

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

1650

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: December 26, 1989

TO: H. CAMILLA NELSON
Special Assistant Attorney General
1100 Bremer Tower

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Permanent Rule Relating to Education

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on December 26, 1989.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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
Enclosure
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
Jim Undercotler " "

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

August 15, 1989

Jim Undercofler
Center for Arts Education
17 West Exchange, Suite 400
St. Paul, MN 55102

RE: File No. 1523

Dear Mr. Undercofler:

I am enclosing six copies of your rules, approved as to form.
Please submit two copies to the State Register for publication.

If you have any questions, please call me.

Very truly yours,

Richard J. Sands

MJC

RULE REVIEW CHECKLIST

File No. 1650 Docket No. 05000960 19

DATE RECEIVED 12-13-89 ADOPTED W/O HEARING _____

REVIEW DATE 12-22-89 EMERGENCY RULE _____

DUE DATE 12-27-89 Revisor - 12-1989

REVISOR APPROVED _____

APPROVED December 26, 89 mjc REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies) not back from Revisor

_____ Notice to Solicit Outside Information/Opinion (if applicable)
- _____ Date published in State Register
- _____ Comments

_____ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution
- Aug 4, 1989 Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule end of comment period 10-11-89 stated in notice of Intent
- 129C.10 and 14A Statutory Authority
- NA Small Business Statement
- NA Expenditure of public money statement
- Aug 4, 1989 Signature

✓ Statement of Need and Reasonableness (if applicable)
- NA Small Business Statement
- NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Sept 6, 1989 Date 30/25 days before adoption
- _____ Notice attached indicates it is attached
- _____ Copy of rule or summary attached

_____ Publication in State Register
- Sept 11, 1989 Date 30/25 days before adoption

✓ 180-day deadline from:
- NA Effective date of law requiring rule (14.12) (both rules) not mandatory
- ✓ end of comment period (§ 14.26) (rules without hearing) Oct 11 - Dec 13
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- Oct 20, 1989 Date adopted

_____ Findings of Fact, Conclusions & Order Adopting
- 10-20-89 Date

_____ Written requests, submissions or comments

✓ Declaration of attorney
- H Camilla Nelson Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

Center for Arts Education

Adopted Permanent Rules Relating to Education

Rules as Adopted

3600.0010 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Board.** "Board" means the board of the Minnesota Center for Arts Education established in Minnesota Statutes, section 129C.10, subdivision 1.

Subp. 3. **Director.** "Director" means the individual appointed by the board under Minnesota Statutes, section 129C.10, subdivision 4, paragraph (a), clause (1), to administer the Center for Arts Education.

Subp. 4. **Full-time high school program.** "Full-time high school program" means the Center for Arts Education full-time pilot interdisciplinary academic and arts program for 11th and 12th grade pupils, as defined in Minnesota Statutes, section 129C.10, subdivision 3, paragraph (f), clause (1).

Subp. 5. [See Repealer.]

Subp. 6. [Unchanged.]

3600.0020 HOW THIS CHAPTER APPLIES.

Parts 3600.0010 to 3600.0070 prescribe the application, arts review, and evaluation processes for pupils wanting admission to the full-time high school program. Participants in center programs under Minnesota Statutes, section 129C.10, subdivision 5, are not included in the application, arts review, and evaluation process in parts 3600.0010 to 3600.0070.

3600.0030 APPLICATION PROCESS.

Subpart 1. **Eligible applicants.** An eligible applicant is a pupil who would be considered a resident entitled to a free education under Minnesota Statutes, section 120.06, as of December 15 of each year, who meets the following requirements:

A. For the full-time high school program, pupils who

will be in the 11th grade the following September.

B. [Unchanged.]

Subp. 2. **Application forms for the full-time high school program.** Eligible applicants may apply for admission to the full-time high school program by completing application forms. The center must supply the forms by October 1 each year. Application forms will be available at the center's central office, Monday through Friday, 8:00 a.m. to 4:30 p.m. Additionally, the center will mail forms to all high school buildings in the state. Application forms must be mailed back to the center, and be postmarked by December 15, to be considered for admission into the full-time high school program.

Subp. 3. **Other information required.** An applicant to the full-time high school program must submit a school record and two recommendations. The recommendations must be submitted on forms provided by the center. One recommendation must be from an academic source selected by the applicant's school principal. The other recommendation must be from an artistic reference chosen by the applicant.

Subp. 4. **Number of applications.** An individual may apply up to two times for admission into the full-time high school program.

3600.0040 ARTS REVIEW PROCESS.

Subpart 1. **Participation; place.** Applicants to the full-time high school program must participate in an arts review process. Reviews will be held in three locations, one in the metropolitan area, one in northern Minnesota, and one in southern Minnesota, from January to mid March each year. Locations will be determined by the board.

Subp. 2. **Arts review team.** The board must appoint six arts review teams. Teams must have three members each: one professional educator, one professional artist, and one staff member from the center. Team members will be replaced by the board as necessary.

Subp. 3. **Areas of review.** An applicant must be reviewed

in the primary area of specialty designated on the application, within the following categories: dance, literary arts, media arts, music, theater arts, and visual arts. An applicant may apply to be reviewed in more than one specialty area. If application is made for review in more than one specialty area, the applicant must be reviewed in each area in which the director determines the applicant has reviewable artistic potential.

Subp. 4. **Arts review evaluation.** The arts review team will evaluate applicants' artistic potential in three broad areas:

A. skills/proficiency, which is the ability to effectively communicate the arts specialty area, 30 possible points;

B. creativity/imagination, which is the ability to develop inventive, personal, concise expressions within the arts specialty area, 30 possible points; and

C. attitude, which is the level of motivation, commitment, and energy for activities within the arts specialty area, 40 possible points.

