

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

ATTORNEY GENERAL

May 20, 1988

CINDY L. LAVORATO
Special Assistant Attorney General
1100 Bremer Tower

MARTHA J. CASSERLY
Special Assistant
Attorney General

296-6839

In the Matter of the Adopted Permanent Rules Relating to Secondary Vocational Programs

The above-referenced rule has been approved as to its legality by the Attorney General on May 20, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must establish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:bbl

Enclosures

cc: Maryanne Hruby
Duane Harves

RULE REVIEW CHECKLIST

File No. 1483
DATE RECEIVED 5-10-88
REVIEW DATE 5-19-88
DUE DATE 5-24-88

APPROVED 5.20.88 mjc
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0026
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED X
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)
✓ Notice to Solicit Outside Information/Opinion
10/26/87 Date published in State Register
yes Comments
Petition for Adoption of a Rule
✓ Board's Authorizing Resolution
✓ Proposed rule
yes Revisor's Certificate
✓ Notice of Intent to Adopt Rule
12.11 subd 12 Statutory Authority
no Small Business Statement
no Expenditure of public money statement
yes Signature
✓ Statement of Need and Reasonableness
no Small Business Statement
no Fees - § 16A.128
✓ Affidavit of Mailing Notice of Intent to Adopt Rule
2/11/88 Date (30)/25 days before adoption
✓ Publication in State Register
2/15/88 Date (30)/25 days before adoption
✓ Resolution Adopting
✓ Findings of Fact, Conclusions & Order Adopting
4/12/88 Date
✓ Written requests, submissions or comments
✓ Declaration of attorney
Cindy Lavorato Name of SAAG representing agency
Notice of Submission to Attorney General
Affidavit of Mailing Notice to Attorney General

MJC

State Board of Education

Adopted Permanent Rules Relating to Secondary Vocational Programs

Rules as Adopted

3505.1000 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. **Authorized local administrator.** "Authorized local administrator" means the licensed vocational administrator who has major responsibility for vocational education at the secondary level for a district or center and is assigned to provide management and leadership in secondary vocational education. The superintendent may act as the authorized local administrator in the absence of a local vocational administrator.

Subp. 4. to 6. [Unchanged.]

Subp. 7. **Classroom instruction.** "Classroom instruction" means an in-school instructional method involving discussion, simulation, problem solving, decision making, computers, and other forms of communication.

Subp. 8. and 9. [Unchanged.]

Subp. 10. **Cooperative center.** "Cooperative center" means two or more districts meeting all provisions of Minnesota statutes, which provide expanded educational options by sharing vocational programs which have been approved by the State Board of Education.

Subp. 11. and 12. [Unchanged.]

Subp. 13. **Entry level skills.** "Entry level skills" means those basic occupational competencies and work readiness skills including application of basic skills, work attitudes, and problem solving skills which enable a person to enter initial employment.

Subp. 14. **Essential licensed personnel.** "Essential licensed personnel" means staff assigned to approved vocational

Approved by Revisor _____

education programs who meet criteria for vocational education licensure stated in vocational rules of the Minnesota State Board of Education and who have been issued the appropriate vocational license.

Subp. 15. **Exploratory work experience.** "Exploratory work experience" means a school supervised vocational program designed to provide students with paid or unpaid work experience in a variety of occupations, to help the students identify job traits in relation to their abilities and characteristics and to assist them in making realistic and appropriate occupational choices.

Subp. 16. **Extended employment.** "Extended employment" means paid time when staff is employed beyond the regular school calendar, which is necessary for job placement and coordination, development of training plans and training agreements, equipment maintenance, supply procurement, inventory and storage, curriculum development, staff development, or vocational student organization activities.

Subp. 17. [Unchanged.]

Subp. 18. [See Repealer.]

Subp. 19. to 24. [Unchanged.]

Subp. 25. **Occupation.** "Occupation" means paid or unpaid work including, but not limited to, salaried jobs, self-employment, and homemaking.

Subp. 26. [Unchanged.]

Subp. 27. [See Repealer.]

Subp. 28. to 34. [Unchanged.]

Subp. 35. **Students with special needs.** "Students with special needs" means students who are handicapped or disadvantaged.

Students identified as handicapped are defined in Minnesota Statutes, section 120.03 and cannot succeed in regular vocational programs.

Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified programs or supportive services to assist them in succeeding in

Approved
by Revisor _____

a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematic skills, perform below grade level, the family income is at or below national poverty level, the student or the student's parents or guardian is unemployed, the student or the student's parents are recipients of public assistance, or the student is institutionalized or under the state's guardianship.

Subp. 36. [Unchanged.]

Subp. 37. **Secondary vocational teacher full-time equivalent.** "Secondary vocational teacher full-time equivalent" means a licensed vocational teacher who teaches the equivalent of six hours per day for 175 days per year or its equivalent.

Subp. 38. to 41. [Unchanged.]

Subp. 42. [See Repealer.]

Subp. 43. **Vocational aid.** "Vocational aid" means categorical, state and federal funding for secondary vocational programs meeting criteria set forth in rules.

Subp. 44. [See Repealer.]

Subp. 45. **Vocational education.** "Vocational education" means organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid work or for additional preparation for a career requiring technical competencies or a postsecondary or higher education advanced degree.

Subp. 46. [Unchanged.]

Subp. 47. **Vocational program advisory committee.** "Vocational program advisory committee" means a group of persons with competence or interests in an occupational field related to the program being served, selected for offering advice to teachers or administrators regarding vocational education. At least 50 percent of the members shall be representatives of a directly related business, labor and industry.

Subp. 48. [Unchanged.]

3505.1200 OPPORTUNITY TO APPEAL.

Districts or centers whose vocational programs or courses

Approved
by Revisor _____

have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the State Board of Education and are entitled to a review at a regular or special board meeting. The State Board of Education will notify the districts or centers of the time and place of the review in writing. Upon completion of the review, the decision of the State Board of Education and the reasons for the decision will be made in writing and transmitted to the local education agency. The decision of the State Board of Education shall be the final state action.

3505.1500 CENTER APPROVAL.

State Board of Education approval is necessary if a cooperative center is to be eligible for secondary categorical vocational aid or other aid available to approved cooperative centers. The superintendent representing a district school board or a center governing board may submit a request to the commissioner of education for approval by the State Board of Education when the following criteria have been met.

Vocational programs shall be shared by one of the following methods: two or more Minnesota school districts operating a cooperative center having met provisions of applicable Minnesota Statutes, or intermediate school districts established by the legislature to serve two or more independent school districts.

A licensed secondary vocational administrator or the superintendent for a district shall be responsible for the vocational programs.

3505.1700 ALLOTMENT AVAILABILITY OF FEDERAL FUNDS.

A cooperative agreement between the State Board of Education and the State Board for Vocational Technical Education will annually provide for the distribution of federal funds between secondary and postsecondary vocational programs.

Distribution to local education agencies must be determined by state and federal law.

3505.1900 SUBMISSION OF WRITTEN PLANS; USE OF MATCHING FUNDS.

Approved
by Revisor _____

Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be submitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education for approval by the State Board of Education.

3505.2000 APPORTIONING FUNDS.

In apportioning funds among local education agencies, the State Board of Education shall assure that no local education agency which is making a reasonable tax effort shall be denied funds for establishing new vocational programs solely because it is unable to pay the nonfederal share of the cost of the programs.

3505.2100 PROPERTY MANAGEMENT STANDARDS.

A uniform property management system must be used by the districts and centers to:

A. maintain individual item control for continuing verification on nonexpendable personal property in which the State Board of Education has provided state or federal funds; and

B. maintain a source of information for future purchasing and capital budgeting for nonexpendable personal property, long-term capital financing, and program cost computing.

3505.2200 STANDARDS AND PROCEDURES GOVERNING OWNERSHIP.

This part lists standards and procedures governing ownership, use, and disposition of nonexpendable personal property purchased whole or in part with state or federal funds. Title must not be taken by the State Board of Education, but must be vested in the local education agency subject to the following restrictions on use and disposition of the property:

Approved
by Revisor _____

A. [Unchanged.]

B. All other nonexpendable personal property with an acquisition cost of $1,000 or less: the local education agency may use the property for its intended vocational-technical purpose. If approved vocational-technical use of the property is discontinued or the property is sold or diverted in some other manner, the State Board of Education is to be credited with its proportionate share of the current fair market value of the property. The current fair market value shall be determined by the sale price in the case of a bona fide sale or by a third party appraisal in the case of some other diversion. The State Board of Education's proportionate share of the property shall be computed by applying the percentage of state funding participation in the property to the current fair market value of the property.

C. Nonexpendable personal property with an acquisition cost of over $1,000: if the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within 120 days, the local education agency may dispose of the property at its discretion.

A physical inventory of nonexpendable personal property shall be taken by the local education agency and the results reconciled with the local education agency property records at least once every two years to verify the existence, current use, and continued need for the property. Property records shall be retained for three years after final disposition of the property. The commissioner of education or an authorized representative shall have access to any pertinent property records for the purpose of making examinations.

In addition, when personal property is purchased whole or in part with federal funds furnished by the State Board of Education, the local education agency shall comply with the appropriate federal regulations regarding standards and procedures governing ownership, use, and disposition of personal

Approved
by Revisor _____

property.

3505.2400 SCOPE.

To be eligible for aid, local education agencies shall meet the requirements in parts 3505.2400 to 3505.6000.

Approval requests shall be submitted annually by the local education agency to the commissioner of education. Only approved programs shall be eligible for vocational aid. Local education agencies submitting new program approval or alteration requests shall be notified in writing regarding approval, disapproval, recommended alteration, or delay of action within 20 working days after receipt of the request. When the program is disapproved or recommended for alteration, the notification shall include reasons for denial or changes. When applicable, the notice shall outline corrective actions for the program to qualify for approval upon resubmission. Approved programs and administrative services shall be supervised by the authorized local administrator. The local education agency shall resubmit each approved program for evaluation by the State Board of Education at least once every five years.

3505.2500 INSTRUCTIONAL PROGRAM APPROVAL.

The commissioner of education shall approve programs on the following basis. Approval shall be on the basis of a complete program as defined in parts 3505.2600 to 3505.4100. The local education agency shall provide evidence that its curriculum is designed to meet vocational objectives which shall include:

A. in-depth exploration of occupations to assist in the career planning process;

B. development of occupational competencies designed to be recognized for advanced placement in postsecondary programs; and

C. development of occupational competencies necessary to enter an occupation.

Each program shall have a vocational advisory committee to advise the teacher, the local authorized administrator, and the local board; the advisory committee shall meet at least two

Approved
by Revisor _____

times a year.

3505.2600 PROGRAM COMPONENTS AND TIME STANDARDS.

All program components and learner outcomes for specific program areas as specified in parts 3505.2700 to 3505.4100 must be addressed to qualify for approval; however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee.

3505.4200 MINIMUM STUDENT/STAFF RATIO TO OBTAIN FINANCIAL AID FOR PROGRAM.

To be eligible for aid, the minimum student-teacher staff ratio for each program must be an average of ten students per section. An exception to the minimum student/staff ratio may be granted by the State Board of Education for a maximum of one year to resolve a hardship. In this part, hardship exceptions refer to:

A. completing a sequential program;

B. the first year of a new program; and

C. a unique situation in a local district or cooperative center that can be resolved by the beginning of the school year following the year in which the exception is granted.

A rationale and plan of action to resolve the hardship during the exception school year must be received by the secondary vocational section of the Department of Education by March 1, October 25, or February 25, whichever is appropriate. A student shall be allowed to enter or withdraw from the program without completing all courses or components.

3505.4300 COMMUNITY-BASED EDUCATION.

When a vocational program includes a segment in which students are placed on a paid or unpaid experience outside the vocational class or laboratory for more than 40 hours during the program, the local education agency shall meet the requirements for the community-based education option of a program as stated in parts 3500.3500 and 3505.4400 to 3505.4700.

3505.4400 SINGLE VOCATIONAL AREA COOPERATIVE; REGULAR

Approved
by Revisor _____

COOPERATIVE.

The authorized local administrator shall assign coordination time for the teacher-coordinator in blocks of time large enough for efficiency, so that the staff can contact the employer during hours when the student is working. Preparation time for the teacher-coordinator must be assigned separately from coordination time. Training stations must be available to at least half of the cooperative students before the commencement of the program. The student must be on the job a minimum of one hour a day, averaging no less than ten hours per week during the school session. An exception must be granted by the commissioner of education for handicapped persons whose disability prevents them from working a two-hour day. The local education agency shall have a training agreement and training plan for each student on the job. The agreement and plan shall be signed by the student/parent or guardian (when the student is under 18), employer, and teacher-coordinator, and shall remain on file locally for at least six months after the student completes the cooperative component of the program. The cooperative experience shall include occupational relations, an employability seminar, or a related seminar which shall consist of a minimum of 50 minutes per day or 250 minutes per week taught by a licensed vocational teacher-coordinator. When the seminar convenes two or fewer times per week, a minimum of 200 minutes is required. The cooperative experience shall include prior or concurrent classroom instruction in the occupational area except work experience for special needs students. Age certificates must be kept on file for a minimum of three years.

3505.4500 MULTIPLE VOCATIONAL AREA COOPERATIVE; DIVERSIFIED OCCUPATIONS; INTERRELATED COOPERATIVE.

The requirements in part 3505.4400 must be met. Diversified occupations/interrelated cooperatives shall serve students from more than one vocational program area. A student shall have, or acquire concurrently, skill competencies related to the student's stated career objective as stated in the

Approved
by Revisor _____

component section of the vocational program area which relates to that stated objective.

3505.4600 SPECIAL NEEDS COOPERATIVE.

Special needs cooperative community-based education designed specifically to develop employability competencies for special needs students: all programs shall meet the following criteria.

The requirements in part 3505.4400 must be met. Students selected for these programs shall meet the definition of handicapped or disadvantaged in part 3505.1000, subpart 35. A committee consisting of teachers involved in general and vocational education, counselors, and administrators shall participate in the identification of disadvantaged students. Handicapped students shall be identified through the special education child study process outlined in parts 3525.2500 to 3525.2900 and shall be limited to students who cannot succeed in regular vocational programs without special assistance. Proof that students enrolled in the program have been identified as handicapped or disadvantaged shall be kept on file locally for five years.

3505.4700 WORK EXPERIENCE.

Subpart 1. **Work experience/career exploration.** The requirements in part 3505.4600 must be met. Students who have reached age 14 and have not reached 16 are eligible for the work experience/career exploration. When students become 16 while enrolled, they may remain enrolled until the end of the school year. The maximum number of students enrolled in work experience/career exploration shall conform with federal regulations. The training agreement and employment certificates, not including the training plan, shall be kept on file for five years.

