished in accordance with generally accepted accounting principles and item definitions. Supplies are those items which have a nominal value and are expendable or are consumed in use. Equipment items are tangible units of nonexpendable character, are not consumed in use, have an extended useful life, and are of material value.

5 MCAR § 1.07641 Unaudited and audited financial reports, statements, budgets.

A. Unaudited financial reporting. The unaudited financial report is to be submitted to the commissioner by the district through an elementary, secondary, and vocational regional computer center. This report shall contain total fiscal year amounts by fund for assets, liabilities, fund balances, revenues, and expenditures as well as the general fixed asset and general long-term debt groups of accounts. The account structure and account definitions for these accounts are contained in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education, September, 1977. Material audit adjustments of the unaudited financial reports shall be submitted to the commissioner by the district through an elementary, secondary, and vocational regional computer center.

B. Audited financial statements. An audit is an examination of the various financial statements of the funds and account groups of a district by the State Auditor or an independent certified public accountant. This examination shall be performed in accordance with generally accepted auditing standards as set forth in "AICPA Professional Standards," issued by the American Institute of Certified Public Accountants (New York, New York, 1974). It shall also meet the audit requirements contained in the Office of Management and Budget Circular A-102 Revised and published in the *Federal Register*, volume 42, pages 45828 to 45891 (1977).

C. Audited financial statement format. Audited financial statements are those financial statements which have been examined pursuant to an audit. The format of these statements shall comply with the standards in "Governmental Accounting, Auditing, and Financial Reporting," issued by the Municipal Finance Officers Association of the United States and Canada (Chicago, Illinois, 1980). If a district levies to retire its statutory operating debt, the district shall footnote its audited financial statement. An historical analysis of the statutory operating debt shall be provided in the audited financial report.

D. Budget requirement. By August 15 each year, a revenue and expenditure budget for that fiscal year shall be submitted to the commissioner through an elementary, secondary, and vocational regional computer center. Revenue and expenditure budget amounts are required by fund and in sufficient detail to permit comparison with actual revenue and expenditure amounts

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reported at the end of the fiscal period. Subsequent revisions to the budget which are of a material amount shall also be submitted to the commissioner through the elementary, secondary, and vocational regional computer center.

5 MCAR § 1.07642 Fixed assets. For the fiscal year ending June 30, 1984 and each year thereafter, each area vocational-technical institute shall report its fixed assets by item and categories as defined in accordance with the uniform property accounting and reporting standards in 5 MCAR §§ 1.0760-1.07642 adopted by the State Board of Education. Fixed asset accounting principles and definitions shall be contained in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education on June 7, 1982.

5 MCAR § 1.0800 Grant application and review procedures.

A. Who may apply. Regional library systems designated as eligible under provisions of ~~Laws of 1978, ch. 546, section 5~~ Minnesota Statutes, section 134.34, subdivision 3, may apply for establishment grants as specified in 5 MCAR § 1.0801 and for regional library basic system support grants as specified in 5 MCAR § 1.0802 and for special project grants as specified in 5 MCAR § 1.0803. County and city public libraries which are participating in the aforementioned regional library systems may also apply for special project grants as specified in 5 MCAR § 1.0803. The Minnesota Department of Corrections and the Minnesota Department of Welfare may apply for grants for institution library service and for library service for the blind and physically handicapped as specified in 5 MCAR § 1.0804. Multi-county multi-type library systems designated by the State Board of Education as eligible under provisions of Minnesota Statutes, section 134.351, subdivision 1, ~~(Supp. 1979)~~ may apply for development grants as specified in 5 MCAR § 1.0805 and for operating grants as specified in 5 MCAR § 1.0806.

B. [Unchanged.]

C. Application dates. All grant applications shall be filed on or before July 1 to be considered for funding during the succeeding state fiscal year provided that applications for establishment grants shall be filed by regional library systems on or before July 1 or on or before January 1, to be considered for funding for the succeeding twelve-month period. Applications for special project grants and for multi-county multi-type library cooperation development grants shall be filed on a date established ~~annually~~ by the State Board of Education and published in the newsletter of OPLIC not less than 90 days before such date. ~~During Fiscal Year 1981 only, applications for multi-county multi-type library cooperation operating grants shall be filed on or before April 1, 1981.~~

D.-H. [Unchanged.]

I. Proposed amendments. If after a project or program has been funded, the grant recipient determines that modifications are necessary, the grant recipient shall file an amendment to the grant application. Budget modifications resulting in transfer from one budget category to one or more other budget categories of less than 20 percent of the ~~total grant amount~~ budget need not be filed as amendments. The grant amendment shall not change the purpose for which the grant was awarded. It shall, however, address at least one of the following:

1.-2. [Unchanged.]

3. modification of the budget of the project or program, within limits of the amount of the grant and amounting to more than 20 percent of the ~~total grant amount~~ budget, judged by the recipient to be necessary to most economically and practically achieve project objectives.

All amendments shall be filed in writing with the information the recipient determines is necessary to accurately and completely explain the need for the amendment.

J. Approval of amendments. The director of the Office of Public Libraries and Interlibrary Cooperation shall review all amendments and shall use the following standards in determining whether an amendment is approved:

1.-4. [Unchanged.]

Approval or disapproval of all amendments shall be communicated to a grant recipient within ten working days following OPLIC's receipt of the proposed amendment.

5 MCAR § 1.0801 Establishment grants.

A. Application. Regional library systems may apply for establishment grants to extend library service to additional counties ~~as authorized in Laws of 1978, ch. 546 Section 3 subd. 2~~. Applicants shall submit the following information:

1.-3. [Unchanged.]