An applicant must score at least 20 points in skills/proficiency, 20 points in creativity/imagination, and 25 points in attitude in order to be considered further for admission.

Subp. 5. **Arts review activities.** Applicants will be evaluated by the arts review team in the following activities:

A. Demonstration of an example or examples of the applicants' previous arts activities, products, and abilities. The arts review team will evaluate the demonstration with the following criteria:

(1) to what degree do the applicants possess a potential for rapid acquisition of skills needed to effectively communicate their arts specialties, (skills/proficiency), zero to 15 points;

(2) at what level do the applicants demonstrate a personal creative expression within their arts specialty areas,

(creativity/imagination), zero to ten points; and

(3) to what extent do the applicants demonstrate commitment, energy, and motivation to their arts specialty areas, (attitude), zero to ten points.

B. Spontaneous individual and group activities that highlight individual creativity and group interaction. These activities will be related to the applicants' specialty areas. The arts review team must evaluate the activities according to the following criteria:

(1) to what degree do the applicants' responses demonstrate personal, imaginative expressions, (creativity/imagination), zero to five points; and

(2) to what extent do the applicants demonstrate a willingness to participate energetically, (attitude), zero to ten points.

C. Solution to an arts oriented assignment. Two weeks before the arts review meeting, the center will send applicants an arts oriented assignment specific to their specialty areas. Applicants will bring the solution to the assignment to the arts review meeting and present it to the arts review team. The arts review team will evaluate the solution according to the following criteria:

(1) to what extent does the solution demonstrate skill and proficiency effectiveness, (skills/proficiency), zero to 15 points; and

(2) to what extent does the solution represent an imaginative, creative solution, (creativity/imagination), zero to 15 points.

D. [Unchanged.]

3600.0050 FINAL REVIEW TEAM.

The final review team will examine all application materials including the arts review team evaluations, and will select pupils for placement. The final review team includes the director, two program associates from the center selected by the director and the following persons selected by the board: a

Minnesota performing artist, a Minnesota visual artist, a Minnesota literary artist, two educators from the Minnesota public school system, and a psychologist.

3600.0060 EVALUATION BY THE FINAL REVIEW TEAM.

Subpart 1. **Applicants' school records.** Applicants' school records must be evaluated by the final review team designated in part 3600.0050. They must examine three factors in the school records: consistent failing or below average grades, severe drops in grades, and consistent high absentee rates. If any of these three factors appear, the final review team will request additional information from the applicants and the applicants' home schools to determine if these factors would make placement in the full-time high school program inappropriate. If the information is not received within two weeks after the center's request, a decision will be based on the information previously provided.

Subp. 2. **Recommendations.** The final review team must read the applicants' recommendations to determine the applicants' attitudes about prior learning in the academic and arts areas. The final review team may assign from zero to five points for each recommendation. The final review team will assign points in the area of attitude according to what extent the recommendations demonstrate an applicant's motivation and commitment to learning.

Subp. 3. **Arts review process results.** If an applicant remains in the process after evaluation of information in subpart 1, all information gathered as described in parts 3600.0040, subparts 4 and 5, and 3600.0060, subpart 2, will be placed on a matrix, assigned a numerical rating, and totaled for a final score. This process will be done by the final review team. The final review team will chart scores on the matrix according to the congressional districts of all applicants. An equal number of applicants must be selected from each congressional district. If a congressional district does not have enough qualified applicants to fill its quota, the

remaining positions shall be distributed equally to qualified applicants from other congressional districts.

REPEALER. Minnesota Rules, part 3600.0010, subpart 5, is repealed.

1650

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 26 1989
Joan Anderson Growe
Secretary of State
12:00 pm

APPROVED AS TO FORM AND LEGALITY
December 26 1989
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rule Governing Admissions, Minn. Rules Parts 3600.0010-3600.0060	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE

The above-entitled matter came on for decision before the Board of the Minnesota Center For Arts Education on the 20th day of October, 1989. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Board, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering all of the evidence adduced upon the records, files and proceedings herein, the Board, being full advised in the premises, hereby adopts the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Center For Arts Education's intent to adopt the above-entitled rule without a public hearing was published in the State Register on September 11, 1989, and was sent by mail to all persons on the list maintained by the Board pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 on September 6, 1989.

2. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30-day comment period, as set out in the notice, expired on October 11, 1989.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission to the Attorney General were received by the Board.

6. During the comment period the Board received one favorable written comment.

7. The Board adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Board hereby incorporates the Statement of Need and Reasonableness into these findings.

8. The above-captioned rule is needed and reasonable.

CONCLUSIONS

1. The Minnesota Center For Arts Education duly acquired and has jurisdiction over this proceeding.

2. The Board published and served due, timely and adequate notice of the intent to adopt the rules without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Minn. Rule pts. 3600.0010 to 3600.0060 governing admissions, is adopted pursuant to the authority vested in the Minnesota Center For Arts Education by Minn. Stat. §129C.10 (1987).

MN CENTER FOR ARTS EDUCATION

Hum Sr ker, Jr.
[authorized person]

8

10-20-89
[date]

STATE OF MINNESOTA
CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rule Governing Admissions, Minn. Rules Parts 3600.0010-3600.0060	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE

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ORDER

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MN CENTER FOR ARTS EDUCATION

Hume Sinkey, Jr.
[authorized person]

10-20-89
[date]

Minneapolis **College of Art & Design**



September 8, 1989

James Undercofler, Executive Director
Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422

Dear Jim:

On behalf of the Minneapolis College of Art and Design, I wish to offer our suport for the Minnesota Center for the Arts. The proposal to ammend the rules governing admissions appears to be comprehensive and complete. You have the College's support for these changes.