Subp. 2. **Work experience disadvantaged.** The requirements in part 3505.4600 must be met.

Subp. 3. **Work experience handicapped.** The requirements in part 3505.4600 must be met. The maximum number of students

Approved
by Revisor _____

enrolled in the work experience handicapped cooperative is 24 students when the teacher-coordinator is responsible only for the vocational area of instruction. ~~When the teacher-coordinator is responsible for individual students who are multi-handicapped, or the student load includes three or more types of handicapped conditions, the maximum load must not exceed 12 students. When severely handicapped students are enrolled in the work experience handicapped program, supplemental support staff/technical tutors must be provided to support the work experience teacher-coordinator.~~ When the teacher-coordinator is responsible for other educational areas as well as the work experience cooperative, the student load should be prorated in accordance with the time limits defined in this subpart pertaining to the work experience handicapped cooperative time load. The training agreement and training plan shall be incorporated with the special education individual educational plan in the State Board of Education rules.

3505.4900 SUPPORT SERVICES.

Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:

A. one full-time equivalent support service facilitator to 60 full-time equivalent students;

B. one full-time equivalent supplemental support staff/technical tutor to ten full-time equivalent students;

C. one full-time equivalent interpreter to one full-time equivalent student or more as appropriate;

D. one full-time vocational evaluator to five full-time equivalent students enrolled in vocational evaluation services.

Approved
by Revisor _____

Proration of vocational aids shall occur when special needs personnel are assigned to vocational education less than full time.

3505.5200 VOCATIONAL AID.

State payments shall be based upon the estimated budget for approved programs operated in accordance with parts 3505.2700 to 3505.4900. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, contracted instructional services, travel, curriculum development activities, and specialized instructional supplies and equipment (handicapped programs only) shall be based on the estimated budget. To receive aid under this part, enrollment figures must be submitted and postmarked on or before October 25 and February 25. Failure to submit budgets and enrollment figures before the deadline will result in the aid being withdrawn. A district or center that does not verify enrollment figures and as a result has aid withdrawn may resubmit the budget by the date of the final report for the fiscal year. The district's or center's request must be kept by the department and will be funded at year end if sufficient aid is available. Final payment of aids for such categories shall be based on actual expenditures and actual enrollment.

3505.5300 AID FOR SALARIES.

Subpart 1. **Eligibility of local education agency.** A local education agency is eligible for aid according to Minnesota Statutes, section 124.573.

Subp. 2. **Eligibility for aid for extended employment.** A district or center is eligible for vocational aid for extended employment at a maximum rate of:

A. FTE teacher, six days;

B. FTE teacher-coordinator, 20 days.

Aid must be prorated for a less than full-time equivalent teacher.

Approved by Revisor _____

Subp. 3. **Eligibility for aid for preparation time.** To be eligible for preparation time aid, each teacher for whom a district claims the aid must teach at least one vocational period.

The department shall fund up to a maximum of one hour of preparation time for a full-time equivalent teacher. Aid must be prorated for a less than full-time equivalent teacher.

Subp. 4. [Unchanged.]

3505.5400 ELIGIBLE ADDED COST CATEGORIES.

Subpart 1. **UFARS object or program dimensions.** A district or cooperative center is eligible for aid for the following added costs. The object or program dimensions in the current edition of the Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools (UFARS), State of Minnesota, Minnesota Department of Education must be used to define each category.

Subp. 2. **Contracted services.** Contracted services provided by a public or private agency other than a Minnesota public school district or cooperative center for instructional education services. Aid is available for:

A. A resource specialist or a guest speaker employed by an entity described in subpart 2 who teaches part of a program under the supervision of a licensed secondary vocational teacher. Contracted services for programs for the handicapped must be pre-approved by the state program specialist. UFARS object dimension 311 must be complied with.

B. A public or private agency other than a Minnesota school district or cooperative center that provides instructional vocational education services. In order to be eligible for aid:

(1) a binding contract must exist and be submitted with the annual program budget on March 1 for approval; and

(2) the public or private agency must comply with all rules governing secondary vocational education except for

Approved
by Revisor _____

teacher-student ratios.

Subp. 3. **Necessary travel.** Necessary travel by vocational staff in approved vocational programs defined in parts 3505.2600 to 3505.4900 is eligible for aid as follows:

A. necessary travel between vocational instructional sites as defined in UFARS object dimension 366;

B. necessary travel by licensed secondary vocational education personnel for vocational student organization activities held within the state for instructional purposes related to the vocational program and as defined in UFARS object dimension 366; and

C. necessary travel by licensed secondary vocational education personnel for noncollegiate credit-bearing professional development related to the vocational program area as defined in UFARS object dimension 367.

Subp. 4. **Curriculum development.** Curriculum development that is part of a five-year plan for improvement based on program assessment as defined in UFARS program dimension 610.

A. The five-year plan must be submitted to the state program specialist for the vocational program by March 1 for approval. Yearly amendments are required if the plan or timelines deviate from the approved five-year plan.

B. The plan must identify the assessment process. The assessment must be a formal process involving teachers, administrators, business and industry, and the community. Program Evaluation and Reporting (PER), North Central Evaluation, Vocational Education Evaluation, or other evaluation process may be used.

C. The plan must be comprehensive and must consider the following:

(1) mission of vocational education;

(2) coordination with district staff development plan;

(3) Department of Education Model Learner Outcomes for the vocational program;

(4) update relevant to world of work; and

Approved by Revisor _____

(5) articulation between levels and across subject matter areas.

D. The plan must include work to be accomplished, title of person involved, and estimated timelines.

E. The five-year plan must be approved by the local program advisory committee.

Subp. 5. **Specialized vocational instructional supplies.** Aid is available for specialized vocational instructional supplies that are unique and essential to the instructional programs as defined in UFARS object dimension 433, excluding instructional equipment as defined in the UFARS Manual in Appendix B, page B-2.

3505.5500 AID FOR EQUIPMENT IN HANDICAPPED PROGRAMS.

A local education agency shall be eligible for aid at a rate up to the percentage rate set by the legislature for expenditures to lease or purchase equipment to develop occupational competencies in an approved instructional program. Equipment request shall be preapproved by the commissioner of education to be eligible for aid.

3505.5600 AID LIMITATIONS.

Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid. When a district or center sells products or services produced in an approved program, the revenue from sales shall be recognized. This revenue may be used for expenditures which are directly related to an approved secondary vocational program. If the revenue from sale of products or services exceeds the cost to produce those products or services in any fiscal year, and the excess revenue is not used in another vocation program, the excess revenue shall reduce the state's obligation for such program by the amount of income in excess of the cost of production. When excess revenue is used for expenditures within approved secondary vocational programs, those expenditures are not eligible for aid under

Approved
by Revisor _____

Minnesota Statutes, section 124.573.

3505.5700 VOCATIONAL AID APPLICATION PROCEDURE.

Subpart 1. **Submission of annual program budget.** The authorized local administrator shall be responsible for submitting the annual program budget, program budget amendments, and annual report.

Subp. 2. **Eligibility for vocational aid.** To be eligible for vocational aid, the annual program budget shall be submitted by March 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disapproval in writing by May 30. To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.

An authorized local administrator, a group of districts and centers, or the commissioner of education may request a hearing. The hearings shall be scheduled between March 1 and June 15 and shall discuss the rationale for program and planned revenue and expenditures. District or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for its review. The results of the review shall be transmitted to the local board of education in writing.

Subp. 3. **Amendments or late program budgets.** Program budget requests may be submitted after March 1. The requests must be kept by the department and will be funded at year end if sufficient aid is available.

Amendments to the budget request must be received by the secondary vocational section of the Department of Education by October 25 and February 25 for teacher salaries, contracted services, travel, curriculum development activities, and vocational instructional supplies. Amendments are necessary when the budget amount varies by more than ten percent by

Approved
by Revisor _____

vocational program. Aid in excess of the ten percent variation will be withheld when the necessary amendments have not been made.

Amendment and program budget requests shall be considered when state and federal funds are available or the amendment request is for increased costs of existing approved programs, administrative or support services.

INCORPORATIONS BY REFERENCE. The course, program and object dimensions, and the part of Appendix page B-2, all in the Manual for Uniform Financial Accounting and Reporting Standards (UFARS), published by the Department of Education that are referred to in part 3505.5400, are incorporated by reference. The Manual is updated continuously and is available through the Minitex interlibrary loan system.

REPEALER. Minnesota Rules, parts 3505.0200; 3505.0300; 3505.0400; 3505.0500; 3505.0600; 3505.0700; 3505.0800; 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000; 3505.6100; 3505.6200; 3505.6300; 3505.6400; 3505.6410; 3505.6500; 3505.6600; 3505.6700; 3505.6800; 3505.6900; 3505.7000; 3505.7100; 3505.7200; 3505.7300; 3505.7400; 3505.7500; 3505.7600; 3505.7700; 3505.7800; 3505.7900; 3505.8000; 3505.8100; 3505.8200; 3505.8300; 3505.8400; 3505.8410; 3505.8500; 3505.8600; 3505.8700; 3505.8800; 3505.8900; 3505.9000; 3505.9100; 3505.9200; 3505.9300; 3505.9400; 3505.9500; 3505.9600; 3505.9700; 9505.9800; and 3505.9900, are repealed.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

may 20 1988

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE BOARD OF EDUCATION
DEPARTMENT OF EDUCATION
PARTNERSHIPS DIVISION

Statement of Need and Reasonableness for Changes in Chapter 3505 Rules Governing Requirements for Vocational Programs in Secondary Schools.

The statutory authority for the State Board of Education to promulgate these rules is contained in Minnesota Statutes 121.11 subd. 12 (1986) and section 124.573 (1986 and Supp. 1987).

RULES AS PROPOSED

Minnesota Rules 3505.0200 to 3505.6000: Requirements for Secondary Vocational Programs.

Authority of the State Board of Education to promulgate these rules is found in Minnesota Statutes 121.11, subd. 12 (1986) which states:

> The State Board shall adopt and enforce rules, consistent with this code, appropriate for the administration and enforcement thereof. Notwithstanding the provisions of section 14.05, subd. 4, the State Board may grant a variance to its rules upon application by a school district for purposes of implementing experimental programs in learning or school management which attempt to make better use of community resources or available technology.

Authority is also included in Minnesota Statute 124.573 (1987), Current Funding for Secondary Vocational Education which states in part:

> Aid shall be paid under this section only for services rendered or for costs incurred in secondary vocational education programs approved by the State Department of Education and operated in accordance with rules promulgated by the State Board of Education.

BACKGROUND INFORMATION

Minnesota Rule Chapter 3505 was written in 1978. During the 1987 legislative session, a new formula was written to alter the method in which local districts are funded for their vocational education programs. As a result of the magnitude of this change, the sections 3505, which were impacted by this, must now be revised.

In July of 1987, the new licensure rules for secondary vocational education became effective and because of the many changes in Chapter 3517, this, too, was cause for many of the program rules to be altered.

In addition to the legislative initiate and the new licensure rules, Chapter 3505 includes rules for secondary, post secondary and adult vocational technical education. During 1984, post secondary and adult vocational education were separated from secondary vocational education. A new agency (State Board of Vocational Technical Education, SBVTE) was formed. Secondary vocational education remained in the Department of Education. Both agencies now need separate rules. Some parts and/or portions of parts refer specifically to post secondary or adult program rules and they have been modified, replaced or repealed.

NEED AND REASONABLENESS
GENERAL CHANGES

Due to the fact that post secondary and adult vocational education are no longer part of the same agency as secondary vocational education, some general statements of change need to be stated:

1. Whenever the State Board for Vocational Education is referenced in the original rule, it now becomes State Board of Education.

2. All references in context to post secondary and/or adult vocational education should be stricken as these rules no longer apply to the new agency. All of these reference changes are needed and reasonable throughout the rule because they no longer apply to secondary vocational education and because post secondary and adult vocational education have become a part of a new state agency, State Board of Vocational Technical Education, SBVTE.

In addition, several technical changes have been made throughout the rules.

3. Many parts and subparts were updated in language to reflect modern day vocational usage and educational terminology.

4. Wherever the term "instructor" appeared, it was changed to the word "teacher" to be consistent with the terminology used in Chapter 3517, Secondary Vocational Licensure Rules.

3505.0200 Application for Approval of Department and Classes

3505.0300 Standards for Approval

3505.0400 Procedure for Withholding Approval of a Department

3505.0500 Itinerant Teacher Field Program

3505.0600 Business Education: Non-Reimbursed; Requirements for Approved Program, Classified Secondary School

3505.0700 General Agriculture Education: Non-Reimbursed; Requirements for Approved Programs When Offered in Classified Secondary Schools.

3505.0800 Home Economics Requirements for Classified Secondary Schools: Non Vocational and Non-Reimbursed.

3505.0900 Industrial Education.

The parts referenced above are to be repealed. This is needed and reasonable as they are no longer accepted procedures because the Department of Education does not use "department" and/or "class approval" as a criteria for classifying and funding schools.

3505.1000 Definitions

Subp. 2. Repealed. Reference to adult vocational education. See page 2, General Changes, paragraph 2.

Subp. 3. Authorized Local Administrator.

This subpart has been changed to incorporate the definition in subp. 42 (vocational administrator). It is needed and reasonable because with the removal of post secondary and adult, programs from these rules, two separate subparts are not necessary.

Subp. 7. Classroom Instruction.

The word "lecture" was deleted in this definition because it is not the most appropriate method of instruction in vocational education. The words "simulation," "problem solving," "decision making," and "computers" were added to reflect current methods of instruction.

Subp. 10. See Statement of Need and Reasonableness, page 2 General Changes, paragraph 1.

Subp. 13. Entry level skills.

The addition of new language to this subpart was needed and reasonable to reflect the entry level skills definition which is appropriate to new and emerging technology.

Subp. 14. Essential licensed personnel.

The addition of the words "stated in vocational rules of" and "the appropriate vocational" were needed and reasonable in order to clarify this definition. See Statement of Need and Reasonableness, page 2, General Changes, paragraph 1, reference to State Board of Vocational Education.

Subp. 15. Exploratory Work Experience.

The word "vocational" was added and the words "on the job" were deleted in order to clarify the definition in subpart 15. This was needed and reasonable in order to reflect current vocational vocabulary.

Subp. 16. Extended Employment.

The words "curriculum development, staff development or vocational student organization activities" were added to this definition to update, expand and reflect department priorities. The words "laboratory organization, etc." were deleted because this is no longer a priority which is included under extended employment time.

Supb. 18 Repealed. See page 2, General Changes, paragraph 2.

Subp. 25. Occupations.

The word "employment" was deleted and the word "work" added in this definition for clarification. This was needed and reasonable because it more clearly reflects current vocabulary.