4. a copy of the resolution adopted by the county board of commissioners in which they agree to provide minimum levels of local support ~~as required by Laws of 1978, ch. 546, Section 4~~:

5.-6. [Unchanged.]

B.-C. [Unchanged.]

5 MCAR § 1.0802 Regional library basic system support grants.

A. Application. Regional library systems may apply for regional library basic system support grants ~~authorized in Laws of 1978, ch. 546, Section 3, subd. 3~~. Applicants shall submit the following information:

1.-5. [Unchanged.]

6. ~~for purposes of determining compliance with Laws of 1978, ch. 546, Section 5.~~ provision for each participating governmental unit of the following financial information:

a. the amount provided by the governmental unit for operating purposes of public library service during the preceding fiscal year:

b. the amount provided by the governmental unit for operating purposes of public library service during the current fiscal year.

7. [Unchanged.]

B. Criteria for eligibility. Regional library systems shall be designated as eligible by the State Board of Education provided they meet the criteria in ~~Laws of 1978, ch. 546, section 5~~ Minnesota Statutes, section 134.34, and the following:

1.-2. [Unchanged.]

C. Calculation of grant amounts. Regional library basic system support grants shall be calculated as specified in ~~Laws of 1978, ch. 546, section 6 of in subsequent law~~ Minnesota Statutes, section 134.35. The most recent United States census shall be used in calculation of all per capita and land area amounts, reduced by the population and land area of any nonparticipating governmental units.

D. Audit. Regional library systems which receive regional library basic system support grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the regional library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minnesota Statutes, sections 6.64-6.71 ~~(1976)~~.

5 MCAR § 1.0803 Special project grants.

A. Application. Regional library systems and county and city public libraries which are participating in regional library systems may apply for special project grants as authorized by ~~Laws of 1978, ch. 546, section 3~~ Minnesota Statutes, section 134.32, subdivision 4.

B.-F. [Unchanged.]

5 MCAR § 1.0804 Grants for institution library service and for library service for the blind and physically handicapped.

A. Application. The Minnesota Department of Corrections and the Minnesota Department of Welfare may apply annually for grants to improve library services for institutionalized persons and for the blind and physically handicapped as authorized by ~~Laws of 1978, ch. 546, section 3~~ Minnesota Statutes, section 134.32, subdivision 6, and by the Library Services and Construction Act, 20 USC 351 et seq. (1970). Applicants shall submit the following information:

1.-7. [Unchanged.]

B.-D. [Unchanged.]

5 MCAR § 1.0805 Multicounty multitype library cooperation development grants.

A.-E. [Unchanged.]

F. Audit. Multicounty multitype library systems which receive grants shall annually submit to (OPLIC) an audit of receipts and disbursements within 180 days after the end of the multicounty multitype library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minnesota Statutes, sections 6.64-6.71 ~~(1978)~~.

Relettering and renumbering. Reletter 5 MCAR § 1.0762 D. as E. Renumber EDU 420-425 as 5 MCAR §§ 1.00051-1.00056.

Repealer: Rules EDU 1, 2, 3, 4 E., 4 F., 5 D., 6 A.1., 9, 20, 21 B., 22, 23 A.4., 23 A.5, 23 B.1., 23 B.2., 30, 32 A., 32 B., 32 C., 32 D.1., 40 A.1., 40 A.2., 40 A.3.b., 40 A.4., 40 A.4.a., 40 A.4.b., 40 A.4.c., 40 A.4.c.(1), 40 A.4.c.(2), 40 A.4.c.(3), 40 A.5., 40 B.,

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.

40 C., 40 D., 40 E., 40 F., 40 G., 41, 42 B.1., 42 B.2., 42 B.3., 42 D.3., 42 D.3.a., 42 D.3.b.(1), 42 D.3.b.(2), 42 D.3.c., 42 D.3.d., 42 D.3.d.(1), 43 A.2., 43 A.2.a., 43 A.2.b., 43 A.2.c., 43 A.2.d., 43 A.3., 43 B.1.a., 43 B.1.b., 43 B.1.c., 43 B.1.d., 43 B.2., 43 C., 43 C.1., 43 C.2., 43 C.2.a., 43 C.2.b., 43 C.2.c., 45 A.2.b., 46 D., 140 A., 140 B., 141, 142, 160, 161, 162, 327, 561, 700, 702, 703, 704, 705, 706, 5 MCAR §§ 1.0761 D., 1.0762 G.3. and G.4., 1.0763, 1.0764, 1.0766, 1.0767, 1.0768, and 1.0769 of the State Board of Education are repealed.

State Board of Education
Department of Education
Instruction Division

Proposed Rules Governing the Automobile Driver Education Programs and the Motorcycle Driver Education Programs Offered through Public Schools

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of 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 proposed rules are authorized by the Laws of 1982, ch. 548, art. IV, §§ 13-14. These rules establish the minimum criteria the State Board of Education and commissioner will use in determining whether the Automobile Driver Education Program and the Motorcycle Driver Education Program, offered through public schools, should be approved or denied.

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:

Joseph E. Meyerring, Specialist
Traffic Safety Education
685 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Telephone: (612) 296-4899

Authority for the adoption of these rules is contained in Laws of 1982, ch. 548, art. IV, §§ 13-14. 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 Joseph E. Meyerring 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 reiew 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 Joseph E. Meyerring.

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 Joseph E. Meyerring.