Sincerely,

Tom

Thomas Morin
Vice President and Dean of Academic Affairs

TM/CR

2501 Stevens Avenue South
Minneapolis, Minnesota 55404
612-87[illegible]-3161

STATE OF MINNESOTA
CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rule Governing Admissions, Minn. Rules Parts 3600.0010-3600.0060	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE

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2. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30-day comment period, as set out in the notice, expired on October 11, 1989.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission to the Attorney General were received by the Board.

6. During the comment period the Board received one favorable written comment.

7. The Board adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Board hereby incorporates the Statement of Need and Reasonableness into these findings.

8. The above-captioned rule is needed and reasonable.

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1. The Minnesota Center For Arts Education duly acquired and has jurisdiction over this proceeding.

2. The Board published and served due, timely and adequate notice of the intent to adopt the rules without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

ORDER

(8) NOW, THEREFORE, IT IS ORDERED that the attached Minn. Rule pts. 3600.0010 to 3600.0060 governing admissions, is adopted pursuant to the authority vested in the Minnesota Center For Arts Education by Minn. Stat. §129C.10 (1987).

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MN CENTER FOR ARTS EDUCATION

[authorized person]

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agencies and institutions, school districts or combinations of school districts, or educational cooperative service units to provide supplemental educational instruction and services.

(l) The board may provide or contract for services and programs by and for the arts high school, including a school store, operating in connection with the school; theatrical events; and other programs and services that, in the determination of the board, serve the purposes of the arts high school.

(m) The board may provide for transportation of pupils to and from the school and resource center for the arts for all or part of the school year, as the board considers advisable and subject to its rules. Notwithstanding any other law to the contrary, the board may charge a reasonable fee for transportation of pupils. Every driver providing transportation of pupils under this paragraph must possess all qualifications required by the state board of education. The board may contract for furnishing authorized transportation under rules established by the commissioner of education and may purchase and furnish gasoline to a contract carrier for use in the performance of a contract with the board for transportation of pupils to and from the school and resource center for the arts. When transportation is provided, scheduling of routes, establishment of the location of bus stops, the manner and method of transportation, the control and discipline of pupils, and any other related matter is within the sole discretion, control, and management of the board.

(n) The board may provide room and board for its pupils.

(o) The board may establish and set fees for services and programs without regard to chapter 14. If the board sets fees not authorized or prohibited by the Minnesota public school fee law, it may do so without complying with the requirements of section 120.75, subdivision 1.

Subd. 3a. **Arts high school fund appropriation.** There is established in the state treasury an arts high school fund. All money collected by the board shall be deposited in the fund. Money in the fund, including interest earned, is annually appropriated to the board for the operation of its services and programs.

Subd. 4. **Employees.** (a) (1) The board shall appoint a director of the school and resource center for the arts who shall serve in the unclassified service.

(2) The board shall employ, upon recommendation of the director, a coordinator of the resource center who shall serve in the unclassified service.

(3) The board shall employ, upon recommendation of the director, up to six department chairs who shall serve in the unclassified service. The chairs shall be licensed teachers unless no licensure exists for the subject area or discipline for which the chair is hired.

(4) The board may employ other necessary employees, upon recommendation of the director.

(5) The board shall employ, upon recommendation of the director, an executive secretary for the director, who shall serve in the unclassified service.

(b) The employees hired under this subdivision and other necessary employees hired by the board shall be state employees in the executive branch.

Subd. 4a. **Admission and curriculum requirements generally.** (a) The board may adopt rules for admission to and discharge from the school and rules regarding the operation of the school and resource center, including transportation of its pupils. Rules covering admission and discharge are governed by chapter 14. Rules regarding the operation of the school are not governed by chapter 14.

(b) Proceedings concerning admission to or discharge from the school, a pupil's program at the school, and a pupil's progress at the school are governed by the rules adopted by the board and are not contested cases governed by chapter 14.

Subd. 5. **Resource center.** The resource center shall offer programs that are directed at improving arts education in elementary and secondary schools throughout the state. The programs offered shall include at least summer institutes offered to pupils

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Proposed Rules Governing Education, Minn. Rules Parts Chapter 3600

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Lee Appleby, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. § 14.14, subd. 1a and 14.22 that their names be placed on the Minnesota State Board of Education's rulemaking mailing list is accurate, complete, and current as of this 6th day of September, 1989.

That on the 6th day of September, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the [State of Minnesota Central Mail System for United States Mail] [in the United States Mail] a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Lee Appleby

Subscribed and sworn to before me
this 29th day of September, 1989.

Mary M. Pietruszewski
Notary Public

Mary M. Pietruszewski
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My commission expires 6-15-94

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rules Governing Admissions, etc. Minn. Rules Parts 3600.0010-3600.0060

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING (one copy to be published, one copy to be mailed)

(1) Notice is hereby given that the Minnesota Center for Arts Education Board 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 Minn. Stat., Chapter 14.22 to 14.28, 1986. The Board's authority to adopt the rule is set forth in Minn. Stat., Chapter 129C.10, Subd., 4a, 1988.

(2) All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on 10-11-89 at 4:30 p.m. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

(4) Any person may make a written request for a public hearing on the rules within the 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 requests in writing. (5) (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the Board will proceed pursuant to Minn. Stat., Chapter 14.131 to 14.20, 1986.