Subp. 27. Repealed. See page 2, General Changes, paragraph 2.

Subp. 35. Students With Special Needs.

The words "his/her parents" were deleted and the words "the students' parents" added for clarification. This was needed and reasonable in order to make the language less cumbersome.

Subp. 37. Secondary Vocational Teacher Full Time Equivalent.

The words "secondary" and "vocational" were added to this definition for clarification. The word "certified" was deleted and the word "licensed" was added in order to make the language consistent with Chapter 3517 which is Secondary Vocational Licensure.

Subp. 42. Repealed. See page 2, General Changes, paragraph 2.

Subp. 43. Reference to "post secondary and adult" eliminated. See Statement of Need and Reasonableness, page 2, General Changes.

Subp. 44. Repealed. This definition has been incorporated into subpart 10 - Cooperative Centers.

Subp. 45. Vocational Education.

The words "skills other than a baccalaureate or" were deleted and the words "competencies or a post secondary or a higher education" were added for clarification. This was needed and reasonable because it more clearly defines higher or advanced degree education.

Subp. 47. Vocational Program Advisory Committee.

The words "the purpose of" and "instructor" were deleted purely for clarification. This is needed and reasonable in order to make the language less cumbersome.

3505.1200 Opportunity to Appeal.

In this definition, the word "hearing" was changed to review. This was needed and reasonable in order to provide a faster, more feasible method for districts to appeal a funding disapproval. It is not a complex issue and therefore does not require a formal hearing.

3505.1500 Center Approval

In this part, the word "vocational center" was changed to "cooperative center" to make it consistent with the language in the law. Also in this part, the words "or a school district sharing secondary vocational education among two or more senior high schools" was deleted

because this no longer is an approved method for sharing vocational programs. See Statement of Need and Reasonableness, page 2, General Changes in reference to the word "adult" and "State Board for Vocational Technical Education".

3505.1700 Allotment Availability of Federal Funds.

This section was deleted and a new section rewritten in order to reflect a new policy established by the State Board for Vocational Technical Education and the State Board of Education when the agencies were separated. This was needed and reasonable in order to identify how the federal funds will be allocated to secondary programs in accordance with the federal law.

3505.2100 Property Management Standards.

The word "must" was substituted for the word "shall" in this part as an editorial change by the Revisor's Office. See Statement of Need and Reasonableness, page 2, General Changes in reference to State Board for Vocational Technical Education.

3505.2200 Standards and Procedures Governing Ownership.

The addition of the words "this part lists" was an editorial change by the Revisor's Office. The addition of the words "or federal funds" covers both state and federal funds in one sentence. This was needed and reasonable in order to clarify the fact that both federal and state funds may be expended. The additional word changes in this part were also editorial changes by the Revisor's Office. See Statement of Need and Reasonableness, page 2, General Changes in reference to State Board for Vocational Technical Education.

3505.2400 Scope.

The word "rules" was deleted and the word "requirement" substituted for clarity. Programs are no longer jointly funded by vocational and special education and, therefore, that sentence was deleted from this part. It is needed and reasonable because it reflects the new language and new intent of the law.

3505.2600 Program Components and Time Standards.

The addition of the words "learner outcomes for specific program areas as specified in parts 3505.2700 to 3505.4100" were added to update the language to be current with the Department of Education language. At present the Department of Education does not speak of program components, but is designing all curriculum around learner outcomes, therefore it is reasonable and necessary to update these rules using that terminology. The deletion of the daily time requirements reference was needed and reasonable because it is irrelevant to program components in current rules.

3505.4200 Minimum Student/Staff Ratio To Obtain Financial Aid for a Program.

This section was rewritten and updated to clarify in rule what was accepted in practice. In previous years, the Department of Education has averaged all sections and classes within a program area. The part deleted indicates that the averaging was to be done between like program sections not between all sections of the program. (i.e. family life, foods and clothing are averaged together; not just sections of family life, foods or clothing separately.) A third part was added under the hardship exception to provide a one-time, one-year exception for a unique, unpredictable situation that occurs in a school district or center. This was done to allow more flexibility within the rule and it was needed and reasonable because it allowed funding for programs when it caused a financial hardship to the school and/or center. In addition to this, the rationale and plan of action to resolve this hardship situation must be submitted on the appropriate date. This is reasonable because these are the dates when enrollment figures are collected in order to calculate aid payments.

3505.4300 Community Based Education

It is necessary and reasonable to cross reference this part with the requirements for exceptions to the length of the school day (3505.3500). Because community based programs often have variances in time and are not in a traditional school setting, it is necessary to indicate the requirements that must be followed.

3505.4400 Single Vocational Area Cooperative; Regular Cooperative.

The abbreviation "coop" was expanded to include the entire word "cooperative" for clarity and for less confusion in the field. This was needed and reasonable because many times the abbreviated word form caused confusion as to its real meaning. The single word changes from "instructor" to "teacher" and from "shall" to "must" and from "prior to" to "before" were all editorial changes for clarity by the Revisor's Office. The addition of the words "taught by a licensed vocational teacher coordinator" was also for clarity of an accepted practice. This was needed and reasonable in order to ensure quality in the vocational program. The issue of submitting age certificates has been changed to "now keeping them on file for three years." The age certificates are no longer required to be submitted to the Department of Labor, and the three years is a standard measure of time for auditing purposes.

3505.4500 Multiple Vocational Area Cooperative: Diversified Occupations; Interrelated Cooperative.

The single word changes were for clarity and at the request of the Revisor's Office. The word changes from "his/her" to "the students" was done for clarity also. It was needed and reasonable because it made the language less cumbersome.

3505.4600 Special Needs Cooperative.

The word changes and the references to specific parts of the law in this part were done for clarity. It was needed and reasonable because it is easier for the reader to know where this language came from. The words "without special assistance" were added to clarify the parameters of the definition of handicapped students who are eligible for special needs cooperative programs.

3505.4700 Work Experience.

The words "an employment certificate" and "kept on file for five years" were added to this section for clarity. It is needed and reasonable to have these clarifications in order to ease confusion in the field. The five-year requirement meets the general requirement of the federal law.

Subpart 2. Revisor's Office made substitutions and additions of words in this subpart for clarity.

Subpart 3 in this section was rewritten. In order to provide excellence in programming, it is necessary to limit the student/teacher ratio. The student/teacher ratio needs to be further limited when multi-handicapped students or three or more types of handicapped students are in a classroom, to provide time for the teacher to work with each of the students. When severely handicapped students are enrolled, additional support staff should be provided. This is necessary and reasonable in light of the diversity of the types of students that are enrolled in these programs. The last sentence of this subpart was deleted in order to make it consistent with the licensure requirements in 3517.1520.

3505.4900 Support Services.

Item A and Item B.

The words "facilitator" and "supplemental support staff/technical tutor" were inserted in this section to reflect the current language used in Licensure Rules, Chapter 3517.

Item C was deleted because licensure no longer exists for this particular specialist. This is needed and reasonable in order to make this rule consistent with Licensure Chapter 3517.

3505.5200 Vocational Aid.

This part was expanded to reflect the 1987 revision of Minnesota Statute 124.573. It is necessary and reasonable to require that the estimated budget is updated on October 25 and February 25 because the formula used to fund programs needs accurate enrollment figures to make the correct aid payment to schools. Estimates made in the previous February are not accurate enough to determine the aid. It is reasonable to assess a penalty by withdrawing aid for the districts/centers who do not submit or amend their budgets by the prescribed dates. It is needed and reasonable to assess this penalty because without it, many districts/centers would not

submit enrollment figures causing over and underpayment of aid to some districts/centers. When an overpayment is made to many districts/centers, other districts/centers are prorated getting less aid than they are eligible for. It is also reasonable and necessary to provide a waiver for districts/centers who neglect to submit the information requested by allowing them to resubmit this information at a later date and be funded if funds are available. This is allowed in order to support school districts instead of penalizing them.

The words "and actual enrollment" were added in this section to make the language consistent with the statute. The new statute requires both actual expenditures and actual enrollment to be submitted to the Department of Education.

3505.5300 Aid for Salaries.

Subp. 1. Eligibility of Local Education Agency.
This section had parts deleted to make the language reference the new statute section 124.573.

Subp. 2. Items A and B. See Statement of Need and Reasonableness, page 2, General Changes in reference to the word "instructor".

The words "four weeks" were changed to "twenty days" because in the calculation of extended employment time days as opposed to weeks are used. This was needed and reasonable to prevent confusion in interpretation.

It is needed and reasonable to identify the current practice of prorating the extended employment for less than a full time equivalent teacher in the same manner as the legislative auditor requested for prorating preparation time.

Subp. 3. This was rewritten and words were redefined at the request of the legislative auditor. Preparation time and its relationship to eligibility for aid were redefined in order to reference the language used in the statute (124.573). The previous eligibility for aid language was not acceptable because it did not follow the language in the new law. It was therefore necessary and reasonable to make these terms consistent with the language of the new statute and accepted by the legislative auditor.

3505.5400 Eligible Added Cost Categories.

The title of this part was changed to reflect the new language of the Statute 124.573.

Subpart 1.
It is necessary and reasonable to delete language in the rule which was repealed by Minn. Statute 124.573. The subparts were rearranged and listed in the order that they appear in the legislation. This is needed and reasonable because it was easier to cross reference

the rules with the new law. It is reasonable to list and use the UFARS definitions and codes because they are used and understood by local school personnel.

Subpart 2. Contracted services.
This section was rewritten and redefined so that it was consistent with the language of the statute.

Subitem A. Resource specialists and guest speakers add to the quality of a program and provide current updated information for classes. It is reasonable to support these added cost portions of secondary vocational education programs because they contribute to the excellence of the program.

Subitem B was moved from 3505.6000. It has been rewritten and placed here because it is an added cost item and can be funded. Subitems 1 and 2 under B give the criteria for an existing contract to be eligible for aid and also how a local school district applies for this approval. This is necessary and reasonable and the statute requires that the State Board of Education provide guidelines and criteria for local districts. Subitem B, 1 and 2, which were moved from 3505.6000 to this subpart are necessary to assure the quality of contracted services.

Subpart 3. Necessary Travel.

This part was redefined and rewritten and was moved from the original Subpart 1 of this part. It is necessary and reasonable to identify the UFARS object dimension definition for necessary vocational travel because it is the definition used by all districts/centers and it provides clear guidelines for what is eligible for funding.

Item A under this part deals with necessary travel between vocational instructional sites and has a UFARS object dimension number of 366 for reporting purposes.

Item B deals with necessary in-state travel for the vocational student organization personnel for instructional purposes. It, too, has a UFARS object dimension course of 366. It was needed and reasonable to add to this definition in order that vocational student organization travel have parameters defined that included the instructional purposes and included the appropriate vocational program area.

Item C in this section refers to necessary travel for professional development and carries a UFARS dimension object course number of 367. This is a new category that was provided for in Section 124.573. Therefore, it was needed and reasonable to include it under the category of necessary travel and give an object dimension number for reporting purposes.

Subpart 4. Curriculum Development.

Curriculum development is a new item provided for in Section 124.573. The law requires a five-year plan for improvement based on assessment. It was needed and reasonable, therefore, to define what should be included in the five-year plan as well as the processes to be used. It was also necessary to include a program dimension number for reporting purposes.

Subitem A describes when the five-year plan must be submitted in order to be approved and eligible for aid. It also describes a process for yearly amendments when there is a significant deviation from the five-year plan. This is needed and reasonable in order for districts to know the process for approval of their plan.

Subitem B identifies in detail the assessment process for the five-year plan. It defines who must be involved and what types of processes may be used. This is needed and reasonable in order to give guidance to local school districts/centers who wish to participate in this five-year plan.

Subitem C addresses the comprehensiveness of the plan and what must be considered by the individual school districts or centers in order to submit the plan. It is reasonable to include a list of items to consider in order to define for local districts what is meant by a comprehensive plan. Subitems C(1), C(2), and C(3) are related to the Department of Education goals and reflect the framework of the department's Coordinated Model. Subitem C(4) reflects the traditional vocational education goal of work readiness and subitem C(5) is another Department of Education major goal.

These criteria are broad based and comprehensive in order to cover relevant concepts to be included in curriculum development.

This is necessary because it provides guidance for local districts on what will be approved before the districts submit a request.

Subitems D and E also address the five-year work plan giving increased guidance as to the accomplishments, timelines and the fact that the plan must be approved by the local program advisory committee. These items are also needed and reasonable in order to make the five-year plan a productive instructional plan.

Subp. 5 Specialized Vocational Instructional Supplies.

This section is new as provided by Section 124.573. It defines what types of specialized instructional supplies are available and eligible for aid. It also defines the UFARS object dimension course number which can be used for reporting purposes and it references the UFARS manual for further guidance in what is acceptable.

3505.5500 Aid for Equipment in Handicapped Programs.

The words "50 percent" were deleted in this section and the addition of the words "the percentage rate set by the legislature" were added. This is needed and reasonable because the old law reflected a 50 percent rate for reimbursement, while the new law says its percentage rate will be set by the legislature.

We have added the words "for handicapped students" to reflect the current law, which is to allow equipment expenditures only for handicapped students. This is needed and reasonable for clarity.

3505.5600 Aid Limitations.

This section contained two sentences about work experience handicapped and ineligible students that have been deleted. This was needed and reasonable because these two categories no longer reflect current law. With the addition of the eligible added cost categories in Section 3505.5400 it is necessary to clarify how excess revenue from the sale of products or services may be used to ensure that the total amount of state aid when added to this source of revenue does not exceed 100 percent of the amount of expenditures for the vocational program. It is reasonable to allow districts or cooperative centers to use the excess revenue in any approved vocational program because it reduces the cost to the state in funding the added cost categories and ensures that a program will not receive more than 100 percent of the amount of expenditures.

3505.5700 Vocational Aid Application Procedure.

Subp. 1. Submission of annual program budget.
The word "the" was added for grammatical clarity.

Subp. 2. Eligibility for Vocational Aid.
The word "the" was added in two places for grammatical clarity.

The dates in this section were changed from "February 1" to "March 1" and "from April 30" to "May 30." It was necessary and reasonable to change the date to prevent confusion at the local district level with the February 25 enrollment reporting date and to give the districts one additional month so that they could more accurately estimate courses and enrollment for the following year.

The notification process, including the estimated rate of vocational aid is no longer relevant. The new funding formula has changed and this information is based on the variables in the funding formula, so therefore it is needed and reasonable to delete this portion of this subpart.

Changing the submittal date of the budget made it necessary to change the dates for hearing of districts or centers whose budgets have been disapproved.

The word "its" was changed from "their" to reflect grammatical clarity.

Subp. 3. Amendments or Late Program Budgets

The approval or disapproval process is done by the program specialist within the various subject matter areas, therefore, it is needed and reasonable to delete from this section of eligibility for aid the reference of approval by the commissioner of education.