September 14, 1982

John J. Feda
Secretary

STATE OF MINNESOTA

STATE BOARD OF EDUCATION

In the Matter of Proposed Amendments to the Following State Board of Education Rules: Chapter One--EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A--EDU 30, EDU 31, EDU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen--EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Twenty-Nine--EDU 561; Chapter Thirty-Five--EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1.0761, § 1.0762, § 1.0763, § 1.0764, § 1.0766, § 1.0767, § 1.0768, § 1.0769; and Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805.

Findings of Fact

At its meeting of September 14, 1982, the State Board of Education proposed amendments to the rules cited above to be done in compliance with the procedure specified in Minnesota Statutes, Sec. 15.0412, subd. 4h, which authorizes an agency to make noncontroversial changes in its rules without a public hearing. Notice of intent to adopt rules without a public hearing and the actual proposed changes were published in the State Register on October 18, 1982 (7 S.R. 586-600). In addition, notices and copies of the proposed changes were mailed to persons who have registered with the agency for the purpose of receiving such information, as required by Minnesota Statutes, Sec. 15.0412, subd. 4h. The public has been given 30 days to submit comments on these proposed amendments to State Board of Education rules.

The Statement of Need and Reasonableness supporting the proposed rule changes are adopted as written, except as necessary to reflect the changes noted in the following findings and conclusions.

The intent of these changes was to not make substantive changes to existing rules. The proposed changes were intended to reflect current practices and current rules. Therefore, to the extent that more than seven people requested a hearing on a proposed rule change, those changes have been modified or withdrawn. The value of any proposed change cannot justify the cost of a hearing.

After reviewing all comments from the public, the following modifications are hereby made to the original proposed amendments:

1) The words "a" and "program" are deleted from EDU 4B, pertaining to guidance. Oral and written comments provided convincing evidence that the proposed addition of these two words could require more guidance services than are now required by Board rule. Since this was not the intent, these words are removed. p.1

2) EDU 4 C. 1. is modified by reinserting "measuring" and deleting the proposed additional words, "assessing", "needs", and the conjunction "and". Oral and written comments suggested that "...assessing pupil needs and growth..." could be interpreted to require a more extensive p.2

evaluation program than simply "...measuring pupil growth..." The intention was not to expand current requirements for the evaluation of pupil growth and progress but merely to clarify the sentence; hence, the wording of the last part of the sentence reverts to its current form.

3) EDU 4D is repealed. Public comments have convinced the Board that the original proposal to merely remove the words pertaining to foundation aid is not sufficient, since action by the 1982 legislature to end summer school foundation aid makes this entire rule obsolete. Certain school superintendents have expressed confusion over whether they would be bound by EDU 4D if they offered summer school classes in the future, despite the absence of summer school foundation aid. The retention of any part of EDU 4D, therefore, would leave an obsolete requirement in Board rules and thereby confuse and possibly deter school district officials who wish to offer summer school by using local resources. ✓ p. 2

4) EDU 6C will not be changed as proposed . It has been suggested, through more than seven written comments, that several problems could occur with the proposed revision of this rule. ✓ p. 3

5) The restrictive clause "maintaining elementary, middle and secondary schools" and the conjunction "but" are reinserted in EDU 5 B. 1 and 2. Written comments suggested that removing these words would apply the rule to school districts which do not maintain all three grade levels (e.g., a district that has only an elementary school). It was not the intention to make such a change in Board rule. ✓ p. 2

6) The first sentence of the proposed EDU 7C is modified to read as follows: "Each district shall assign a teacher, school nurse, or other professional person to review the health records of all pupils under his or her direction at the beginning of each school year." This modification is necessary to prevent a possible misreading, as suggested by certain public comments, which could result in the interpretation that each district would have to hire a professional person whose sole responsibility would be to review health records. The intent was merely to clarify the sentence, not to require additional personnel. ✓ p. 3

The second sentence of EDU 7C is deleted. It has been asserted, through written and oral comments, that the addition of this sentence would require significant new responsibilities related to assessing the pupil's "health status" and seeking "remedies". This sentence was added only to clarify the purpose for which schools are to maintain health records, not to require schools to perform medical functions. ✓ p. 3

7) 5 MCAR § 1.00201C will not be added to State Board rule as originally proposed. More than seven letters requesting withdrawal or a public hearing on this change were submitted to the agency. Furthermore, as written it was ambiguous and provided little guidance. It is being withdrawn for future consideration. ✓ p. 6

8) Several written and oral comments have prompted modifications to the revised EDU 23B. Specifically, it has been suggested that the deletion of "an acceptable maximum...is 30 pupils", which has been the rule in EDU 23B. 1 and 2, and the part of the revised wording

stating, "shall not exceed...", results in a stronger prohibition than has been the case. Since the intent was merely to clarify this rule, not to enlarge the prohibition, it seems best to reinsert "acceptable maximum" and "is"; therefore, the first sentence of EDU 23B will now be as follows: Pupil-Teacher ratio. The acceptable maximum pupil-teacher ratio is 30 to 1 in any class in grades K-6 or K-8.

9) EDU 42D 2 will not be changed from current rule as proposed. More than seven written requests for a public hearing on this change were submitted to the agency. Since no substantive change was intended, the current language is acceptable.

10) EDU 45B a. and b. will not be changed as proposed. More than seven written requests for a public hearing on the proposed change in a. were submitted to the agency. Since a. will remain in its current form, b. cannot be repealed. Since no substantive change was intended, the current language is acceptable.

11) The words "of subjects" are reinserted in EDU 46C 1. It has been suggested that the absence of these words could lead to a misinterpretation of the intent of this rule. Specifically, it could be assumed that this rule, as originally revised, would reduce "student contact" by one period for secondary school teachers in the 86 school districts in Minnesota with an eight period day. This interpretation would significantly alter school staffing patterns and related expenditures. Such an interpretation was not intended. Therefore, it is necessary to reinsert those words.