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

James Undercofler, Executive Director
Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422
(612) 591-4700

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed. (11) A copy of the proposed rule is attached to this notice.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from James Undercofler, Executive Director, Minnesota Center for Arts Education, 6125 Olson Memorial Highway, Golden Valley, MN 55422 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 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 rule, must submit the written request to James Undercofler.

Dated: 7/4/89

(authorized person)

Proposed Rules

Pursuant to Minn. Stat. §§ 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.

Center for Arts Education

Proposed Permanent Rules Relating to Education

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Center for Arts Education Board 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*, Chapter 14.22 to 14.28, 1986. The Board's authority to adopt the rule is set forth in *Minnesota Statutes*, Chapter 129C.10, Subd. 4a, 1988.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on October 11, 1989 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 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 requests 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, Chapter 14.131 to 14.20, 1986.

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

James Undercofler, Executive Director
Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422
(612) 591-4700

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from James Undercofler, Executive Director, Minnesota Center for Arts Education, 6125 Olson Memorial Highway, Golden Valley, MN 55422 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 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 rule, must submit the written request to James Undercofler.

Dated: 4 August 1989

Rules as Proposed

3600.0010 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Board.** "Board" means the board of the Minnesota ~~School and Resource~~ Center for ~~the~~ Arts Education established in Minnesota Statutes, section 129C.10, subdivision 1.

Subp. 3. **Director.** "Director" means the individual appointed by the board under Minnesota Statutes, section 129C.10, subdivision 4, paragraph (a), clause (1), to administer the ~~school of the~~ Center for Arts Education.

Subp. 4. **Full-time high school program.** "Full-time high school program" means the ~~school~~ Center for ~~the~~ Arts Education full-time pilot interdisciplinary academic and arts program for 11th and 12th grade pupils, as defined in Minnesota Statutes, section 129C.10, subdivision 3, paragraph (f), clause (1).

Subp. 5. [See Repealer.]

Subp. 6. [Unchanged.]

3600.0020 HOW THIS CHAPTER APPLIES.

Parts 3600.0010 to 3600.0070 prescribe the application, arts review, and evaluation processes for pupils wanting admission to the full-time high school ~~or programs~~ program. Participants in ~~resource~~ center programs under Minnesota Statutes, section 129C.10, subdivision 5, are not included in the application, arts review, and evaluation process in parts 3600.0010 to 3600.0070.

3600.0030 APPLICATION PROCESS.

Subpart 1. **Eligible applicants.** An eligible applicant is a pupil who would be considered a resident entitled to a free education under Minnesota Statutes, section 120.06, as of December 15 of each year, who meets the following requirements:

A. For the full-time high school~~, for 1989~~ program, pupils who will be in the 11th grade ~~in~~ the following September ~~1989; and for 1990, pupils who will be in the 10th or 11th grade in September 1989~~.

B. [Unchanged.]

Subp. 2. **Application forms for the full-time high school program.** Eligible applicants may apply for admission to the full-time high school ~~or its programs~~ program by completing application forms. The ~~school~~ center must supply the forms by October 1 each year. Application forms will be available at the ~~school's~~ center's central office, Monday through Friday, 8:00 a.m. to 4:30 p.m. Additionally, the ~~school~~ center will mail forms to all high school buildings in the state. Application forms must be mailed back to the ~~school~~ center, and be postmarked by December 15, to be considered for admission into the full-time high school ~~or its programs~~ program.

Subp. 3. **Other information required.** An applicant to the full-time high school program must submit a school record and ~~four~~ two recommendations. The recommendations must be submitted on forms provided by the ~~school~~ center. ~~Two recommendations~~ One recommendation must be from an academic ~~references, one of which is~~ source selected by the ~~applicant, and one of which is selected by the~~ applicant's school principal. The other ~~two recommendations~~ recommendation must be from an artistic ~~references~~ reference chosen by the applicant.

Subp. 4. **Number of applications.** An individual may apply up to two times for admission into the full-time high school ~~and its programs~~ program.

3600.0040 ARTS REVIEW PROCESS.

Subpart 1. **Participation; place.** Applicants to the full-time high school program must participate in an arts review process. Reviews will be held ~~at six regional sites, determined by the board, throughout the state~~ in three locations, one in the metropolitan area, one in northern Minnesota, and one in southern Minnesota, from January to mid March each year. Locations will be determined by the board.

Subp. 2. **Arts review team.** The board must appoint ~~36~~ six arts review teams~~, six for each of the six regional sites~~. Teams must have three members each: one professional educator, one professional artist, and one staff member from the ~~school~~ center. Team members will be replaced by the board as necessary.

Subp. 3. **Areas of review.** ~~Applicants will~~ An applicant must be reviewed in the primary area ~~or areas~~ of specialty ~~they designate on their applications~~ designated on the application, within the following categories: dance, literary arts, media arts, music, theater arts, and visual arts. ~~Applicants~~ An applicant may apply to be reviewed in more than one specialty area. If application is made for review in more than one specialty area, the applicant must be reviewed in each area in which the director determines the applicant has reviewable artistic potential.

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.

Subp. 4. **Arts review evaluation.** The arts review team will evaluate applicants' artistic potential in three broad areas:

A. skills/proficiency, which is the ability to effectively communicate the arts specialty area, ~~20~~ 30 possible points;

B. creativity/imagination, which is the ability to develop inventive, personal, concise expressions within the arts specialty area, ~~25~~ 30 possible points; and

C. attitude, which is the level of motivation, commitment, and energy for activities within the arts specialty area, ~~25~~ 40 possible points.

An applicant must score at least ~~15~~ 20 points in skills/proficiency, 20 points in creativity/imagination, and ~~20~~ 25 points in attitude in order to be considered further for admission.