The late program budget submission date was changed to March 1 to prevent confusion at the local district level with the February 25 enrollment reporting date. This later date also gave local districts an additional month to submit amendments or late program budgets.

This entire section was rewritten to reflect current operating policy. This was needed and reasonable so that school districts and centers will be aware that their requests would be retained and funded at the end of the year pending the availability of sufficient aid.

It was necessary to rewrite the section on amendments to budget requests because aid is paid currently and schools may receive an overpayment or underpayment when budgets are not amended. In order for the Department to be accountable to the Legislature, it is reasonable and necessary for districts and centers to provide accurate and current fiscal reports.

Amendments to budget requests are deemed necessary when the budget amount varies by more than, plus or minus, ten percent.

When a district or center receives an overpayment based on inaccurate information and funds are short, then other districts or centers who have provided current updated information are prorated and may receive less funding. Therefore, it is needed and reasonable for all districts and centers to provide accurate reports in order to receive correct payments.

3505.6000 Contracts With Public or Private Agencies for Vocational Programs.

This entire section is repealed, but has been rewritten and moved to 3505.5400 Eligible Added Cost Categories, Subp. 2., Contracted Services. This was needed and reasonable because contracted services became eligible in the added cost category of the new funding formula.

REPEALER. Minnesota Rules, parts 3505.0200; 3505.0300; 3505.0400; 3505.0500; 3505.0600; 3505.0700; 3505.0800; 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000; 3505.6100; 3505.6200; 3505.6300; 3505.6400; 3505.6410; 3505.6500; 3505.6600; 3505.6700; 3505.6800; 3505.6900; 3505.7000; 3505.7100; 3505.7200; 3505.7300; 3505.7400; 3505.7500; 3505.7600; 3505.7700; 3505.7800; 3505.7900; 3505.8000; 3505.8100; 3505.8200; 3505.8300; 3505.8400; 3505.8410; 3505.8500;

3505.8600; 3505.8700; 3505.8800; 3505.8900; 3505.9000; 3505.9100; 3505.9200; 3505.9300; 3505.9400; 3505.9500; 3505.9600; 3505.9700; 3505.9800; and 3505.9900, are repealed. See page 2, General Changes, paragraph 2.

Authority 121.11 ok

Rule - See proposed not all new material

The change in the adopted Rule could make a difference to the teacher. The difference between 12 and 24 handicapped students could be a substantial change.

Subp. 4. **Information on grant application.** Applications for environmental testing grants shall include the following information as required in the application forms supplied by the board:

H. a work plan including a detailed description of the type of testing that will be performed, who will be performing the testing, and a time schedule for the testing. ~~It is recommended that~~ Applicants must contact the Pollution Control Agency ~~or other regulatory agency~~ before developing a ~~test proposal~~ work plan to receive assistance in determining the tests that are needed.

Subp. 7. **Funding level.** The board shall fund 100 percent of the cost of testing under this part. The maximum grant award per project shall be limited to ~~$100,000~~ $200,000. Grants shall not be awarded to cover any cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

9200.8300 ELIGIBILITY CRITERIA.

Subp. 3. **Eligible costs.** Except as provided in part ~~9200.8220~~ 9200.6900, eligible costs under parts 9200.8100 to 9200.9200 shall be limited to the costs of land, waste processing equipment, structures necessary to house the waste processing equipment, appropriate and necessary on-site utilities, landscaping; on-site roads and parking; trailers, containers, and roll-off boxes necessary to transport products to market, or to transport residue from the processing facility to a solid waste land disposal facility, and final design and engineering/architectural plans.

Subp. 4. **Ineligible costs.** Except as provided in part ~~9200.8220~~ 9200.6900, ineligible costs include any costs related to solid waste disposal facilities and equipment, structures for housing and maintenance of rolling stock, or any costs related to resource recovery studies, feasibility analyses, or preliminary design and engineering/architectural plans.

9200.9000 AWARD OF GRANTS AND LOANS.

Subp. 4. **Maximum awards.** The maximum loan award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. Except as provided in part ~~9200.8220~~ 9200.6900, the maximum grant award shall be 50 percent of the eligible costs specified in the application or $400,000, whichever is less. Except as provided in part ~~9200.8220~~ 9200.6900, the maximum combined grant and loan award is $400,000.

9200.9100 GRANT, LOAN, OR GRANT AND LOAN AGREEMENT.

Subpart 1. **Requirements.** A grant, loan, or grant and loan agreement shall:

G. provide that the board will not accept amendments requesting that additional funds be awarded to the recipient except as provided in part ~~9200.8220~~ 9200.6900;

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, 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.

Minnesota State Agricultural Society—Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will conduct a general business meeting at 10 a.m. Thursday Nov. 5 at the Administration Building on the fairgrounds.

Department of Education

Partnership Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Program Rules for Secondary Vocational Education

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the agency in

preparing to propose the amendment of the rule governing Program Rules for Vocational Education. The adoption of the rule is authorized by *Minnesota Statutes*, section 121.11 subd. 12, which permits the Board to promulgate rules concerning courses of study in elementary and secondary schools.

The State Board of Education requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: J. Thomas Strom, 626 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at 612/296-3306 and in person at the above address.

All statements of information and opinions shall be accepted until November 20, 1987. Any written material received by the State Board of Education shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 14 October 1987

Ruth E. Randall
Commissioner of Education

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board will be held on Thursday, November 19, 1987 at 7:00 p.m. in the Auditorium, Fort Snelling History Center, Fort Snelling, Minnesota.

Department of Human Services

Hospital Reimbursement Section—Audits Division

Notice of Solicitation of Outside Information or Opinions Regarding Amendments to Rules Governing Hospital Admissions Certification as a Requirement of Medical Assistance and General Assistance Medical Care Reimbursement

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing hospital admissions certification as a requirement of medical assistance and general assistance medical care reimbursement, *Minnesota Rules*, parts 9505.0500 to 9505.0540.

The adoption of the rule is authorized by *Minnesota Statutes*, sections 256B.503 and 256D.03, Subdivision 7(b) which requires the agency to establish standards for utilization review in the general assistance medical care program that conform to the procedures established for the medical assistance program.

The proposed amendments establish procedures to coordinate the hospital admissions certification requirements with the procedures related to the requirement of obtaining a second surgical opinion as set forth in *Minnesota Rules*, parts 9505.5000, 9505.5005, 9505.5035 to 9505.5105. (*Minnesota Rules*, parts 9505.5000, 9505.5005, 9505.5035 to 9505.5105 are being amended concurrently with the amendments to *Minnesota Rules*, parts 9505.0500 to 9505.0540.)

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Eleanor Weber
Rules Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55101

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.

STATE BOARD OF EDUCATION

AUTHORIZING RESOLUTION

RESOLVED, that Ruth E. Randall, secretary of the State Board of Education, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a Rule Without a Public Hearing Relating to Vocational Education Programs in Secondary Schools to all persons who have registered their names with the Board for that prupose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20 day of January, 1988.

Ruth E. Randall

Ruth E. Randall
Secondary of the Board of Education

CERTIFICATE OF THE STATE BOARD

OF EDUCATION'S AUTHORIZING RESOLUTION

I, Ruth E. Randall, do hereby certify that I am the secretary of the State Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education duly and properly called and held on the 20 day of January, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

RESOLVED, that Ruth E. Randall, secretary of the State Board of Education is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a Rule Without a Public Hearing Relating to Vocational Education Programs in Secondary Schools to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20 day of January, 1988.

Ruth E. Randall
Secretary, State Board of Education

Marjorie L. Johnson
Attest by one Board Member

State Board of Education

Proposed Permanent Rules Relating to Secondary Vocational Programs

Rules as Proposed

3505.1000 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. **Authorized local administrator.** "Authorized local administrator" means the licensed vocational administrator who has major responsibility for vocational education at the secondary~~,-postsecondary-and/or-adult~~ level for a district~~,~~ or center~~,-or-AVTI~~ and is assigned to provide management and leadership in secondary vocational education. The superintendent may act as the authorized local administrator in the absence of a local vocational administrator.

Subp. 4. to 6. [Unchanged.]

Subp. 7. **Classroom instruction.** "Classroom instruction" means an in-school instructional method involving discussion, ~~lecture~~ simulation, problem solving, decision making, computers, and other forms of communication.

Subp. 8. and 9. [Unchanged.]

Subp. 10. **Cooperative center.** "Cooperative center" means two or more districts meeting all provisions of Minnesota statutes, which provide expanded educational options by sharing vocational programs which have been approved by the State Board ~~for-Vocational~~ of Education.

Subp. 11. and 12. [Unchanged.]

Subp. 13. **Entry level skills.** "Entry level skills" means those basic occupational competencies and work readiness skills including application of basic skills, work attitudes, and problem solving skills which enable a person to enter initial employment.

Subp. 14. **Essential licensed personnel.** "Essential

Approved by Revisor

licensed personnel" means staff assigned to approved vocational education programs who meet criteria for vocational education licensure ~~set-forth-by~~ stated in vocational rules of the Minnesota State Board ~~for-Vocational~~ of Education and who have been issued ~~a~~ the appropriate vocational license.

Subp. 15. **Exploratory work experience.** "Exploratory work experience" means a school supervised vocational program designed to provide students with paid or unpaid ~~on-the-job~~ work experience in a variety of occupations, to help the students identify job traits in relation to their abilities and characteristics and to assist them in making realistic and appropriate occupational choices.

Subp. 16. **Extended employment.** "Extended employment" means paid time when staff is employed beyond the regular school calendar, which is necessary for job placement and coordination, development of training plans and training agreements, equipment maintenance, supply procurement, inventory and storage, ~~laboratory-organizations,-etc.~~ curriculum development, staff development, or vocational student organization activities.

Subp. 17. [Unchanged.]

Subp. 18. [See Repealer.]

Subp. 19. to 24. [Unchanged.]

Subp. 25. **Occupation.** "Occupation" means paid or unpaid ~~employment~~ work including, but not limited to, salaried jobs, self-employment, and homemaking.

Subp. 26. [Unchanged.]

Subp. 27. [See Repealer.]

Subp. 28. to 34. [Unchanged.]

Subp. 35. **Students with special needs.** "Students with special needs" means students who are handicapped or disadvantaged.

Students identified as handicapped are defined in Minnesota Statutes, section 120.03 and cannot succeed in regular vocational programs.

Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified

Approved
by Revisor _____

programs or supportive services to assist them in succeeding in a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematic skills, perform below grade level, the family income is at or below national poverty level, the student or ~~his/her parent(s)~~ the student's parents or guardian is unemployed, the student ~~of his/her parent(s) is a recipient~~ or the student's parents are recipients of public assistance, or the student is institutionalized or under the state's guardianship.

Subp. 36. [Unchanged.]

Subp. 37. **Secondary vocational teacher full-time equivalent.** "Secondary vocational teacher full-time equivalent" means a ~~certified~~ licensed vocational ~~instructor~~ teacher who teaches the equivalent of six hours per day for 175 days per year or its equivalent.

Subp. 38. to 41. [Unchanged.]

Subp. 42. [See Repealer.]

Subp. 43. **Vocational aid.** "Vocational aid" means categorical, state and federal funding for secondary, ~~postsecondary, and adult~~ vocational programs meeting criteria set forth in rules.

Subp. 44. [See Repealer.]

Subp. 45. **Vocational education.** "Vocational education" means organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid ~~employment~~ work or for additional preparation for a career requiring technical ~~skills other than a baccalaureate~~ or competencies or a postsecondary or higher education advanced degree.

Subp. 46. [Unchanged.]

Subp. 47. **Vocational program advisory committee.** "Vocational program advisory committee" means a group of persons with competence or interests in an occupational field related to the program being served, selected for ~~the purpose of~~ offering advice to ~~instructors and/or~~ teachers or administrators regarding vocational education. At least 50 percent of the

Approved
by Revisor _____

members shall be representatives of a directly related business, labor and industry.

Subp. 48. [Unchanged.]

3505.1200 OPPORTUNITY TO APPEAL.

Districts or centers whose vocational programs or courses have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the State Board ~~for Vocational~~ of Education and are entitled to a ~~hearing date~~ review at a regular or special board meeting. The State Board ~~for Vocational~~ of Education will notify the districts or centers of the time and place of the ~~hearing~~ review in writing. Upon completion of the ~~hearing~~ review, the decision of the State Board ~~for Vocational~~ of Education and the reasons for the decision will be made in writing and transmitted to the local education agency. The decision of the State Board ~~for Vocational~~ of Education shall be the final state action.

3505.1500 CENTER APPROVAL.

State Board ~~for Vocational~~ of Education approval is necessary if a ~~vocational~~ cooperative center is to be eligible for secondary ~~or adult~~ categorical vocational aid or other aid available to approved ~~vocational~~ cooperative centers. The superintendent representing a district school board or a center governing board may submit a request to the commissioner of education for approval by the State Board ~~for Vocational~~ of Education when the following criteria have been met.

Vocational programs shall be shared by one of the following methods: two or more Minnesota school districts operating a cooperative center having met provisions of applicable Minnesota Statutes, or intermediate school districts established by the legislature to serve two or more independent school districts~~, or a school district sharing secondary vocational education among two or more senior high schools~~.

A licensed secondary vocational administrator or the superintendent for a district shall be responsible for the

Approved by Revisor _____

vocational programs.

3505.1700 ALLOTMENT AVAILABILITY OF FEDERAL FUNDS.

~~When federal funds are not available to all applicants, the State Board for Vocational Education shall use the following criteria in determining the allocation of federal funds. Priority shall be determined based upon economic, social, and demographic factors relating to need for programs among target groups and areas of the state. Distribution to local education agency shall be determined by the ability to provide resources and the concentration of low income families. Distribution to other eligible recipients shall be determined by the financial ability to provide resources and the concentration of students served whose education imposes a higher than average cost, such as those from low income families and those with English as a second language. Federally funded programs shall be assessed annually to be eligible for continued allocation of federal funds.~~

A cooperative agreement between the State Board of Education and the State Board for Vocational Technical Education will annually provide for the distribution of federal funds between secondary and postsecondary vocational programs.

Distribution to local education agencies must be determined by state and federal law.

3505.1900 SUBMISSION OF WRITTEN PLANS; USE OF MATCHING FUNDS.

Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be submitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education for approval by the State Board ~~for Vocational~~ of Education.

3505.2000 APPORTIONING FUNDS.

Approved by Revisor _____

In apportioning funds among local education agencies, the State Board ~~for-Vocational~~ of Education shall assure that no local education agency which is making a reasonable tax effort shall be denied funds for establishing new vocational programs solely because it is unable to pay the nonfederal share of the cost of ~~such~~ the programs.