12) More than seven letters requesting a hearing on the proposed EDU 46D have been submitted. The reason for this request is the assumption that the final sentence of the proposed rule--"The maximum number of pupils for each teacher in a physical education class is 40--" constitutes a new rule. In fact, however, this provision is not a change from what has been State Board of Education rule. EDU 162C currently limits physical education classes to 40 pupils. The requirement in EDU 162C was simply modified and moved to the proposed EDU 46D. Therefore, since the physical education class size requirement does not differ from current rule, it will remain in the proposed EDU 46D. In order to prevent any misunderstanding, however, the language from EDU 162C will not be modified as originally proposed; the last sentence of the proposed EDU 46D will be composed of the same language as has been in Board rule.

13) More than seven letters have been received requesting a hearing regarding 5 MCAR § 1.00301 B. It is asserted that the proposed wording -- "Each of the required subject hours set forth in...must equal 60 minutes of instruction--" implies that the state will require each class to be 60 minutes in length. This is not the intent of the proposed 5 MCAR § 1.00301 B. The intent was merely to clarify what has been Board policy for several years: a required subject hour (currently called "minimum required clock hour") is equal to 60 minutes of instruction. That is, a "subject hour" is, in fact, an hour of time; but this does not mean that the state has or will require each class period to consist of 60 minutes of instruction. The length of any particular class may differ according to local discretion.

The rule that a required subject hour must equal 60 minutes of instruction is to be used only when calculating total hours--e.g., a class that meets for 50 minutes every school day for nine weeks has completed 37.5 instructional hours (50 minutes x 5 days = 250 minutes; x 9 weeks = 2,250 minutes; 2,250 minutes ÷ 60 minutes = 37.5 hours).

In order to clarify the proposed 5 MCAR § 1.00301B, the following is added after the second sentence: "Actual class period lengths are to be determined by districts". ✓p.7

Conclusions

All necessary procedures have been followed. All of the proposed changes are adopted with the following modifications or exceptions:

a. EDU 4 B, as amended, will read as follows: Guidance. Each school shall provide guidance to assist pupils in making satisfactory personal adjustments and appropriate educational and vocational plans. ✓p.1

b. EDU 4 C. 1., as amended, will read as follows: Each district shall provide a testing program for the purpose of measuring pupil growth and for curriculum evaluation. ✓p.2

c. EDU 4 D., Summer School, is repealed. ✓p.2

d. EDU 6 C, as amended, will read as follows: Facilities. There shall be a well-equipped central library room, of a size appropriate to the enrollment in every elementary, middle and secondary school building plus, in all new school buildings, the auxiliary space and facilities needed for work storage, viewing, listening and conference purposes. In one and two-room elementary schools, provisions shall be made for a library service. ✓p.3

e. EDU 5 B., as amended, will read as follows: Superintendent's administrative and supervisory time. In school districts maintaining elementary, middle and secondary schools but employing fewer than ten teachers, the superintendent shall devote at least one-half of the school day to the administration and supervision of the schools. In school districts maintaining elementary, middle and secondary schools but employing ten or more teachers, the superintendent shall devote at least two-thirds of the school day to the administration and supervision of the schools. ✓p.2

f. EDU 7 C, as amended, will read as follows: Health record review. Each district shall assign a teacher, school nurse, or other professional person to review the health records of all pupils under his or her direction at the beginning of each school year. Growth, results of vision and hearing screening, and findings obtained from health assessments must be entered periodically on the pupil's health record. ✓p.3

g. 5 MCAR § 1.00201 C., balanced time, will not be added to State Board rules. ✓p.6

h. EDU 23 B, as amended, will read as follows: Pupil-teacher ratio. The acceptable maximum pupil-teacher ratio is 30 to 1 in any class in grades K-6 or K-8. The superintendent shall make a written report to the State Board of Education indicating the circumstances making an exception to the ratio necessary.

i. EDU 42 D. 2, as amended, will read as follows: Correspondence courses to be offered shall be approved by the commissioner of education and by the local school administration before pupils are enrolled. Pupils taking such courses shall be under the supervision and guidance of a teacher assigned to such work.

j. EDU 45 B., as amended, will read as follows: 1. Pupils from public or nonpublic schools, or schools with equivalent standards, in this state or any other state, shall submit admission records showing the successful completion of the work of the preceding years.

k. EDU 45 B., as amended, will read as follows: 2. Other pupils shall furnish evidence of educational attainment satisfactory to the administrator. If such evidence cannot be shown, examinations approved by school authorities shall be administered to the pupil by the administrator.

l. EDU 46 C, as amended, will read as follows: Teaching assignment. The maximum assignment of subjects for any secondary school teacher shall be five periods in a six-period day or six periods in a seven- or eight-period day. Each teacher shall have one period during the school day for preparation and conferences.

m. EDU 46 D, as amended, will read as follows: Maximum number of pupils. The maximum number of pupils per day for a secondary school teacher is 160 except for teachers of performing music groups and physical education classes. An acceptable class size for instruction in physical education shall not exceed 40 pupils.

n. 5 MCAR § 1.00301 B, as amended, will read as follows: Required and elective subjects. Each of the required subject hours set forth in EDU 40, 5 MCAR §§ 1.0036, 1.00401, and 1.00402 must equal 60 minutes of instruction. The remaining number of hours in a school year may be used to provide required or elective subjects. Actual class period lengths are to be determined by districts.

The State Board of Education finds that the rules, as amended, are both needed and reasonable.