Subp. 5. **Arts review activities.** Applicants will be evaluated by the arts review team in the following activities:

A. Demonstration of an example or examples of the applicants' previous arts activities, products, and abilities. The arts review team will evaluate the demonstration with the following criteria:

(1) to what degree do the applicants possess a potential for rapid acquisition of skills needed to effectively communicate their arts specialties, (skills/proficiency), zero to ~~ten~~ 15 points;

(2) at what level do the applicants demonstrate a personal creative expression within their arts specialty areas, (creativity/imagination), zero to ten points; and

(3) to what extent do the applicants demonstrate commitment, energy, and motivation to their arts specialty areas, (attitude), zero to ten points.

B. Spontaneous individual and group activities that highlight individual creativity and group interaction. These activities will be related to the applicants' specialty areas. The arts review team must evaluate the activities according to the following criteria:

(1) to what degree do the applicants' responses demonstrate personal, imaginative expressions, (creativity/imagination), zero to five points; and

(2) to what extent do the applicants demonstrate a willingness to participate energetically, (attitude), zero to ~~five~~ ten points.

C. ~~Resolution of~~ Solution to an arts oriented ~~problem~~ assignment. Two weeks before the arts review meeting, the ~~school~~ center will send applicants an arts oriented ~~problem~~ assignment specific to their specialty areas. Applicants will bring the solution to the ~~problem~~ assignment to the arts review meeting and present it to the arts review team. The arts review team will evaluate the solution according to the following criteria:

(1) to what extent does the solution demonstrate skill and proficiency effectiveness, (skills/proficiency), zero to ~~ten~~ 15 points; and

(2) to what extent does the solution represent an imaginative, creative solution, (creativity/imagination), zero to ~~ten~~ 15 points.

D. [Unchanged.]

3600.0050 FINAL REVIEW TEAM.

The final review team will examine all application materials including the arts review team evaluations, and will select pupils for placement. The final review team includes the director, two program associates from the ~~school~~ center selected by the director and the following persons selected by the board: a Minnesota performing artist, a Minnesota visual artist, a Minnesota literary artist, two educators from the Minnesota public school system, and a psychologist.

3600.0060 EVALUATION BY THE FINAL REVIEW TEAM.

Subpart 1. **Applicants' school records.** Applicants' school records must be evaluated by the final review team designated in part 3600.0050. They must examine three factors in the school records: consistent failing or below average grades, severe drops in grades, and consistent high absentee rates. If any of these three factors appear, the final review team will request additional information from the applicants and the applicants' home schools to determine if these factors would make placement in the full-time high school ~~or its programs~~ program inappropriate. If the information is not received within two weeks after the ~~school's~~ center's request, a decision will be based on the information previously provided.

Subp. 2. **Recommendations.** The final review team must read the applicants' recommendations to determine the applicants' attitudes about prior learning in the academic and arts areas. ~~If there is a negative recommendation from any of the four sources identified in part 3600.0030, subpart 3, the final review team must request additional information from the applicants and the applicants' home schools to determine if the factors leading to the negative recommendations would make placement in the school or its programs inappropriate. If the additional information is not received within two weeks after the school's request, a decision will be based on the information previously provided.~~ The final review team may assign from zero to five points for each recommendation. The final

review team will assign points in the area of attitude according to what extent the recommendations demonstrate an applicant's motivation and commitment to learning.

Subp. 3. **Arts review process results.** If an applicant remains in the process after evaluation of information in ~~subparts~~ subpart 1 ~~and 2~~, all information gathered as described in ~~part~~ parts 3600.0040, subparts 4 and 5, and 3600.0060, subpart 2, will be placed on a matrix, assigned a numerical rating, and totaled for a final score. This process will be done by the final review team. The final review team will chart scores on the matrix according to the congressional districts of all applicants. An equal number of applicants must be selected from each congressional district. If a congressional district does not have enough qualified applicants to fill its quota, the remaining positions shall be distributed equally to qualified applicants from other congressional districts.

REPEALER. *Minnesota Rules*, part 3600.0010, subpart 5, is repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Air Quality Permit Fees

Notice of Intent to Adopt Rules Without a Public Hearing and of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) 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* §§ 14.22 to 14.28 (1988). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.07 subd. 4d (1988).

All persons have until 4:30 p.m. on October 11, 1989, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON FRIDAY, OCTOBER 27, 1989, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether a hearing will be held, please call Patrick J. Mulloy of the Agency staff, between October 16, 1989, and October 20, 1989, at (612) 296-7670.

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

Patrick J. Mulloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7670

The proposed rules 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 proposed rules, if adopted, will govern air quality permit fees, *Minnesota Rules* parts 7002.0010 to 7002.0110. The proposed rules are published below. One free copy of the rules is available upon request from Roxanne M. LaPlante at the address stated above, or at (612) 296-7951.

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.

CERTIFICATE OF RESOLUTION ADOPTING RULE

I, Harry Sieben, Jr., do hereby certify that I am the Board Chairperson of the Minnesota Center For Arts Education, an agency 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 Minnesota Center For Arts Education duly and properly called and held on the 20th day of October, 1989, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Minnesota Center For Arts Education (Board) hereby approves and adopts the rule governing admissions pursuant to the authority vested in the Board by Minn. Stat. §3600.0010-3600.0060 (1989).
>
> BE IT FURTHER RESOLVED, that prior to publishing the rule as adopted in the State Register, the Board Chairperson is authorized to make any form changes in the rule that the Revisor of Statutes or the Attorney General requires the Board to make.
>
> BE IT FURTHER RESOLVED, that the Board adopts the attached Findings of Fact, Conclusions and Order Adopting Rules and that the Board Chairperson is hereby authorized to sign the above-mentioned document on behalf of the Board 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 20th day of October, 1989.