3505.2100 PROPERTY MANAGEMENT STANDARDS.

A uniform property management system ~~shall~~ must be ~~utilized~~ used by the districts and centers to:

A. maintain individual item control for continuing verification on nonexpendable personal property in which the State Board ~~for-Vocational~~ of Education has provided state ~~and/or~~ or federal funds; and

B. maintain a source of information for future purchasing and capital budgeting for nonexpendable personal property, long-term capital financing, and program cost computing.

3505.2200 STANDARDS AND PROCEDURES GOVERNING OWNERSHIP.

This part lists standards and procedures governing ownership, use, and disposition of nonexpendable personal property purchased whole or in part with state or federal funds ~~and-in-which-there-are-no-federal-funds-are-set-forth-below.~~ Title ~~will~~ must not be taken by the State Board ~~for-Vocational~~ of Education, but ~~shall~~ must be vested in the local education agency subject to the following restrictions on use and disposition of the property:

A. [Unchanged.]

B. All other nonexpendable personal property with an acquisition cost of $1,000 or less: the local education agency may use the property for its intended vocational-technical purpose. If approved vocational-technical use of the property is discontinued or the property is sold or diverted in some other manner, the State Board ~~for-Vocational~~ of Education is to be credited with its proportionate share of the current fair market value of the property. The current fair market value

Approved by Revisor _____

shall be determined by the sale price in the case of a bona fide sale or by a third party appraisal in the case of some other diversion. The State Board ~~for Vocational~~ of Education's proportionate share of the property shall be computed by applying the percentage of state funding participation in the property to the current fair market value of the property.

C. Nonexpendable personal property with an acquisition cost of over $1,000: if the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within 120 days, the local education agency may dispose of the property at ~~their~~ its discretion.

A physical inventory of nonexpendable personal property shall be taken by the local education agency and the results reconciled with the local education agency property records at least once every two years to verify the existence, current ~~utilization~~ use, and continued need for the property. Property records shall be retained for three years after final disposition of the property. The commissioner of education or ~~his~~ an authorized representative shall have access to any pertinent property records for the purpose of making examinations.

In addition, when personal property is purchased whole or in part with federal funds furnished by the State Board ~~for Vocational~~ of Education, the local education agency shall comply with the appropriate federal regulations regarding standards and procedures governing ownership, use, and disposition of personal property.

3505.2400 SCOPE.

To be eligible for aid, local education agencies shall meet the ~~rules~~ requirements in parts 3505.2400 to 3505.6000.

Approval requests shall be submitted annually by the local education agency to the commissioner of education. Only approved programs shall be eligible for vocational aid. Local

Approved by Revisor _____

education agencies submitting new program approval or alteration requests shall be notified in writing regarding approval, disapproval, recommended alteration, or delay of action within 20 working days after receipt of the request. When the program is disapproved or recommended for alteration, the notification shall include reasons for denial or changes. When applicable, the notice shall outline corrective actions for the program to qualify for approval upon resubmission. Approved programs and administrative services shall be supervised by the authorized local administrator. ~~When programs are jointly funded by vocational and special education, appropriately licensed special education administrators and supervisors shall be involved in the supervision of the program.~~ The local education agency shall resubmit each approved program for evaluation by the State Board ~~for Vocational~~ of Education at least once every five years.

3505.2500 INSTRUCTIONAL PROGRAM APPROVAL.

The commissioner of education shall approve programs on the following basis. Approval shall be on the basis of a complete program as defined in parts 3505.2600 to 3505.4100. The local education agency shall provide evidence that its curriculum is designed to meet vocational objectives which shall include:

A. in-depth exploration of occupations to assist in the career planning process; and

B. development of occupational competencies designed to be recognized for advanced placement in postsecondary programs; and

C. development of occupational competencies necessary to enter an occupation.

Each program shall have a vocational advisory committee to advise the ~~instructor(s)~~ teacher, the local authorized administrator, and the local board; the advisory committee shall meet at least two times a year.

3505.2600 PROGRAM COMPONENTS AND TIME STANDARDS.

All program components and learner outcomes for specific program areas as specified in parts 3505.2700 to 3505.4100 must

Approved by Revisor _____

be addressed ~~in order~~ to qualify for approval; however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee. ~~Daily time requirements may be converted to weekly equivalents.~~

3505.4200 MINIMUM STUDENT/STAFF RATIO TO OBTAIN FINANCIAL AID FOR PROGRAM.

To be eligible for aid, the minimum ~~student-instructor~~ student-teacher staff ratio for each program ~~shall~~ must be an average of ten students ~~to instructor or instructor-coordinator. When more than one program section is in operation, enrollment shall average ten or more students~~ per section. An exception to the minimum student/staff ratio may be granted by the ~~commissioner~~ State Board of Education for a maximum of one year to ~~permit students to complete~~ resolve a hardship. In this part, hardship exceptions refer to:

A. completing a sequential program~~, or during~~;

B. the first year of a new program; and

C. a unique situation in a local district or cooperative center that can be resolved by the beginning of the school year following the year in which the exception is granted.

A rationale and plan of action to resolve the hardship during the exception school year must be received by the secondary vocational section of the Department of Education by March 1, October 25, or February 25, whichever is appropriate. A student shall be allowed to enter or withdraw from the program without completing all courses or components.

3505.4300 COMMUNITY-BASED EDUCATION.

When a vocational program includes a segment in which students are placed on a paid or unpaid experience outside the vocational class or laboratory for more than 40 hours during the program, the local education agency shall meet the ~~rules~~ requirements for the community-based education option of a program as stated in parts 3500.3500 and 3505.4400 to 3505.4700.

3505.4400 SINGLE VOCATIONAL AREA ~~COOP~~ COOPERATIVE;

Approved by Revisor _____

REGULAR ~~COOP~~ COOPERATIVE.

The authorized local administrator shall assign coordination time for the ~~instructor-coordinator~~ teacher-coordinator in blocks of time large enough for efficiency, ~~such~~ so that the staff can contact the employer during hours when the student is working. Preparation time for the ~~instructor-coordinator shall~~ teacher-coordinator must be assigned separately from coordination time. Training stations ~~shall~~ must be available to at least half of the ~~coop~~ cooperative students ~~prior to~~ before the commencement of the program. The student ~~shall~~ must be on the job a minimum of one hour ~~per~~ a day, averaging no less than ten hours per week during the school session. An exception ~~for this rule may~~ must be granted by the commissioner of education for handicapped persons whose ~~physical or emotional~~ disability prevents them from working a two-hour day. The local education agency shall have a training agreement and training plan for each student on the job. The agreement and plan shall be signed by the student/parent or guardian (when the student is under 18), employer, and ~~instructor-coordinator~~ teacher-coordinator, and shall remain on file locally for at least six months after the student completes the cooperative component of the program. The ~~coop~~ cooperative experience shall include occupational relations, an employability seminar, or a related seminar which shall consist of a minimum of 50 minutes per day or 250 minutes per week taught by a licensed vocational teacher-coordinator. When the seminar convenes two or fewer times per week, a minimum of 200 minutes is required. The ~~coop~~ cooperative experience shall include prior or concurrent classroom instruction in the occupational area except work experience for special needs students. Age certificates ~~shall~~ must be ~~submitted to the Minnesota Department of Labor and Industry~~ kept on file for a minimum of three years.

3505.4500 MULTIPLE VOCATIONAL AREA ~~COOP~~ COOPERATIVE; DIVERSIFIED OCCUPATIONS; INTERRELATED ~~COOP~~ COOPERATIVE.

The requirements in part 3505.4400 ~~rules shall~~ must be met.

Approved by Revisor _____

Diversified occupations/interrelated ~~coop~~ cooperatives shall serve students from more than one vocational program area. A student shall ~~possess~~ have, or acquire concurrently, skill competencies related to ~~his/her~~ the student's stated career ~~objective(s)~~ objective as stated in the component section of the vocational program area which relates to that stated objective.

3505.4600 SPECIAL NEEDS ~~COOP~~ COOPERATIVE.

Special needs ~~coop~~-- cooperative community-based education designed specifically to develop employability competencies for special needs students: all programs shall meet the following criteria.

The requirements in part 3505.4400 ~~rules shall~~ must be met. Students selected for these programs shall meet the definition of handicapped or disadvantaged in part 3505.1000, subpart 35. A committee consisting of teachers involved in general and vocational education, counselors, and administrators shall participate in the identification of disadvantaged students. Handicapped students shall be identified through the special education child study process outlined in ~~the State Board of Education rules~~ parts 3525.2500 to 3525.2900 and shall be limited to students who cannot succeed in regular vocational programs without special assistance. Proof that ~~all~~ students enrolled in the program have been identified as handicapped or disadvantaged shall be kept on file locally for five years.

3505.4700 WORK EXPERIENCE.

Subpart 1. **Work experience/career exploration.** The requirements in part 3505.4600 ~~rules shall~~ must be met. Students who have reached age 14 and have not reached 16 are eligible for the work experience/career exploration. When students become 16 while enrolled, they may remain enrolled until the end of the school year. The maximum number of students enrolled in work experience/career exploration shall conform with federal regulations. The training agreement and employment certificates, not including the training plan, shall be ~~submitted to the commissioner of education upon placement of~~

Approved by Revisor _____

~~the student~~ kept on file for five years. ~~Employment certificates shall be submitted to the Minnesota Department of Labor and Industry.~~

Subp. 2. **Work experience disadvantaged.** The requirements in part 3505.4600 ~~rules shall~~ must be met.

Subp. 3. **Work experience handicapped.** The requirements in part 3505.4600 ~~rules shall~~ must be met. The maximum number of students enrolled in the work experience handicapped ~~coop shall be 23~~ cooperative is 24 students when the ~~instructor-coordinator~~ teacher-coordinator is responsible only for the vocational area of instruction. ~~When the instructor-coordinator is responsible for the nonvocational areas of special education as well as the work experience coop, the maximum shall be 15 students as identified in the State Board of Education rules.~~ When the teacher-coordinator is responsible for individual students who are multi-handicapped, or the student load includes three or more types of handicapped conditions, the maximum load must not exceed 12 students. When severely handicapped students are enrolled in the work experience handicapped program, supplemental support staff/technical tutors must be provided to support the work experience teacher-coordinator. When the teacher-coordinator is responsible for other educational areas as well as the work experience cooperative, the student load should be prorated in accordance with the time limits defined in this subpart pertaining to the work experience handicapped cooperative time load. The training agreement and training plan shall be ~~in accordance~~ incorporated with the special education individual educational plan in the State Board of Education rules. ~~The instructor-coordinator shall possess a valid special education license appropriate for the type of handicapped students being served if the instructor-coordinator is responsible for the nonvocational areas of special education instruction.~~

3505.4900 SUPPORT SERVICES.

Special needs supportive services shall assist students

Approved by Revisor _____

with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:

A. one full-time equivalent support service ~~manager~~ facilitator to 60 full-time equivalent students;

B. one full-time equivalent ~~technical~~ supplemental support staff/technical tutor to ten full-time equivalent students;

C. ~~one full-time equivalent orientation and mobility specialist to one full-time student or more as appropriate;~~

~~D.~~ one full-time equivalent interpreter to one full-time equivalent student or more as appropriate;

~~E.~~ D. one full-time vocational evaluator to five full-time equivalent students enrolled in vocational evaluation ~~programs~~ services.

Proration of vocational aids shall occur when special needs personnel are assigned to vocational education less than full time.

3505.5200 VOCATIONAL AID.

State payments shall be based upon the estimated budget for approved programs operated in accordance with ~~these rules~~ parts 3505.2700 to 3505.4900. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, contracted instructional services, travel, curriculum development activities, and specialized instructional supplies and equipment (handicapped programs only) shall be based on the estimated budget. To receive aid under this part, enrollment figures must be submitted and postmarked on or before October 25 and February 25. Failure to submit budgets and

Approved by Revisor _____

enrollment figures before the deadline will result in the aid being withdrawn. A district or center that does not verify enrollment figures and as a result has aid withdrawn may resubmit the budget by the date of the final report for the fiscal year. The district's or center's request must be kept by the department and will be funded at year end if sufficient aid is available. Final payment of aids for such categories shall be based on actual expenditures and actual enrollment.

3505.5300 AID FOR SALARIES.

Subpart 1. **Eligibility of local education agency.** A local education agency ~~shall be~~ is eligible for aid ~~at a rate of up to 50 percent for the salaries of essential licensed personnel assigned to approved programs~~ according to Minnesota Statutes, section 124.573.

Subp. 2. **Eligibility for aid for extended employment.** A district or center ~~shall be~~ is eligible for vocational aid for extended employment at a maximum rate of:

A. FTE ~~instructor~~ teacher, six days;

B. FTE ~~instructor-coordinator~~ teacher-coordinator, ~~four weeks~~ 20 days.

Aid must be prorated for a less than full-time equivalent teacher.

Subp. 3. **Eligibility for aid for preparation time.** A ~~district or center shall be eligible for aid for salary expenditures for preparation time on the following basis:~~

~~Maximum Vocational Preparation Time Eligible for Aid~~

~~Average daily length of vocational assignment in instructional contact hours~~	~~Maximum preparation time in hours per day~~
~~Vocational instructional contact hours 1.0 hours or less~~	~~0.0 hours~~
~~Vocational instructional contact hours greater than 1.0 but less than or equal to 3.0~~	~~.5 hours~~
~~Vocational instructional contact hours greater than 3.0~~	~~1.0 hours~~

To be eligible for preparation time aid, each teacher for whom a district claims the aid must teach at least one vocational

Approved by Revisor _____

period.

The department shall fund up to a maximum of one hour of preparation time for a full-time equivalent teacher. Aid must be prorated for a less than full-time equivalent teacher.

Subp. 4. [Unchanged.]

3505.5400 ~~AID FOR TRAVEL COSTS~~ ELIGIBLE ADDED COST CATEGORIES.

Subpart 1. **UFARS course object or program dimensions.** A district or cooperative center ~~shall be~~ is eligible for aid ~~at a rate up to 50 percent for travel expenditures for essential licensed personnel traveling to and from school sites and cooperative training stations where students are located or to arrange job sites, and for the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. Student transportation is not eligible for vocational aid~~ for the following added costs. The object or program dimensions in the current edition of the Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools (UFARS), State of Minnesota, Minnesota Department of Education must be used to define each category.

Subp. 2. **Contracted services.** Contracted services provided by a public or private agency other than a Minnesota public school district or cooperative center for instructional education services. Aid is available for:

A. A resource specialist or a guest speaker employed by an entity described in subpart 2 who teaches part of a program under the supervision of a licensed secondary vocational teacher. Contracted services for programs for the handicapped must be pre-approved by the state program specialist. UFARS object dimension 311 must be complied with.