January 18, 1982
Date

Secretary, Board of 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, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education duly and properly called and held on the 18th day of January, 1983, 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 Amendments to the following Rules: Chapter One--EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two--A--EDU 30, EDU 31, EDU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen-EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Twenty-Nine--EDU 561; Chapter Thirty-Five--EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1.0761, § 1.0762, § 1.0763, § 1.0764, § 1.0766, § 1.0767, § 1.0768, and § 1.0769; Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805 be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 125.185, subd. 4 and 121.11, subd. 12, and that John J. Feda, the Secretary of the Board of 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 18th day of January, 1983.

John J. Feda, Secretary

Member, State Board of Education

STATE OF MINNESOTA
BOARD OF EDUCATION

Statement of Need and Reasonableness for Changes in the Following Rules: Chapter One--EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two--EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A--EDU 30, EDU 31, EDU 32; Chapter Three--EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight--EDU 140, EDU 141, EDU 142; Chapter Nine--EDU 160, EDU 161, EDU 162; Chapter Seventeen--EDU 327; Chapter Twenty-Two--EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Thirty-Five--EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight--5 MCAR § 1.0760, § 1,0761, § 1.0762, § 1.0763, § 1.0764, § 1.0766, § 1.0767, § 1.0768, and § 1.0769; Chapter Forty--5 MCAR § 1.0800, § 1.0801, § 1.0802, § 1.0803, § 1.0804, § 1.0805.

Chapter One

EDU 1 Classification procedure.

These rules are being repealed because they are obsolete. Schools are no longer classified for the purposes of paying education aids. Basic foundation aid payments are now made under the provisions of Minnesota Statutes 1980, Section 124.212, as amended. Classification procedures described in EDU 1 are not used for either foundation aid or the numerous smaller education aids paid under current laws. Minnesota Laws of 1978, Chapter 616, Section 1, changed the classification system from being determined by the State Board of Education to being provided for in state law--Minnesota Statutes 1980, Section 120.05.

EDU 2 Building.

This rule is being clarified, simplified, and modernized to reflect changes in law by repealing all of EDU 2 and replacing it with Chapter Twenty-Two. The current EDU 2 describes "classification" of schools, a process that is no longer provided for under state law. Minnesota Laws 1978, Chapter 616, Section 1, changed the classification system from being determined by the State Board of Education to being provided for in state law--Minnesota Statutes 1980, Section 120.05. The rules comprising Chapter Twenty-Two properly reflect current minimum building requirements for elementary and secondary schools.

EDU 3 Equipment.

This rule is repealed because it relates to requirements that must be fulfilled by schools in order to maintain their "classification status." The State Board of Education no longer classifies schools; hence this rule is not enforced. Minnesota Laws of 1978, Chapter 616, Section 1, changed the classification system from being determined by the State Board of Education to being provided for in state law--Minnesota Statutes 1980, Section 120.05.

EDU 4 Curriculum.

Minor clarifications are being made in Subdivisions A., B., and C.; the content of these subdivisions is unchanged. EDU 561, civil defense education, is inserted in this rule because it relates to curriculum and, therefore, is more properly placed. Subdivision D. is being modified to reflect action by the 1982 legislature that ended foundation aid for summer school.

Subdivision E. is being repealed because Area Vocational Technical Institutes are no longer supported through a foundation aid system. Subdivision F. is being repealed because it has become obsolete through the passage of Chapter 605, Laws of 1982, which requires schools to provide instruction in chemical dependency prevention.

EDU 5 Staff.

Subdivisions A., B., and C. are being modified to enhance clarity, but their content is unchanged. Subdivision D. is being repealed because Minnesota Laws of 1982, Chapter 507, Section 27, amends the Joint Powers Act so that this activity will now be permitted.

EDU 6 Library Media Center

This rule is being modified to reflect current education usage and eliminate unnecessary words. The substance, however, is not being changed.

EDU 7 Records and reports.

The current rule on health records, EDU 140, Subdivision D., is being inserted here. This change results in a more appropriate placement of rule, thereby enhancing clarity.

EDU 9 Flexible school year.

This rule is being repealed. The basic intent of permitting flexible school year organizations, however, is retained in a modified 5 MCAR § 1.0010. The combination of EDU 9 and 5 MCAR § 1.0010 will eliminate ambiguity, which now arises from the very similar requirements for "flexible" and "experimental" programs, without impairing the purposes of either rule.

5 MCAR § 1.0010 Experimental and flexible school year programs

The title of this rule is changed to include flexible school year programs, thus obviating the need for EDU 9. Standards for approval described in EDU 9.B. are modified and inserted here. Such standards must be included for any program that allows exemptions from State Board of Education rules. Other changes made in this rule are, generally, for purposes of clarification. The directive that districts must employ evaluators other than their own employees is eliminated; employment of internal evaluators may be a more efficient use of resources and it should not be assumed this would jeopardize the quality of the evaluation. Internal evaluations of school programs are generally permitted, even encouraged.

5 MCAR § 1.0011 Definitions for pupil fees

This rule, formerly EDU 701, is being placed here in a slightly modified form. This will result in a more appropriate placement.

Chapter Two

EDU 20 Curriculum.

This rule is being repealed and replaced with a modernized, simplified version of elementary school curricular requirements. The new version replaces archaic words and reflects contemporary education practices, but it does not substantially alter content.

EDU 21 Class Schedules.

Minor changes are made here to increase clarity. Subdivision B. is being repealed because it places a needless restriction on school districts wishing to adopt contemporary, generally accepted school organization patterns which may, at times, result in a mix of students now technically prohibited by this rule. These organization patterns can result in more efficient uses of school resources and more effective instruction. Subdivision C. is being modified to permit the scheduling of kindergarten with another grade. The combination of grades can provide instructional benefits which might not be possible, in some instances, during separately scheduled units. Licensed kindergarten teachers would still be required for both separate and combination schedules.