Harry Sieben, Jr.

[authorized person]

RECEIVED
DEC 12 89
ATTORNEY GENERAL'S OFFICE

In the Matter of the Adoption
of the Rule of the Minnesota
Center for Arts Education Board
Governing Admissions

DECLARATION OF COUNSEL

I, H. CAMILLA NELSON, 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 docket client code is 0019.

H. Camilla Nelson
Special Assistant Attorney General

Dated: December 12, 1989

COUNSEL

.bm5

AUTHORIZATION TO PROCEED WITH ADOPTION/AMENDMENT/REPEAL OF RULES WITHOUT A PUBLIC HEARING

BE IT RESOLVED, that the Chairman of the Minnesota Center for Arts Education Board is hereby granted the authority and directed to sign and to give notice of the Board's intent to adopt, without a public hearing, the attached amendments to rules governing admission to the full-time high school program, Minn. rules Parts 3600.0010-3600.0060, to all persons who have registered their names with the Board for that purpose and publish the Notice and the rule in the State Register, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's certification as required by Minn. Stat., Chapter 14.07, subd. 2, 1989.

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Chairman is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for and Notice of Hearing, as well as acting as the Board's representative at all hearings.

Adopted Unanimously at the August 4, 1989, Board of Directors Meeting.

CERTIFICATE OF AUTHORIZING RESOLUTION

I, Harry Sieben, Jr., do hereby certify that I am the Chairman of the Minnesota Center for Arts Education Board, an agency 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 Minnesota Center for Arts Education duly and properly called and held on the 4th day of August, 1989, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that Harry Sieben, Jr., Chairman of the Minnesota Center for Arts Education is hereby granted the authority and directed to sign and to give notice of the Board's intent to adopt, without a public hearing, the attached amendments, governing admission to the full-time high school program, Minn. Rules Parts 3600.0010-3600.0060, to all persons who have registered their names with the Board for that purpose and publish the Notice and the rule in the State Register, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's certification as required by Minn. Stat., Chapter 14.07, subd. 2, 1986.

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Chairman is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for an Notice of Hearing, as well as acting as the Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this day of _____, 198___.

_____
(authorized person)

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

STATEMENT OF NEED AND REASONABLENESS FOR PROPOSED MINNESOTA RULE PARTS 3600.0010 to 3600.0060 RELATING TO ADMISSION INTO THE FULL-TIME HIGH SCHOOL PROGRAM

AUTHORITY:

Laws of Minnesota, 1989 Chapter 329, Aritcle 12, Section 3, authorizes the board of the Center for Arts Education to promulgate rules regarding admission to its full-time high school program according to Chapter 14.

BACKGROUND:

This statement addresses revisions to the rules for admission which were adopted in June, 1988.

During the first "round" of the admissions rules implementation, all participants were invited to make evaluative comments. These proposed revisions address concerns raised by Arts Review Team leaders and members, Final Review Team members, staff of the Center for Arts Education, students, parents, staff from Minnesota school districts and individuals who wrote recommendations for applicants.

Some of the revisions to the rules are caused by statutory changes and clarifications. The changes caused by statute include a name change, from the Minnesota School and Resource Center for the Arts to the Minnesota Center for Arts Education and the elimination of the part-time programs' inclusion in this rules process. Under the new statutes only the full-time high school program admissions process is governed by rules promulgated under Chapter 14. The previous statute was unclear on this issue. Concern had been expressed that the part-time programs should not be subjected to such a rigorous admissions process. In fact, there was considerable confusion about this issue and very few students applied for part-time programs. A simpler process for admission to part-time programs is being developed for board approval in October, 1989.

The proposed changes as a result of participant feedback include:

requiring two recommendations rather than four,

changing the number of review sites, from six to three,

appointing 6 arts review teams rather than 36,

requiring permission to be reviewed in more than one art area,

stretching the total possible points from 70 to 100,

establishing 70 as the minimum number of points rather than 55,

giving the Final Review Team the authority to award up to 5 points for each of the two recommendations instead of zero points.

DETAIL BY SECTION

3600.0010 DEFINITIONS

The changes in the definitions section are necessary to give effect to statutory changes and clarifications. The name of the agency is changed and only the full-time high school program is now covered by the promulgated rules process. The repealer removes the part-time programs from coverage under these rules.

3600.0020 HOW THIS CHAPTER APPLIES

The change in this section is necessary to clarify that only the full-time high school program is covered by these rules. No resource center or part-time program of the school are covered.

3600.0030 APPLICATION PROCESS

Subpart 1. The new language is necessary to clarify that incoming 11th graders qualify for admission each year to the full-time high school program.

Subpart 2. These changes are necesary to reflect the agency's name change and the clarification of the full-time program only.

Subpart 3. This change reduces the number of required recommendations to 2 from 4. Four recommendations were too difficult for many applicants to obtain, especially in rural areas where applicants were not in contact with more than one artistic reference there was a problem.

Subpart 4. This change reflects the full-time program only provision.

3600.0040 ARTS REVIEW PROCESS

Subpart 1. This change reduces the number of review sites from 6 to 3. Six locations for reviews was difficult to administer and was expensive.. The proposed three locations, one in northern, one in the southern and one in the metropolitan area of the state, will still provide geographic access to applicants and reduce the cost by half.

Subpart 2. This change reduces the number of arts review teams to 6 from 36. Six arts review teams will provide better continuity and a fairer comparison among applicants. Concern had been expressed at the public hearing about continuity problems with 36 arts review teams. The administration of 36 arts review teams so as to assure continuity and fairness was time consuming and expensive. Six teams will be simpler to administer, less costly and will assure fairness and continuity.