B. A public or private agency other than a Minnesota school district or cooperative center that provides instructional vocational education services. In order to be eligible for aid:

(1) a binding contract must exist and be

Approved by Revisor _____

submitted with the annual program budget on March 1 for approval; and

(2) the public or private agency must comply with all rules governing secondary vocational education except for teacher-student ratios.

Subp. 3. **Necessary travel.** Necessary travel by vocational staff in approved vocational programs defined in parts 3505.2600 to 3505.4900 is eligible for aid as follows:

A. necessary travel between vocational instructional sites as defined in UFARS object dimension 366;

B. necessary travel by licensed secondary vocational education personnel for vocational student organization activities held within the state for instructional purposes related to the vocational program and as defined in UFARS object dimension 366; and

C. necessary travel by licensed secondary vocational education personnel for noncollegiate credit-bearing professional development related to the vocational program area as defined in UFARS object dimension 367.

Subp. 4. **Curriculum development.** Curriculum development that is part of a five-year plan for improvement based on program assessment as defined in UFARS program dimension 610.

A. The five-year plan must be submitted to the state program specialist for the vocational program by March 1 for approval. Yearly amendments are required if the plan or timelines deviate from the approved five-year plan.

B. The plan must identify the assessment process. The assessment must be a formal process involving teachers, administrators, business and industry, and the community. Program Evaluation and Reporting (PER), North Central Evaluation, Vocational Education Evaluation, or other evaluation process may be used.

C. The plan must be comprehensive and must consider the following:

(1) mission of vocational education;

(2) coordination with district staff development

Approved by Revisor _____

plan;

(3) Department of Education Model Learner Outcomes for the vocational program;

(4) update relevant to world of work; and

(5) articulation between levels and across subject matter areas.

D. The plan must include work to be accomplished, title of person involved, and estimated timelines.

E. The five-year plan must be approved by the local program advisory committee.

Subp. 5. **Specialized vocational instructional supplies.** Aid is available for specialized vocational instructional supplies that are unique and essential to the instructional programs as defined in UFARS object dimension 433, excluding instructional equipment as defined in the UFARS Manual in Appendix B, page B-2.

3505.5500 AID FOR EQUIPMENT ~~COSTS~~ IN HANDICAPPED PROGRAMS.

A local education agency shall be eligible for aid at a rate up to ~~50-percent~~ the percentage rate set by the legislature for expenditures to lease or purchase equipment to develop occupational competencies in an approved instructional program. Equipment request shall be preapproved by the commissioner of education to be eligible for aid.

3505.5600 AID LIMITATIONS.

Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid. ~~Work-experience-handicapped-(part 3505.4700,-subpart-3)-is-not-eligible-for-vocational-categorical aid.~~ When a district or center sells products or services produced in an approved program, the revenue from sales shall be recognized. This revenue may be used for expenditures ~~not eligible-for-vocational-aid~~ which are directly related to ~~the products-or-services-sold~~ an approved secondary vocational program. If the revenue from sale of products or services

Approved by Revisor _____

exceeds the ~~costs~~ cost to produce those products or services in any fiscal year, and the excess revenue is not used in another vocation program, the excess revenue shall reduce the state's obligation for such program by the amount of income in excess of the cost of production. ~~When ineligible students (students not meeting student eligibility rules) are served in approved programs, aid requests shall be prorated on the basis of the percentage of eligible students compared to total students served.~~ When excess revenue is used for expenditures within approved secondary vocational programs, those expenditures are not eligible for aid under Minnesota Statutes, section 124.573.

3505.5700 VOCATIONAL AID APPLICATION PROCEDURE.

Subpart 1. **Submission of annual program budget.** The authorized local administrator shall be responsible for submitting the annual program budget, program budget amendments, and annual report.

Subp. 2. **Eligibility for vocational aid.** To be eligible for vocational aid, the annual program budget shall be submitted by ~~February~~ March 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disapproval in writing by ~~April~~ May 30. ~~Notification shall include the estimated rate of vocational aid in the case of approval or if disapproved the reasons shall be stated.~~ To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.

An authorized local administrator, a group of districts and centers, or the commissioner of education may request a hearing. ~~Such~~ The hearings shall be scheduled between ~~February~~ March 1 and ~~May~~ June 15 and shall discuss the rationale for program and planned revenue and expenditures. District or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the

Approved by Revisor _____

commissioner of education for submission to the state board for ~~their~~ its review. The results of the review shall be transmitted to the local board of education in writing.

Subp. 3. **Amendments or late program budgets.** ~~**Program budget amendments or late program budget requests may be submitted after February 1. To be eligible for aid, amendments or requests shall be approved by the commissioner of education prior to changing the state obligation. Amendments are necessary when: the total requested budget varies plus or minus more than ten percent from the approved program budget, or the change in budget between programs, administrative or support services exceeds 20 percent**~~ Program budget requests may be submitted after March 1. The requests must be kept by the department and will be funded at year end if sufficient aid is available.

Amendments to the budget request must be received by the secondary vocational section of the Department of Education by October 25 and February 25 for teacher salaries, contracted services, travel, curriculum development activities, and vocational instructional supplies. Amendments are necessary when the budget amount varies by more than ten percent by vocational program. Aid in excess of the ten percent variation will be withheld when the necessary amendments have not been made.

Amendment and program budget requests shall be considered when state and federal funds are available or the amendment request is for increased costs of existing approved programs, administrative or support services.

INCORPORATIONS BY REFERENCE. The course, program and object dimensions, and the part of Appendix page B-2, all in the Manual for Uniform Financial Accounting and Reporting Standards (UFARS), published by the Department of Education that are referred to in part 3505.5400, are incorporated by reference. The Manual is updated continuously and is available through the Minitex interlibrary loan system.

Approved by Revisor _____

REPEALER. Minnesota Rules, parts 3505.0200; 3505.0300; 3505.0400; 3505.0500; 3505.0600; 3505.0700; 3505.0800; 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000; 3505.6100; 3505.6200; 3505.6300; 3505.6400; 3505.6410; 3505.6500; 3505.6600; 3505.6700; 3505.6800; 3505.6900; 3505.7000; 3505.7100; 3505.7200; 3505.7300; 3505.7400; 3505.7500; 3505.7600; 3505.7700; 3505.7800; 3505.7900; 3505.8000; 3505.8100; 3505.8200; 3505.8300; 3505.8400; 3505.8410; 3505.8500; 3505.8600; 3505.8700; 3505.8800; 3505.8900; 3505.9000; 3505.9100; 3505.9200; 3505.9300; 3505.9400; 3505.9500; 3505.9600; 3505.9700; 9505.9800; and 3505.9900, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Secondary Vocational Programs

AGENCY: State Board of Education

MINNESOTA RULES: Chapter 3505

INCORPORATION BY REFERENCE

Rule Number: 3505.5400

Material Incorporated: Manual for Uniform Financial Accounting and Reporting Standards (UFARS) published by the Department of Education.

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

Minnesota Department of Education

Capitol Square 550 Cedar Street Saint Paul, Minnesota 55101 Phone:

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

State Board of Education
Department of Education
Partnership Division

In the Matter of the Proposed Adoption of the Rule of the State Board of Education Relating to Vocational Education Programs in the Secondary Schools Minnesota Rules, pt. 3505.0300 to 3505.6000

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minn. Stat. § 121.11, subd. 12 (1986) and Minn. Stat. § 124.573 (1986 and Supp. 1987).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Audrey Grote
Minnesota Department of Education
629 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

The proposal repeals parts 3505.0200 through 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000 through 3505.9900. A copy of the proposed rule is attached hereto.

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Audrey Grote upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Audrey Grote.

State of Minnesota
State Board of Education

1-21-88
Date

Ruth E. Randall
Ruth E. Randall
Secretary, State Board of Education

State of Minnesota
Department of Education

State Board of Education
Partnerships Division

In the Matter of the Proposed
Adoption of the Rule of
the State Board of Education
Relating to Vocational Education
Programs in the Secondary Schools
Minnesota Rules, pt. 3505.0200
to 3505.6000

STATE OF MINNESOTA)
) ss.
County of Ramsey)

AFFIDAVIT OF MAILING

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

That on the 11 day of Feb., 1988, at the City of St. Paul, county of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt a Rule Without a Public Hearing, 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 2-11-88

Subscribed and sworn to before me
this 11 day of Feb., 1988.

Hollis Dee Britz-Mitchell

HOLLIS DEE BRITZ - MITCHELL
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
MY COMMISSION EXPIRES OCTOBER 4, 1990

State of Minnesota
Department of Education

State Board of Education
Partnerships Division

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Adoption of the Rule of
the State Board of Education
Relating to Vocational Education
Programs in the Secondary Schools
Minnesota Rules, pt. 3505.0200
to 3505.6000

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant of Minnesota Statute § 14.14, subdivision 1a, 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 2:30 o'clock P.M. this 11 day of Feb., 1988.

STATE DEPARTMENT OF EDUCATION

By Wallinda Big-Mitchell

State of Minnesota
Department of Education

State Board of Education
Partnerships Division

In the Matter of the Proposed
Adoption of the Rule of
the State Board of Education
Relating to Vocational Education
Programs in the Secondary Schools
Minnesota Rules, pt. 3505.0200
to 3505.6000
MAILING LIST

AFFIDAVIT OF ADDITIONAL NOTICE
OF THE STATE BOARD OF EDUCATION

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 and a copy of the rules as proposed were mailed to school superintendents; directors of: ECSUs; intermediate districts; vocational centers; joint powers districts; and also educational organizations.

STATE BOARD OF EDUCATION

Ruth E. Randall

Ruth E. Randall, Secretary

Subscribed and sworn to before me

this 11 day of Feb., 1988.

Hollis Dee Britz-Mitchell
Notary Public

Chisago, County, Minnesota

My Commission expires Oct. 4, 1990

HOLLIS DEE BRITZ - MITCHELL
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
MY COMMISSION EXPIRES OCTOBER 4, 1990

Minnesota Department of Education

Capitol Square 550 Cedar Street Saint Paul, Minnesota 55101 Phone:

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

State Board of Education
Department of Education
Partnership Division

In the Matter of the Proposed Adoption of the Rule of the State Board of Education Relating to Vocational Education Programs in the Secondary Schools Minnesota Rules, pt. 3505.0300 to 3505.6000

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minn. Stat. § 121.11, subd. 12 (1986) and Minn. Stat. § 124.573 (1986 and Supp. 1987).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Audrey Grote
Minnesota Department of Education
629 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

The proposal repeals parts 3505.0200 through 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000 through 3505.9900. A copy of the proposed rule is attached hereto.

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Audrey Grote upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Audrey Grote.

State of Minnesota
State Board of Education

1-21-88
Date

Ruth E. Randall
Ruth E. Randall
Secretary, State Board of Education

Proposed Rules

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

State Board of Education

Proposed Permanent Rules Relating to Secondary Vocational Programs

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Board of Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minn. Stat.* § 121.11, subd. 12 (1986) and *Minn. Stat.* § 124.573 (1986 and Supp. 1987).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Audrey Grote
Minnesota Department of Education
629 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

The proposal repeals part 3505.0200 through 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000 through 3505.9900. A copy of the proposed rule is attached hereto.

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Audrey Grote upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Audrey Grote.

Dated: 21 January 1988

State Board of Education
Ruth E. Randall
Secretary

Rules as Proposed

3505.1000 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. **Authorized local administrator.** "Authorized local administrator" means the licensed vocational administrator who has major responsibility for vocational education at the secondary~~, postsecondary and/or adult~~ level for a district~~,~~ or center~~, or AVTI~~ and is assigned to provide management and leadership in secondary vocational education. The superintendent may act as the authorized local administrator in the absence of a local vocational administrator.

Subp. 4. to 6. [Unchanged.]

Subp. 7. **Classroom instruction.** "Classroom instruction" means an in-school instructional method involving discussion, ~~lecture~~ simulation, problem solving, decision making, computers, and other forms of communication.

Subp. 8. and 9. [Unchanged.]

Subp. 10. **Cooperative center.** "Cooperative center" means two or more districts meeting all provisions of Minnesota statutes, which provide expanded educational options by sharing vocational programs which have been approved by the State Board ~~for Vocational~~ of Education.

Subp. 11. and 12. [Unchanged.]

Subp. 13. **Entry level skills.** "Entry level skills" means those basic occupational competencies and work readiness skills including application of basic skills, work attitudes, and problem solving skills which enable a person to enter initial employment.

Subp. 14. **Essential licensed personnel.** "Essential licensed personnel" means staff assigned to approved vocational education programs who meet criteria for vocational education licensure ~~set forth by~~ stated in vocational rules of the Minnesota State Board ~~for Vocational~~ of Education and who have been issued ~~a~~ the appropriate vocational license.

Subp. 15. **Exploratory work experience.** "Exploratory work experience" means a school supervised vocational program designed to provide students with paid or unpaid ~~on-the-job~~ work experience in a variety of occupations, to help the students identify job traits in relation to their abilities and characteristics and to assist them in making realistic and appropriate occupational choices.

Subp. 16. **Extended employment.** "Extended employment" means paid time when staff is employed beyond the regular school calendar, which is necessary for job placement and coordination, development of training plans and training agreements, equipment maintenance, supply procurement, inventory and storage, ~~laboratory organizations, etc.~~ curriculum development, staff development, or vocational student organization activities.

Subp. 17. [Unchanged.]

Subp. 18. [See Repealer.]

Subp. 19. to 24. [Unchanged.]

Subp. 25. **Occupation.** "Occupation" means paid or unpaid ~~employment~~ work including, but not limited to, salaried jobs, self-employment, and homemaking.

Subp. 26. [Unchanged.]

Subp. 27. [See Repealer.]

Subp. 28. to 34. [Unchanged.]

Subp. 35. **Students with special needs.** "Students with special needs" means students who are handicapped or disadvantaged.

Students identified as handicapped are defined in Minnesota Statutes, section 120.03 and cannot succeed in regular vocational programs.

Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified programs or supportive services to assist them in succeeding in a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematic skills, perform below grade level, the family income is at or below national poverty level, the student or ~~his/her parent(s)~~ the student's parents or guardian is unemployed, the student ~~of his/her parent(s) is a recipient~~

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.

or the student's parents are recipients of public assistance, or the student is institutionalized or under the state's guardianship.

Subp. 36. [Unchanged.]

Subp. 37. **Secondary vocational teacher full-time equivalent.** "Secondary vocational teacher full-time equivalent" means a ~~certified~~ licensed vocational ~~instructor~~ teacher who teaches the equivalent of six hours per day for 175 days per year or its equivalent.

Subp. 38. to 41. [Unchanged.]

Subp. 42. [See Repealer.]