EDU 22 Enrollment.

This rule is obsolete and is being repealed. It refers to the "classification" of "ungraded" elementary schools, which is no longer provided for in Minnesota law. Minnesota Laws of 1978, Chapter 616, Section 1, changed the classification system from being determined by the State Board of Education to being provided for in state law--Minnesota Statutes 1980, Section 120.05.

EDU 23 Staff.

Minor changes are being made in this rule to conform with modern English usage--people are "licensed" as principals, not "certificated"--clarify "teacher-pupil load," and eliminate a reference to the obsolete term "ungraded" school. The supports of A. are being reordered; references to school enrollment will begin with the smallest school and progress to the largest.

5 MCAR § 1.00301 General provisions for middle and secondary school.

Subdivisions A, and B, are being added to clarify the minimum number of hours established for middle and secondary schools and define a required subject hour. These subdivisions contain interpretations of State Board of Education rules and Minnesota Statutes which have been given by the Department of Education during the past several years.

Chapter Two-A: Special Requirements for Middle Schools

EDU 30 Middle school.

This rule is being repealed because it duplicates statutory language--Minnesota Statutes 1980, Section 120.05, Subdivision 1.(2)--which is prohibited by Minnesota Statutes 1981 Supplement, Section 15.0412, Subdivision 1.

EDU 31 Staff.

Minor changes are being made in this rule to conform with modern usage and thereby enhance clarity. In addition, it will be placed after the table that specifies subjects and hours.

EDU 32

Subdivision A. is being repealed because it presents, in a less precise fashion, the same information shown in Subdivision D. Subdivision B. appears vague and unnecessary and is, therefore, being repealed. Subdivision C. is being repealed and replaced with a more understandable introduction to the table.

The table from Subdivision D. is modified to include only the actual required subjects--or "common branches of learning", the phrase used in statute--and hours. The only necessary information regarding electives is included in the general provisions for middle and secondary school, "5 MCAR § 1.00301. The required hours are not changed, and deleting total and elective hours from the table should prevent confusion.

Part 1 of D. is being repealed. Total hours are determined by Minnesota Statutes Section 124.19, which establishes the number of days in a school year, and the general provisions for middle and secondary school, 5 MCAR § 1.00301, which sets the minimum length of a school day. The remainder of this rule, parts 2 and 3 of D. are being renumbered and modified to increase clarity. The requirement that physical education must be scheduled throughout the academic year for grades 7, 8, and 9 is currently in rule EDU 162, Subdivision A. 2.; it is being moved here to achieve a more appropriate placement for this rule.

Chapter Three: Special Requirements for Secondary Schools

EDU 40 Program of studies.

Parts of this rule are being repealed or amended to conform with modern English usage and education practice. These changes are minor. Subdivision A.1. and A.2. are being repealed because they are obsolete--schools are no longer classified--or redundant. Archaic wording is changed and a misspelling corrected in Subdivision A.3. Amendments are being made to Subdivision A.3. to clarify the intent. Specifically, only the necessary information is included in the tables: the required subjects--or "common branches of learning", as phrased in statute--and hours for secondary schools. The insertion of a table showing the requirements for four year secondary schools (5 MCAR § 1.00402) clarifies state policy. Currently, officials from these schools must infer the requirements which affect their students from those shown for the junior secondary period and those enumerated for the three year senior secondary period. This addition, which does not change any requirements, will simplify State Board of Education rules for secondary school curriculum. The requirements for 60 clock hours of physical education in grade 10 and scheduling for this subject throughout the academic year in grades 7, 8, and 9 are transferred from Chapter Nine, which is being repealed.

The remaining portion of Subdivision A., pertaining to "electives and experimental programs" and a "cocurricular plan", are being repealed because they are redundant. 5 MCAR § 1.0010 provides rules for experimental programs, while the minimum elective requirements are stated in EDU 40. The one sentence statement on a "cocurricular plan" is too vague to provide guidance and, therefore, adds nothing to the school program requirements, which appear elsewhere in State Board of Education rules.

Subdivisions B., C., D., E., F., and G. are all being repealed because they are redundant. The requirements in these subdivisions are stated in the current EDU 40.A. and remain in this revision.

EDU 41 Minimum pupil load.

Subdivision A is being repealed because it is an unnecessary cross-reference.

Subdivision B is being repealed because the determination of courses to be taken by students is a local school issue. Local school staff along with students and their parents are those most capable of making decisions about minimum course loads. The provision for early graduation, B.1., is being moved to a modified EDU 43, B.

EDU 42 Basis for secondary school credit.

Subdivision A.1. is modified to increase clarity.

The change being made in Subdivision A.2. will allow schools to grant credit to students who, on a "performance basis," demonstrate knowledge of any course, elective or required. This change represents a logical extension of the current rule, which limits performance-based credit to elective courses, and will result in more effective use of students' time and schools' resources. Subdivision A.3. is being added in order to recognize the provisions of Minnesota Laws 1982, Chapter 618, relating to the acquisition of credit through post-secondary instruction.

Parts 1 and 2 of Subdivision B. are being repealed because they will become redundant, given the change made in the first sentence.

Part 3 of Subdivision D. is being repealed because it places needless limitations on the offering of correspondence courses. Limitations specified in Subdivision D.1. provide sufficient direction for school district authorities, who must make the final decisions on this matter.

EDU 43 Completion of secondary courses.