Subpart 3. This section requires that an applicant ask to be reviewed in more than one art area. The director will receive the request and determine whether the applicant has reviewable artistic potential.

Subpart 4. These changes reflect the stretching of points to a 100 point scale. A total of 70 points with a minimum cut-off of 55 allowed too narrow a range among qualifying applicants. With many applicants receiving the same score, cross comparisons were difficult. Many arts review team members felt that the standard 100 point scale with 70 as a minimum would be easier to administer and understand. --the final review team would now award up to 10 points of the 100 point scale--

Subpart 5. The name of the arts oriented problem is changed to assignment is necessary to clarify the nature of the activity.

3600.0050 FINAL REVIEW TEAM

This change reflects the agency name change.

3600.0060 EVALUATION BY THE FINAL REVIEW TEAM

Subpart 1. These changes reflect the full-time only provision and agency name change.

Subpart 2. This change grants to the final review team the authority to award up to 5 points for each of the two recommendations. The points are to be awarded in the "attitude" category. The Final Review Team and those who wrote recommendations for applicants felt that the recommendations should carry positive weight. Arts review team members and staff concurred that the recommendations do provide an additional measure of applicants motivation and commitment. A maximum of ten points out of the 100 possible could be given by the final review team.

Subpart 3. These changes are technical and are necessary to provide consistency throughout the rules as changed.

Center for Arts Education

Proposed Permanent Rules Relating to Education

Rules as Proposed

3600.0010 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Board.** "Board" means the board of the Minnesota ~~School-and-Resource~~ Center for ~~the~~ Arts Education established in Minnesota Statutes, section 129C.10, subdivision 1.

Subp. 3. **Director.** "Director" means the individual appointed by the board under Minnesota Statutes, section 129C.10, subdivision 4, paragraph (a), clause (1), to administer the ~~school-of-the~~ Center for Arts Education.

Subp. 4. **Full-time high school program.** "Full-time high school program" means the ~~school~~ Center for ~~the~~ Arts Education full-time pilot interdisciplinary academic and arts program for 11th and 12th grade pupils, as defined in Minnesota Statutes, section 129C.10, subdivision 3, paragraph (f), clause (1).

Subp. 5. [See Repealer.]

Subp. 6. [Unchanged.]

3600.0020 HOW THIS CHAPTER APPLIES.

Parts 3600.0010 to 3600.0070 prescribe the application, arts review, and evaluation processes for pupils wanting admission to the full-time high school ~~or-programs~~ program. Participants in ~~resource~~ center programs under Minnesota Statutes, section 129C.10, subdivision 5, are not included in the application, arts review, and evaluation process in parts 3600.0010 to 3600.0070.

3600.0030 APPLICATION PROCESS.

Subpart 1. **Eligible applicants.** An eligible applicant is a pupil who would be considered a resident entitled to a free education under Minnesota Statutes, section 120.06, as of December 15 of each year, who meets the following requirements:

Approved by Revisor

A. For the full-time high school~~,-for-1989~~ program, pupils who will be in the 11th grade ~~in~~ the following September ~~1989,-and-for-1990,-pupils-who-will-be-in-the-10th-or-11th-grade in-September-1989~~.

B. [Unchanged.]

Subp. 2. **Application forms for the full-time high school program.** Eligible applicants may apply for admission to the full-time high school ~~or-its-programs~~ program by completing application forms. The ~~school~~ center must supply the forms by October 1 each year. Application forms will be available at the ~~school's~~ center's central office, Monday through Friday, 8:00 a.m. to 4:30 p.m. Additionally, the ~~school~~ center will mail forms to all high school buildings in the state. Application forms must be mailed back to the ~~school~~ center, and be postmarked by December 15, to be considered for admission into the full-time high school ~~or-its-programs~~ program.

Subp. 3. **Other information required.** An applicant to the full-time high school program must submit a school record and ~~four~~ two recommendations. The recommendations must be submitted on forms provided by the ~~school~~ center. ~~Two recommendations~~ One recommendation must be from an academic ~~references,-one-of-which-is~~ source selected by the ~~applicant,-and-one-of-which-is-selected-by-the~~ applicant's school principal. The other ~~two-recommendations~~ recommendation must be from an artistic ~~references~~ reference chosen by the applicant.

Subp. 4. **Number of applications.** An individual may apply up to two times for admission into the full-time high school ~~and its-programs~~ program.

3600.0040 ARTS REVIEW PROCESS.

Subpart 1. **Participation; place.** Applicants to the full-time high school program must participate in an arts review process. Reviews will be held ~~at-six-regional-sites,-determined by-the-board,-throughout-the-state~~ in three locations, one in the metropolitan area, one in northern Minnesota, and one in southern Minnesota, from January to mid March each year.

Approved
by Revisor _____

Locations will be determined by the board.

Subp. 2. **Arts review team.** The board must appoint ~~36~~ six arts review teams~~, six for each of the six regional sites~~. Teams must have three members each: one professional educator, one professional artist, and one staff member from the ~~school~~ center. Team members will be replaced by the board as necessary.

Subp. 3. **Areas of review.** ~~Applicants will~~ An applicant must be reviewed in the primary area ~~or areas~~ of specialty ~~they designate on their applications~~ designated on the application, within the following categories: dance, literary arts, media arts, music, theater arts, and visual arts. ~~Applicants~~ An applicant may apply to be reviewed in more than one specialty area. If application is made for review in more than one specialty area, the applicant must be reviewed in each area in which the director determines the applicant has reviewable artistic potential.