Subp. 43. **Vocational aid.** "Vocational aid" means categorical, state and federal funding for secondary~~, postsecondary, and adult~~ vocational programs meeting criteria set forth in rules.

Subp. 44. [See Repealer.]

Subp. 45. **Vocational education.** "Vocational education" means organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid ~~employment~~ work or for additional preparation for a career requiring technical ~~skills other than a baccalaureate or~~ competencies or a postsecondary or higher education advanced degree.

Subp. 46. [Unchanged.]

Subp. 47. **Vocational program advisory committee.** "Vocational program advisory committee" means a group of persons with competence or interests in an occupational field related to the program being served, selected for ~~the purpose of~~ offering advice to ~~instructors and/or~~ teachers or administrators regarding vocational education. At least 50 percent of the members shall be representatives of a directly related business, labor and industry.

Subp. 48. [Unchanged.]

3505.1200 OPPORTUNITY TO APPEAL.

Districts or centers whose vocational programs or courses have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the State Board ~~for Vocational~~ of Education and are entitled to a ~~hearing date~~ review at a regular or special board meeting. The State Board ~~for Vocational~~ of Education will notify the districts or centers of the time and place of the ~~hearing~~ review in writing. Upon completion of the ~~hearing~~ review, the decision of the State Board ~~for Vocational~~ of Education and the reasons for the decision will be made in writing and transmitted to the local education agency. The decision of the State Board ~~for Vocational~~ of Education shall be the final state action.

3505.1500 CENTER APPROVAL.

State Board ~~for Vocational~~ of Education approval is necessary if a ~~vocational~~ cooperative center is to be eligible for secondary ~~or adult~~ categorical vocational aid or other aid available to approved ~~vocational~~ cooperative centers. The superintendent representing a district school board or a center governing board may submit a request to the commissioner of education for approval by the State Board ~~for Vocational~~ of Education when the following criteria have been met.

Vocational programs shall be shared by one of the following methods: two or more Minnesota school districts operating a cooperative center having met provisions of applicable Minnesota Statutes, or intermediate school districts established by the legislature to serve two or more independent school districts~~, or a school district sharing secondary vocational education among two or more senior high schools~~.

A licensed secondary vocational administrator or the superintendent for a district shall be responsible for the vocational programs.

3505.1700 ALLOTMENT AVAILABILITY OF FEDERAL FUNDS.

~~When federal funds are not available to all applicants, the State Board for Vocational Education shall use the following criteria in determining the allocation of federal funds. Priority shall be determined based upon economic, social, and demographic factors relating to need for programs among target groups and areas of the state. Distribution to local education agency shall be determined by the ability to provide resources and the concentration of low-income families. Distribution to other eligible recipients shall be determined by the financial ability to provide resources and the concentration of students served whose education imposes a higher than average cost, such as those from low-income families and those with English as a second language. Federally funded programs shall be assessed annually to be eligible for continued allocation of federal funds.~~

A cooperative agreement between the State Board of Education and the State Board for Vocational Technical Education will annually provide for the distribution of federal funds between secondary and postsecondary vocational programs.

Distribution to local education agencies must be determined by state and federal law.

3505.1900 SUBMISSION OF WRITTEN PLANS; USE OF MATCHING FUNDS.

Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education

by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be submitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education for approval by the State Board ~~for Vocational~~ of Education.

3505.2000 APPORTIONING FUNDS.

In apportioning funds among local education agencies, the State Board ~~for Vocational~~ of Education shall assure that no local education agency which is making a reasonable tax effort shall be denied funds for establishing new vocational programs solely because it is unable to pay the nonfederal share of the cost of ~~such~~ the programs.

3505.2100 PROPERTY MANAGEMENT STANDARDS.

A uniform property management system ~~shall~~ must be ~~utilized~~ used by the districts and centers to:

A. maintain individual item control for continuing verification on nonexpendable personal property in which the State Board ~~for Vocational~~ of Education has provided state ~~and/or~~ or federal funds; and

B. maintain a source of information for future purchasing and capital budgeting for nonexpendable personal property, long-term capital financing, and program cost computing.

3505.2200 STANDARDS AND PROCEDURES GOVERNING OWNERSHIP.

This part lists standards and procedures governing ownership, use, and disposition of nonexpendable personal property purchased whole or in part with state or federal funds ~~and in which there are no federal funds are set forth below~~. Title ~~will~~ must not be taken by the State Board ~~for Vocational~~ of Education, but ~~shall~~ must be vested in the local education agency subject to the following restrictions on use and disposition of the property:

A. [Unchanged.]

B. All other nonexpendable personal property with an acquisition cost of $1,000 or less: the local education agency may use the property for its intended vocational-technical purpose. If approved vocational-technical use of the property is discontinued or the property is sold or diverted in some other manner, the State Board ~~for Vocational~~ of Education is to be credited with its proportionate share of the current fair market value of the property. The current fair market value shall be determined by the sale price in the case of a bona fide sale or by a third party appraisal in the case of some other diversion. The State Board ~~for Vocational~~ of Education's proportionate share of the property shall be computed by applying the percentage of state funding participation in the property to the current fair market value of the property.

C. Nonexpendable personal property with an acquisition cost of over $1,000: if the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within 120 days, the local education agency may dispose of the property at ~~their~~ its discretion.

A physical inventory of nonexpendable personal property shall be taken by the local education agency and the results reconciled with the local education agency property records at least once every two years to verify the existence, current ~~utilization~~ use, and continued need for the property. Property records shall be retained for three years after final disposition of the property. The commissioner of education or ~~his~~ an authorized representative shall have access to any pertinent property records for the purpose of making examinations.

In addition, when personal property is purchased whole or in part with federal funds furnished by the State Board ~~for Vocational~~ of Education, the local education agency shall comply with the appropriate federal regulations regarding standards and procedures governing ownership, use, and disposition of personal property.

3505.2400 SCOPE.

To be eligible for aid, local education agencies shall meet the ~~rules~~ requirements in parts 3505.2400 to 3505.6000.

Approval requests shall be submitted annually by the local education agency to the commissioner of education. Only approved programs shall be eligible for vocational aid. Local education agencies submitting new program approval or alteration requests shall be notified in writing regarding approval, disapproval, recommended alteration, or delay of action within 20 working days after receipt of the request. When the program is disapproved or recommended for alteration, the notification shall include reasons for denial or changes. When applicable, the notice shall outline corrective actions for the program to qualify for approval upon resubmission. Approved programs and administrative services shall be supervised by the authorized local administrator. ~~When programs~~

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.

~~are jointly funded by vocational and special education, appropriately licensed special education administrators and supervisors shall be involved in the supervision of the program.~~ The local education agency shall resubmit each approved program for evaluation by the State Board ~~for Vocational~~ of Education at least once every five years.

3505.2500 INSTRUCTIONAL PROGRAM APPROVAL.

The commissioner of education shall approve programs on the following basis. Approval shall be on the basis of a complete program as defined in parts 3505.2600 to 3505.4100. The local education agency shall provide evidence that its curriculum is designed to meet vocational objectives which shall include:

A. in-depth exploration of occupations to assist in the career planning process; ~~and~~

B. development of occupational competencies designed to be recognized for advanced placement in postsecondary programs; and

C. development of occupational competencies necessary to enter an occupation.

Each program shall have a vocational advisory committee to advise the ~~instructor(s)~~ teacher, the local authorized administrator, and the local board; the advisory committee shall meet at least two times a year.

3505.2600 PROGRAM COMPONENTS AND TIME STANDARDS.

All program components and learner outcomes for specific program areas as specified in parts 3505.2700 to 3505.4100 must be addressed ~~in order~~ to qualify for approval; however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee. ~~Daily time requirements may be converted to weekly equivalents.~~

3505.4200 MINIMUM STUDENT/STAFF RATIO TO OBTAIN FINANCIAL AID FOR PROGRAM.

To be eligible for aid, the minimum ~~student-instructor~~ student-teacher staff ratio for each program ~~shall~~ must be an average of ten students ~~to instructor or instructor-coordinator. When more than one program section is in operation, enrollment shall average ten or more students~~ per section. An exception to the minimum student/staff ratio may be granted by the ~~commissioner~~ State Board of Education for a maximum of one year to ~~permit students to complete~~ resolve a hardship. In this part, hardship exceptions refer to:

A. completing a sequential program~~, or during~~;

B. the first year of a new program; and

C. a unique situation in a local district or cooperative center that can be resolved by the beginning of the school year following the year in which the exception is granted.

A rationale and plan of action to resolve the hardship during the exception school year must be received by the secondary vocational section of the Department of Education by March 1, October 25, or February 25, whichever is appropriate. A student shall be allowed to enter or withdraw from the program without completing all courses or components.

3505.4300 COMMUNITY-BASED EDUCATION.

When a vocational program includes a segment in which students are placed on a paid or unpaid experience outside the vocational class or laboratory for more than 40 hours during the program, the local education agency shall meet the ~~rules~~ requirements for the community-based education option of a program as stated in parts 3500.3500 and 3505.4400 to 3505.4700.

3505.4400 SINGLE VOCATIONAL AREA ~~COOP~~ COOPERATIVE; REGULAR ~~COOP~~ COOPERATIVE.

The authorized local administrator shall assign coordination time for the ~~instructor-coordinator~~ teacher-coordinator in blocks of time large enough for efficiency, ~~such~~ so that the staff can contact the employer during hours when the student is working. Preparation time for the ~~instructor-coordinator shall~~ teacher-coordinator must be assigned separately from coordination time. Training stations ~~shall~~ must be available to at least half of the ~~coop~~ cooperative students ~~prior to~~ before the commencement of the program. The student ~~shall~~ must be on the job a minimum of one hour ~~per~~ a day, averaging no less than ten hours per week during the school session. An exception ~~for this rule may~~ must be granted by the commissioner of education for handicapped persons whose ~~physical or emotional~~ disability prevents them from working a two-hour day. The local education agency shall have a training agreement and training plan for each student on the job. The agreement and plan shall be signed by the student/parent or guardian (when the student is under 18), employer, and ~~instructor-coordinator~~ teacher-coordinator, and shall remain on file locally for at least six months after the student completes the cooperative component of the program. The ~~coop~~ cooperative experience shall include occupational relations, an employability seminar, or a related seminar which shall consist of a minimum of 50 minutes per day or 250 minutes per week taught by a licensed vocational teacher-coordinator. When the seminar convenes two or fewer times per week, a minimum of 200 minutes is required. The ~~coop~~ cooperative experience shall include prior or concurrent classroom instruction in the occupational area except work experience for special needs students. Age certificates ~~shall~~ must be ~~submitted to the Minnesota Department of Labor and Industry~~ kept on file for a minimum of three years.

3505.4500 MULTIPLE VOCATIONAL AREA ~~COOP~~ COOPERATIVE; DIVERSIFIED OCCUPATIONS; INTERRELATED ~~COOP~~ COOPERATIVE.

The requirements in part 3505.4400 ~~rules shall~~ must be met. Diversified occupations/interrelated ~~coop~~ cooperatives shall serve students from more than one vocational program area. A student shall ~~possess~~ have, or acquire concurrently, skill competencies related to ~~his/her~~ the student's stated career ~~objective(s)~~ objective as stated in the component section of the vocational program area which relates to that stated objective.

3505.4600 SPECIAL NEEDS ~~COOP~~ COOPERATIVE.

Special needs ~~coop~~ - cooperative community-based education designed specifically to develop employability competencies for special needs students: all programs shall meet the following criteria.

The requirements in part 3505.4400 ~~rules shall~~ must be met. Students selected for these programs shall meet the definition of handicapped or disadvantaged in part 3505.1000, subpart 35. A committee consisting of teachers involved in general and vocational education, counselors, and administrators shall participate in the identification of disadvantaged students. Handicapped students shall be identified through the special education child study process outlined in ~~the State Board of Education rules~~ parts 3525.2500 to 3525.2900 and shall be limited to students who cannot succeed in regular vocational programs without special assistance. Proof that ~~all~~ students enrolled in the program have been identified as handicapped or disadvantaged shall be kept on file locally for five years.

3505.4700 WORK EXPERIENCE.

Subpart 1. **Work experience/career exploration.** The requirements in part 3505.4600 ~~rules shall~~ must be met. Students who have reached age 14 and have not reached 16 are eligible for the work experience/career exploration. When students become 16 while enrolled, they may remain enrolled until the end of the school year. The maximum number of students enrolled in work experience/career exploration shall conform with federal regulations. The training agreement and employment certificates, not including the training plan, shall be ~~submitted to the commissioner of education upon placement of the student~~ kept on file for five years. ~~Employment certificates shall be submitted to the Minnesota Department of Labor and Industry.~~

Subp. 2. **Work experience disadvantaged.** The requirements in part 3505.4600 ~~rules shall~~ must be met.

Subp. 3. **Work experience handicapped.** The requirements in part 3505.4600 ~~rules shall~~ must be met. The maximum number of students enrolled in the work experience handicapped ~~coop shall be 23~~ cooperative is 24 students when the ~~instructor-coordinator~~ teacher-coordinator is responsible only for the vocational area of instruction. ~~When the instructor-coordinator is responsible for the nonvocational areas of special education as well as the work experience coop, the maximum shall be 15 students as identified in the State Board of Education rules.~~ When the teacher-coordinator is responsible for individual students who are multi-handicapped, or the student load includes three or more types of handicapped conditions, the maximum load must not exceed 12 students. When severely handicapped students are enrolled in the work experience handicapped program, supplemental support staff/technical tutors must be provided to support the work experience teacher-coordinator. When the teacher-coordinator is responsible for other educational areas as well as the work experience cooperative, the student load should be prorated in accordance with the time limits defined in this subpart pertaining to the work experience handicapped cooperative time load. The training agreement and training plan shall be ~~in accordance~~ incorporated with the special education individual educational plan in the State Board of Education rules. ~~The instructor-coordinator shall possess a valid special education license appropriate for the type of handicapped students being served if the instructor-coordinator is responsible for the nonvocational areas of special education instruction.~~

3505.4900 SUPPORT SERVICES.

Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:

A. one full-time equivalent support service ~~manager~~ facilitator to 60 full-time equivalent students;

B. one full-time equivalent ~~technical~~ supplemental support staff/technical tutor to ten full-time equivalent students;

C. ~~one full-time equivalent orientation and mobility specialist to one full-time student or more as appropriate;~~

~~D.~~ one full-time equivalent interpreter to one full-time equivalent student or more as appropriate;

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.

~~E.~~ D. one full-time vocational evaluator to five full-time equivalent students enrolled in vocational evaluation ~~programs~~ services.

Proration of vocational aids shall occur when special needs personnel are assigned to vocational education less than full time.