Subdivision A. is being modified in order to provide a more lucid description of the number of credits and the categories of courses required for graduation. Part 2 is being eliminated because it is superflous; the same information is contained in EDU 40, Subdivision A. Part 3 of Subdivision A. is unnecessary because of EDU 42.2., which is being changed to include both elective and required courses as eligible for students who wish to "accelerate" their education program.

The changes in Subdivision B. are made in recognition that specific requirements for secondary school attendance certificates should be set by school districts.

Subdivision C. is being repealed because persons in military service may enroll in correspondence courses under the revised rules established in EDU 42.D. This subdivision, then, becomes redundant.

Subdivision D. is being modified to clarify its meaning but its actual substance is unchanged.

EDU 44 Length of school day.

The minimum length of a school day, six hours, is retained but moved to a new 5 MCAR § 1.00301 for improved placement. A typing error and redundancies are removed from this rule, but the substance is not changed.

EDU 45 Admission.

Minor rewording changes are being made in this rule, thereby eliminating references to an obsolete process, "classifying" schools, and increasing clarity.

EDU 46 Staff.

Minor changes are being made in Subdivisions A., B., and C., replacing the archaic "certificated" with "licensed," eliminating unnecessary words, and clarifying the phrase "applied music." Identification of the maximum number of pupils for each teacher in a physical education class is transferred here to retain this requirement from Chapter Nine, which is being repealed.

Subdivision D. is being repealed because it conflicts with EDU 41, B.1., which is the most recent State Board of Education rule on early graduation.

Chapter Eight: Health and Safety Education

EDU 140 General standards, all schools.

This rule is being repealed except for Subdivision C., which is being moved to Chapter One, EDU 7, where general school record and report requirements are placed. Subdivision A. appears to be an unnecessary directive, since the myriad of state and federal health related laws and rules, in fact, require that a school official or officials organize and coordinate the school health program. Subdivision B. is an unnecessary addition to the general requirement that health must be part of the curriculum in elementary, middle, and secondary schools and to the planning, evaluating, and reporting requirements which school districts must follow.

EDU 141 Elementary schools.

This entire rule is being repealed. Subdivision A. adds unnecessary specificity and restrictiveness to the general curricular requirements set forth in EDU 20. A repeal will provide increased discretion to schools, which will still have to abide by the requirement, in EDU 20, that health must be part of the elementary curriculum. Subdivision B. establishes a requirement for physical education and health education programs that is peculiar to these two subjects; written courses of study are not prescribed for any other subjects in either the required or elective portions of the curriculum.

EDU 142 Secondary schools.

This rule is being repealed because Subdivision A. repeats the minimum requirements noted in EDU 40, Subdivision B. establishes a requirement for health that does not exist for any other required subject, and Subdivision C. has been superceded by Board of Teaching Rule 5 MCAR § 3.083.

Chapter Nine: Physical Education Instruction

EDU 160 General standards for all schools.

Subdivision A. is being repealed because it sets forth a vague requirement for measuring pupil progress in physical education, though such state requirements do not exist for other required subjects. The measurement of pupil progress in required or elective subjects is considered to be based on local schools' decisions.

Subdivision B. is being repealed because it is unnecessary. Chapters Two, Two-A, and Three provide for the same general directive, since they set forth the minimum hours of physical education instruction for kindergarten through grade 12.

EDU 161 Elementary schools.

Subdivision A. is being retained but inserted in Chapter Two, resulting in a more appropriate placement.

Subdivision B. is being repealed because it establishes a requirement for physical education that, except for health, does not exist for any other required or elective subject. This special requirement for schools' physical education programs appears to transcend those called for by Minnesota Statutes 1980, Section 120.02. Beyond the state required minimums, curricula in public schools have traditionally been based on the decisions of local school officials. These rules, however, imply a lack of local control. The changes suggested here would establish physical education rules which comport with the concept of local control.

EDU 162 Secondary schools.

The content of Subdivison A.1. is being transferred to EDU 40, which includes the general curricular requirements for secondary schools. This will be a more appropriate placement of the rule. Subdivision A.2. is being transferred to the revised EDU 40.

Subdivision B. is being repealed because it establishes a requirement for physical education that, except for health, does not exist for any other required or elective subject. This special requirement for schools' physical education programs appears to transcend those called for by Minnesota Statutes 1980, Section 120.02. Beyond the state required minimums, curricula in public schools have traditionally been based on the decisions of local school officials. These rules, however, imply a lack of local control. The changes suggested here would establish physical education rules which comport with the concept of local control.

The content of Subdivision C. is being transferred to EDU 46. This will be a more appropriate placement for the class size restriction.

Subdivision D. is being repealed because it is redundant. Chapter One, EDU 4, prohibits schools from providing "any course or activity on the basis of sex."

Chapter Seventeen: Certificates, Administrators and Supervisors

EDU 327 Area vocational technical school administrator.

This rule is being repealed because its revised provisions have recently been incorporated into Chapter Thirty-Nine, 5 MCAR § 1.0797.

Chapter Thirty-Five: Pupil Fees

Parts of this chapter are being repealed because they duplicate language contained in Minnesota Statutes, which is explicitly prohibited by Minnesota Statutes 1980, Section 15.0412, Subdivision 1. EDU 700 repeats Minnesota Statutes 1980, Section 120.72; EDU 702 repeats Minnesota Statutes 1980, Section 120.73; EDU 703 repeats Minnesota Statutes 1980, Section 120.74; EDU 704 repeats Minnesota Statutes 1980, Section 120.75; EDU 705 repeats Minnesota Statutes 1980, Section 120.76. EDU 706 is being repealed because it appears to be unnecessary. EDU 701 is being retained, with only minor modifications, since the definitions contained in this rule are important to a proper interpretation of the Minnesota Public School Fee Law, Minnesota Statutes Section 120.71 to 120.76. The actual content of EDU 701 is being transferred toward the beginning of the rule book, 5 MCAR § 1.0011, which will result in a more appropriate placement.