Subp. 4. **Arts review evaluation.** The arts review team will evaluate applicants' artistic potential in three broad areas:

A. skills/proficiency, which is the ability to effectively communicate the arts specialty area, ~~20~~ 30 possible points;

B. creativity/imagination, which is the ability to develop inventive, personal, concise expressions within the arts specialty area, ~~25~~ 30 possible points; and

C. attitude, which is the level of motivation, commitment, and energy for activities within the arts specialty area, ~~25~~ 40 possible points.

An applicant must score at least ~~15~~ 20 points in skills/proficiency, 20 points in creativity/imagination, and ~~20~~ 25 points in attitude in order to be considered further for admission.

Subp. 5. **Arts review activities.** Applicants will be evaluated by the arts review team in the following activities:

A. Demonstration of an example or examples of the applicants' previous arts activities, products, and abilities.

Approved
by Revisor _____

The arts review team will evaluate the demonstration with the following criteria:

(1) to what degree do the applicants possess a potential for rapid acquisition of skills needed to effectively communicate their arts specialties, (skills/proficiency), zero to ~~ten~~ 15 points;

(2) at what level do the applicants demonstrate a personal creative expression within their arts specialty areas, (creativity/imagination), zero to ten points; and

(3) to what extent do the applicants demonstrate commitment, energy, and motivation to their arts specialty areas, (attitude), zero to ten points.

B. Spontaneous individual and group activities that highlight individual creativity and group interaction. These activities will be related to the applicants' specialty areas. The arts review team must evaluate the activities according to the following criteria:

(1) to what degree do the applicants' responses demonstrate personal, imaginative expressions, (creativity/imagination), zero to five points; and

(2) to what extent do the applicants demonstrate a willingness to participate energetically, (attitude), zero to ~~five~~ ten points.

C. ~~Resolution of~~ Solution to an arts oriented ~~problem~~ assignment. Two weeks before the arts review meeting, the ~~school~~ center will send applicants an arts oriented ~~problem~~ assignment specific to their specialty areas. Applicants will bring the solution to the ~~problem~~ assignment to the arts review meeting and present it to the arts review team. The arts review team will evaluate the solution according to the following criteria:

(1) to what extent does the solution demonstrate skill and proficiency effectiveness, (skills/proficiency), zero to ~~ten~~ 15 points; and

(2) to what extent does the solution represent an imaginative, creative solution, (creativity/imagination), zero

Approved by Revisor _____

to ~~ten~~ 15 points.

D. [Unchanged.]

3600.0050 FINAL REVIEW TEAM.

The final review team will examine all application materials including the arts review team evaluations, and will select pupils for placement. The final review team includes the director, two program associates from the ~~school~~ center selected by the director and the following persons selected by the board: a Minnesota performing artist, a Minnesota visual artist, a Minnesota literary artist, two educators from the Minnesota public school system, and a psychologist.

3600.0060 EVALUATION BY THE FINAL REVIEW TEAM.

Subpart 1. **Applicants' school records.** Applicants' school records must be evaluated by the final review team designated in part 3600.0050. They must examine three factors in the school records: consistent failing or below average grades, severe drops in grades, and consistent high absentee rates. If any of these three factors appear, the final review team will request additional information from the applicants and the applicants' home schools to determine if these factors would make placement in the full-time high school ~~or-its-programs~~ program inappropriate. If the information is not received within two weeks after the ~~school's~~ center's request, a decision will be based on the information previously provided.

Subp. 2. **Recommendations.** The final review team must read the applicants' recommendations to determine the applicants' attitudes about prior learning in the academic and arts areas. ~~If-there-is-a-negative-recommendation-from-any-of-the-four sources-identified-in-part-3600.0030,-subpart-3,-the-final review-team-must-request-additional-information-from-the applicants-and-the-applicants'-home-schools-to-determine-if-the factors-leading-to-the-negative-recommendations-would-make placement-in-the-school-or-its-programs-inappropriate.--If-the additional-information-is-not-received-within-two-weeks-after the-school's-request,-a-decision-will-be-based-on-the~~

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~~information previously provided.~~ The final review team may assign from zero to five points for each recommendation. The final review team will assign points in the area of attitude according to what extent the recommendations demonstrate an applicant's motivation and commitment to learning.

Subp. 3. **Arts review process results.** If an applicant remains in the process after evaluation of information in ~~subparts~~ subpart 1 ~~and 2~~, all information gathered as described in ~~part~~ parts 3600.0040, subparts 4 and 5, and 3600.0060, subpart 2, will be placed on a matrix, assigned a numerical rating, and totaled for a final score. This process will be done by the final review team. The final review team will chart scores on the matrix according to the congressional districts of all applicants. An equal number of applicants must be selected from each congressional district. If a congressional district does not have enough qualified applicants to fill its quota, the remaining positions shall be distributed equally to qualified applicants from other congressional districts.

REPEALER. Minnesota Rules, part 3600.0010, subpart 5, is repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Education

AGENCY: Center for Arts Education

MINNESOTA RULES: Chapter 3600

The attached rules are approved for publication
in the State Register

Richard J. Sands
Senior Assistant Revisor

Minneapolis **College of Art & Design**



September 8, 1989

James Undercofler, Executive Director
Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422

Dear Jim:

On behalf of the Minneapolis College of Art and Design, I wish to offer our suport for the Minnesota Center for the Arts. The proposal to ammend the rules governing admissions appears to be comprehensive and complete. You have the College's support for these changes.

Sincerely,

Thomas Morin
Vice President and Dean of Academic Affairs

TM/CR

2501 Stevens Avenue South
Minneapolis, Minnesota 55404
612-870-3161