3505.5200 VOCATIONAL AID.

State payments shall be based upon the estimated budget for approved programs operated in accordance with ~~these rules~~ parts 3505.2700 to 3505.4900. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, contracted instructional services, travel, curriculum development activities, and specialized instructional supplies and equipment (handicapped programs only) shall be based on the estimated budget. To receive aid under this part, enrollment figures must be submitted and postmarked on or before October 25 and February 25. Failure to submit budgets and enrollment figures before the deadline will result in the aid being withdrawn. A district or center that does not verify enrollment figures and as a result has aid withdrawn may resubmit the budget by the date of the final report for the fiscal year. The district's or center's request must be kept by the department and will be funded at year end if sufficient aid is available. Final payment of aids for such categories shall be based on actual expenditures and actual enrollment.

3505.5300 AID FOR SALARIES.

Subpart 1. **Eligibility of local education agency.** A local education agency ~~shall be~~ is eligible for aid ~~at a rate of up to 50 percent for the salaries of essential licensed personnel assigned to approved programs~~ according to Minnesota Statutes, section 124.573.

Subp. 2. **Eligibility for aid for extended employment.** A district or center ~~shall be~~ is eligible for vocational aid for extended employment at a maximum rate of:

A. FTE ~~instructor~~ teacher, six days;

B. FTE ~~instructor-coordinator~~ teacher-coordinator, ~~four weeks~~ 20 days.

Aid must be prorated for a less than full-time equivalent teacher.

Subp. 3. **Eligibility for aid for preparation time.** ~~A district or center shall be eligible for aid for salary expenditures for preparation time on the following basis:~~

~~Maximum Vocational Preparation Time Eligible for Aid~~

~~Average daily length of vocational assignment in instructional~~ contact hours	~~Maximum preparation time in hours per day~~
~~Vocational instructional contact 1.0 hours or less~~	~~0.0 hours~~
~~Vocational instructional contact hours greater than 1.0 but less than or equal to 3.0~~	~~.5 hours~~
~~Vocational instructional contact hours greater than 3.0~~	~~1.0 hours~~

To be eligible for preparation time aid, each teacher for whom a district claims the aid must teach at least one vocational period.

The department shall fund up to a maximum of one hour of preparation time for a full-time equivalent teacher. Aid must be prorated for a less than full-time equivalent teacher.

Subp. 4. [Unchanged.]

3505.5400 ~~AID FOR TRAVEL COSTS~~ ELIGIBLE ADDED COST CATEGORIES.

Subpart 1. **UFARS ~~course~~ object or program dimensions.** A district or cooperative center ~~shall be~~ is eligible for aid ~~at a rate up to 50 percent for travel expenditures for essential licensed personnel traveling to and from school sites and cooperative training stations where students are located or to arrange job sites, and for the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. Student transportation is not eligible for vocational aid~~ for the following added costs. The object or program dimensions in the current edition of the Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools (UFARS), State of Minnesota, Minnesota Department of Education must be used to define each category.

Subp. 2. **Contracted services.** Contracted services provided by a public or private agency other than a Minnesota public school district or cooperative center for instructional education services. Aid is available for:

A. A resource specialist or a guest speaker employed by an entity described in subpart 2 who teaches part of a program under the supervision of a licensed secondary vocational teacher. Contracted services for programs for the handicapped must be pre-approved by the state program specialist. UFARS object dimension 311 must be complied with.

B. A public or private agency other than a Minnesota school district or cooperative center that provides instructional vocational education services. In order to be eligible for aid:

(1) a binding contract must exist and be submitted with the annual program budget on March 1 for approval; and

(2) the public or private agency must comply with all rules governing secondary vocational education except for teacher-student ratios.

Subp. 3. **Necessary travel.** Necessary travel by vocational staff in approved vocational programs defined in parts 3505.2600 to 3505.4900 is eligible for aid as follows:

A. necessary travel between vocational instructional sites as defined in UFARS object dimension 366;

B. necessary travel by licensed secondary vocational education personnel for vocational student organization activities held within the state for instructional purposes related to the vocational program and as defined in UFARS object dimension 366; and

C. necessary travel by licensed secondary vocational education personnel for noncollegiate credit-bearing professional development related to the vocational program area as defined in UFARS object dimension 367.

Subp. 4. **Curriculum development.** Curriculum development that is part of a five-year plan for improvement based on program assessment as defined in UFARS program dimension 610.

A. The five-year plan must be submitted to the state program specialist for the vocational program by March 1 for approval. Yearly amendments are required if the plan or timelines deviate from the approved five-year plan.

B. The plan must identify the assessment process. The assessment must be a formal process involving teachers, administrators, business and industry, and the community. Program Evaluation and Reporting (PER), North Central Evaluation, Vocational Education Evaluation, or other evaluation process may be used.

C. The plan must be comprehensive and must consider the following:

(1) mission of vocational education;

(2) coordination with district staff development plan;

(3) Department of Education Model Learner Outcomes for the vocational program;

(4) update relevant to world of work; and

(5) articulation between levels and across subject matter areas.

D. The plan must include work to be accomplished, title of person involved, and estimated timelines.

E. The five-year plan must be approved by the local program advisory committee.

Subp. 5. **Specialized vocational instructional supplies.** Aid is available for specialized vocational instructional supplies that are unique and essential to the instructional programs as defined in UFARS object dimension 433, excluding instructional equipment as defined in the UFARS Manual in Appendix B, page B-2.

3505.5500 AID FOR EQUIPMENT ~~COSTS~~ IN HANDICAPPED PROGRAMS.

A local education agency shall be eligible for aid at a rate up to ~~50 percent~~ the percentage rate set by the legislature for expenditures to lease or purchase equipment to develop occupational competencies in an approved instructional program. Equipment request shall be preapproved by the commissioner of education to be eligible for aid.

3505.5600 AID LIMITATIONS.

Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid. ~~Work experience handicapped (part 3505.4700, subpart 3) is not eligible for vocational categorical aid.~~ When a district or center sells products or services produced in an approved program, the revenue from sales shall be recognized. This revenue may be used for expenditures ~~not eligible for vocational aid~~ which are directly related to ~~the products or services sold~~ an approved secondary vocational program. If the revenue from sale of products or services exceeds the ~~costs~~ cost to produce those products or services in any fiscal year, and the excess revenue is not used in another vocation program, the excess revenue shall reduce the state's obligation for such program by the amount of income in excess of the cost of production. ~~When ineligible students (students not meeting student eligibility rules) are served in approved programs, aid requests shall be prorated on the basis of the percentage of eligible students compared to total students served.~~ When excess revenue is used for expenditures within approved secondary vocational programs, those expenditures are not eligible for aid under Minnesota Statutes, section 124.573.

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.

3505.5700 VOCATIONAL AID APPLICATION PROCEDURE.

Subpart 1. **Submission of annual program budget.** The authorized local administrator shall be responsible for submitting the annual program budget, program budget amendments, and annual report.

Subp. 2. **Eligibility for vocational aid.** To be eligible for vocational aid, the annual program budget shall be submitted by ~~February~~ March 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disapproval in writing by ~~April~~ May 30. ~~Notification shall include the estimated rate of vocational aid in the case of approval or if disapproved the reasons shall be stated.~~ To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.

An authorized local administrator, a group of districts and centers, or the commissioner of education may request a hearing. ~~Such~~ The hearings shall be scheduled between ~~February~~ March 1 and ~~May~~ June 15 and shall discuss the rationale for program and planned revenue and expenditures. District or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for ~~their~~ its review. The results of the review shall be transmitted to the local board of education in writing.

Subp. 3. **Amendments or late program budgets.** ~~Program budget amendments or late program budget requests may be submitted after February 1. To be eligible for aid, amendments or requests shall be approved by the commissioner of education prior to changing the state obligation. Amendments are necessary when: the total requested budget varies plus or minus more than ten percent from the approved program budget, or the change in budget between programs, administrative or support services exceeds 20 percent~~ Program budget requests may be submitted after March 1. The requests must be kept by the department and will be funded at year end if sufficient aid is available.

Amendments to the budget request must be received by the secondary vocational section of the Department of Education by October 25 and February 25 for teacher salaries, contracted services, travel, curriculum development activities, and vocational instructional supplies. Amendments are necessary when the budget amount varies by more than ten percent by vocational program. Aid in excess of the ten percent variation will be withheld when the necessary amendments have not been made.

Amendment and program budget requests shall be considered when state and federal funds are available or the amendment request is for increased costs of existing approved programs, administrative or support services.

INCORPORATIONS BY REFERENCE. The course, program and object dimensions, and the part of Appendix page B-2, all in the Manual for Uniform Financial Accounting and Reporting Standards (UFARS), published by the Department of Education that are referred to in part 3505.5400, are incorporated by reference. The Manual is updated continuously and is available through the Minitex interlibrary loan system.

REPEALER. Minnesota Rules, parts 3505.0200; 3505.0300; 3505.0400; 3505.0500; 3505.0600; 3505.0700; 3505.0800; 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000; 3505.6100; 3505.6200; 3505.6300; 3505.6400; 3505.6410; 3505.6500; 3505.6600; 3505.6700; 3505.6800; 3505.6900; 3505.7000; 3505.7100; 3505.7200; 3505.7300; 3505.7400; 3505.7500; 3505.7600; 3505.7700; 3505.7800; 3505.7900; 3505.8000; 3505.8100; 3505.8200; 3505.8300; 3505.8400; 3505.8410; 3505.8500; 3505.8600; 3505.8700; 3505.8800; 3505.8900; 3505.9000; 3505.9100; 3505.9200; 3505.9300; 3505.9400; 3505.9500; 3505.9600; 3505.9700; 9505.9800; and 3505.9900, are repealed.

Housing Finance Agency

Proposed Permanent Rules Relating to Home Energy Loan Program

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency 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.* Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 twenty-five or more persons submit written requests for a public hearing on the proposed rule 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.* Sec. 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

Office of the Revisor of Statutes
Administrative Rules

Richard J. Sands
Senior Assistant Revisor
296-2798



700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

March 18, 1988

Audrey Grote
State Board of Education
629 Capitol Square

RE: AR1241 Secondary Vocational Programs

Dear Ms. Grote:

Enclosed are four copies of your rule with the modifications you requested.

Please submit the rules to the Attorney General or the Office of Administrative Hearings, as appropriate.

If you have any questions or need further modifications, please call.

Very truly yours,

Richard J. Sands

RJS/at
Encl.

CERTIFICATE OF THE

STATE BOARD OF EDUCATION'S

RESOLUTION ADOPTING THE RULE

I, Ruth Randall, do hereby certify that I am the secretary of the State Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education, duly and properly called and held on the 12th day of April, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to Secondary Vocational Education Programs, Minn. Rules pt. 3505.0200 to 3505.6000 is approved and adopted, pursuant to authority vested in the board by Minnesota Statutes §121.11 subd. 12 (1986) and 124.573 subd. 3 (1986 and Supp. 1987). Ruth Randall, the secretary of the board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12 day of April, 1988.

Ruth E. Randall
Secretary of the Board

Marjorie L. Johnson
Attest by Board member

STATE OF MINNESOTA
STATE BOARD OF EDUCATION
DEPARTMENT OF EDUCATION
PARTNERSHIP DIVISION

In the Matter of the Proposed Adoption of the Rules of the State Department of Education Governing Vocational Education Programs, Secondary, Minnesota Rules pt. 3505.0200 to 3505.6000

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES WITHOUT PUBLIC HEARING

FINDINGS OF FACT

Procedural Requirements

1. Notice of the Department of Education's intent to adopt the above referenced rule without a public hearing was published in the State Register on February 15, 1988, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 on February 12, 1988.

2. The statement of need and reasonableness was prepared before the notice of intent to adopt rules without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

3. All persons were given the opportunity to submit comment on the rule for 30 days after notice of intent to adopt the rule without a hearing. The agency received a total of 2 requests for a public hearing of which 1 was subsequently withdrawn. Thus the agency did not receive requests for a public hearing from 25 or more persons relating to proposed adoption of Minn. Rules, parts 3505.0200 to 3505.6000.

4. No requests for notice of submission of the rules to the attorney general regarding Minn. Rules, parts 3505.0200 to 3505.6000 were received by the agency.

Statutory Authority

5. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. §121.11 subd. 12 (1986) and 124.573 subd. 3 (1986 and Supp. 1987).

Modifications Made to the Proposed Rules

6. The Board has modified the proposed rules as set forth below:

3505.4700 Work Experience
Subp. 3.

~~When the teacher coordinator is responsible for individual students who are multi-handicapped, or the student load includes three or more types of handicapped conditions, the maximum load must not exceed 12 students. When severely handicapped students are enrolled in the work experience handicapped program, supplemental support staff/technical tutors must be provided to support the work experience teacher coordinator.~~

7. The modification to 3505.4700 Subp. 3 deletes the proposed new language to this subpart. Local school personnel have identified problems in implementation that would limit the availability of the program.

   The effect is to retain the requirements in the current rule which is much less restrictive than the proposed rule. Since the current rule is not changed by this modification, the change should not affect classes of persons who could not reasonably have been expected to comment on the original rule.

CONCLUSIONS OF LAW

1. Proper notice of intent to adopt the proposed rules without a public hearing was given.

2. The Board has fulfilled all the procedural requirements of Minn. Stat. §14.14 and all other procedural requirements of law or rule.

3. The Board has documented its statutory authority to adopt the proposed rules and has fulfilled all substantive requirements of law or rule.

4. The Board has demonstrated the need for and reasonableness of the proposed rules.

5. The modifications to the proposed rules do not result in rules which are substantially different from the proposed rules as published in the State Register within the meaning of Minn. Rules pt. 1400.1100.

NOW, THEREFORE, IT IS ORDERED that the rules identified as 3505.0200 to 3505.6000 are adopted this 12th day of April, 1988, pursuant to authority vested in the Board of Minnesota Statutes, 121.11, subd. 12 (1986) and 124.573 subd. 3 (1986 and Supp. 1987).

4-12-88
Date

Ruth E. Randall
Ruth E. Randall
Secretary, State Board of Education

AUTHORIZING RESOLUTION

RESOLVED, that the rule relating to Secondary Vocational Programs, Minn. Rules pts. 3505.0200 to 3505.6000 is approved and adopted, pursuant to authority vested in the board by Minnesota Statutes §121.11 subd. 12 and 124.573 subd. 3 (1986 and Supp. 1987). Ruth Randall, the secretary of the board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law.

In the Matter of the Adoption of the Rule of the State Board of Education Governing Vocational Education Programs in Secondary Schools, Minn. Rules pt. 3505.0200 to 3505.6000

DECLARATION OF COUNSEL

I, Cindy L. Lavorato, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit client code is 0026.

Dated: May 9, 1988

Cindy Lavorato

CINDY L. LAVORATO
Special Assistant
Attorney General