Chapter Thirty-Eight: Financial Accounting Reporting Requirements

5 MCAR § 1.0760 Coverage.

The content Subdivision A. is not changed; the modification is being made to clarify the section.

Section D. is being changed by deleting language which is limiting in its application. The use of the revised terminology is consistent with current transmission of data from a regional management information center. The requirement for this reporting method is specified in Minnesota Statutes 1980, Section 121.936.

5 MCAR § 1.0761 Modified accrual accounting and other accounting requirements.

The change being made in Subdivision A. and Subdivision B. expands the scope of coverage to the budgeting phase of the financial cycle. This change represents a logical extension of the current rule which limits the coverage to the accounting and reporting phases of the financial cycle. Minnesota Statutes 1980, Section 121.908, Subdivision 4 identifies this requirement.

The last sentence of Subdivision C. is deleted since it is redundant with Minnesota Statutes 1980, Section 121.936, Subdivision 1.

The existing language of Subdivision D. is being repealed since it is a restatement of Minnesota Statutes 1980, Section 121.936. The revision to Subdivision D. identifies the source manual for Uniform Financial Accounting and Reporting Standards. The accounting principles contained in this manual are required to be approved by the state board of education in accordance with Minnesota Statutes 1980, Section 121.902.

Subdivision E. is an addition to the section which identifies the source manual for student activities accounting. The standards contained in this manual are designed for use where student activities are under the direction and control of school administration. These standards are authorized by Minnesota Statutes 1980, Section 123.38.

5 MCAR § 1.0762 Fund Accounting.

The inclusion of an enterprise fund as a fund type in Subdivisions B., C. and D. is required for reporting of financial information which is consistent with generally accepted accounting principles. The enterprise fund category is to

be used only for the financial reports of the regional management information centers. The fund accounting principle is identified in Governmental Accounting and Financial reporting principles, Statement 1.

Subdivision E. is being revised to eliminate language which is redundant with the statutes.

Major clarifications are being made in Subdivision F.; the content of this subdivision is unchanged. Clauses 1 and 2 are being changed to comply with Minnesota Statutes 1980, Section 121.912, Subdivision 3.

Subdivision G. is being modified to eliminate clause 2. With the existing language, the rule is in conflict with Minnesota Statutes 1980, Section 121.912, Subdivision 3.

Subdivision H is revised to enhance clarity and provide reference to transfer authority.

1.0763 Revenue and Expenditure Classification Principles.

This rule is being repealed because it is obsolete and some of its contents are restated in 5 MCAR § 1.07631.

5 MCAR § 1.07631 Revenue and expenditure classification principles.

The required account structure and source manual for budgeting, accounting and reporting are identified in Subdivision A. The account structure identified is required to be used by all school districts by Minnesota Statutes 1980, Section 121.936, Subdivision 1.

Subdivisions B., C., E. and F. are included in the rule to clarify specific accounting principles which are appropriate to Minnesota school districts. These generally accepted accounting principles for revenue and expenditure classifications provide for consistency in reporting. The requirement for conformity to generally accepted accounting principles is found in Minnesota Statutes 1980, Section 121.902, Subdivision 1.

The classification requirements for determination of indirect cost factors are set forth in Subdivision D. Adherence to a strict accounting structure is explained in Chapter IX of the Manual For The Uniform Financial Accounting and Reporting System For Minnesota Schools.

1.0764 Audited and unaudited financial statements, budgets.

This rule is being repealed because it is obsolete and some its contents are being restricted in 5 MCAR § 1.07641.

5 MCAR § 1.07641 Unaudited and audited financial reports, statements, budgets

The requirements of Subdivision A. are an identification of the elements to be included in the unaudited financial statement of the authority provided in Minnesota Statutes 1980, Section 121.908, Subdivision 2. The method of submission specified in this rule is through the ESV regional center as required by Minnesota Statutes 1980, Section 121.936. Adjustments to the unaudited financial reports are required by Minnesota Laws 1982, Chapter 548, Article IV, Section 5.

Subdivision B. specifies the source documentation and identifies the standards to be followed for a school district's audited financial statement. The audited financial statment is required by Minnesota Statutes 1980, Section 121.908, Subdivision 3. The historical analysis of statutory operating debt is a requirement of Minnesota Statutes 1980, Section 121.912, Subdivision 8.

Subdivision C. identifies the method of budget submission and degree of detail required by the department of education. The statutory requirement for the budget is found in Minnesota Statutes 1980, Section 121.908, Subdivision 4.

5 MCAR § 1.07642 Fixed assets

Fixed asset reporting for area vocational technical institutes is required by Minnesota Laws 1981, Chapter 358, Article 5, Section 1. This rule identifies the fiscal year and for the commencement of fixed asset reporting as well as source manual which contains the standards.

Chapter Forty: Libraries

Various minor amendments are being made in this chapter to clarify phrases, delete obsolete requirements (e.g., applications due in state fiscal year 1981), and update statutory references. No substantial change is made to any of the rules composing Chapter Forty--5 MCAR §§ 1.0800-1.0819.

In the Matter of the Proposed Adoption of Rules of the State Board of Education Providing Housekeeping Amendments of Existing Rules.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Assistant Attorney General Michael J. Bradley, 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.

Michael J. Bradley
Assistant Attorney General

Dated: Feb. 2, 1983