

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1852
DATE RECEIVED 9-20-91
REVIEW DATE 9-30 91
DUE DATE 10-4-91
(DIS)APPROVED 10.4.91 mjc
WITHDRAWN

Docket No. 05.0009.0021
ADOPTED W/O HEARING ✓
EMERGENCY RULE
TO REVISOR ON
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE 10/7/91
RETURNED TO AGENCY 10/10/91

✓ Rule as adopted (4 copies)

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

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
- Dec 11, 1990 Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 124.625 Statutory Authority
- NO Small Business Statement
- N/A Expenditure of public money statement
- March 22, 1991 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- April 5, 1991 Dated 30/25 days before adoption
- ✓ Notice attached indicates it is attached
- Copy of rule or summary attached

✓ Publication in State Register
- ~~March 22, 1991~~ April 8, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
- ✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
- ✓ end of comment period (§ 14.26) (rules without hearing)
- effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- August 13, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- August 13, 1991 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
- Bevan Johnson Name of SAAG representing agency

✓ Notice of Submission to Attorney General (if applicable)

✓ Affidavit of Mailing Notice to Attorney General (if applicable)

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: October 9, 1991

TO: JOHN ALLEN, SUPERVISOR
Department of Education
Capitol Square Building, Room 718
550 Cedar Street

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Education; Repealing Certain Veterans Education Requirements

The above-referenced rule has been approved as to its legality by the Attorney General on October 4, 1991.

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:jj

cc: Bernard E. Johnson
William Brown, Chief Judge
MaryAnn Hruby

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Education; Repealing Certain Veterans Education Requirements

AGENCY: Department of Education

MINNESOTA RULES: Chapter 3530

APPROVED AS TO FORM AND LEGALITY
October 4 19 91
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M Carlsen
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 7 1991
Joan Anderson Growe
Secretary of State

The attached rules are approved for filing with the Secretary of State

Richard J. Sands
Senior Assistant Revisor

Department of Education

Adopted Permanent Rules Relating to Education; Repealing Certain Veterans Education Requirements

Rules as Adopted

REPEALER. Minnesota Rules, parts 3530.6300 and 3530.6400 are repealed.

APPROVED AS TO FORM AND LEGALITY

October 4 19 91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Stat. Authority 124.625
.... The state board may adopt rules to fulfill its obligations as the state approving agency

End of comment period stated in Notice of Intent
May 7, 1991

Findings of Fact
missing R (7) re statement of reasoned
submission to Attorney General

Notice of Submission states rules were submitted to Attorney General Sept 18 - Attorney General voted them Sept 20

Department of Education

Proposed Permanent Rules Relating to Education; Repealing Certain Veterans Education Requirements

Rules as Proposed

REPEALER. Minnesota Rules, parts 3530.6300 and 3530.6400 are repealed.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Education; Repealing Certain Veterans Education Requirements

AGENCY: Department of Education

MINNESOTA RULES: Chapter 3530

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Proposed Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Rule 3530.6300

Minnesota State Board of Education Rule #640 (currently codified as Minn. Rules pt. 3530.6300) titled "Teacher Certification" was adopted in 1972. The rule states that "Teachers of courses approved on an accredited basis under the provisions of United States Code, Title 38, Chapter 36, Section 1775 must be certified by the Minnesota State Department of Education." This included vocational or academic certification. A "grandfather" clause exemption for teachers employed prior to December 28, 1971 is also included in the rule.

The intent of the original rule was to equalize the treatment accorded public and private vocational schools approved on an accredited basis for purposes of participation in the veterans' education program. Minnesota's 30 state technical institutes (now called technical colleges) required all teachers of approved programs to be properly certified by the Department of Education. EDU #640 made the requirement no less at an approved private vocational institution.

Rule 3530.6400

The Minnesota State Board of Education adopted EDU #642 (now codified as Minn. Rules pt. 3530.6400) in 1972. That rule, titled "Employability Requirement," mandates that non-college degree courses approved for veterans' education meet a specific placement requirement. The rule states that approved institutions offering non-college degree courses ". . . demonstrate that at least 51

percent of the graduates . . . over the preceding two-year period were employed in bonafide positions in the occupation for which they were trained . . ." EDU #642 further describes methodology used in calculating the percentage of graduates placed from a given program of study.

Subsequent to the implementation of EDU #642, the United States Congress enacted Public Law 93-508 (effective date of December 3, 1974). That legislation dictated that approved courses with a vocational objective must demonstrate a 51 percent placement rate. In effect, the federal law mirrored the requirements of the 1972 Minnesota State Board of Education rule.

Both the state rule and federal law remained in effect until 1984, when Congress repealed the placement provisions of Public Law 93-508. The reason behind the recision action was the expanded placement requirements placed on schools by other state, regional, and federal regulatory agencies.

II. STATEMENT OF BOARD'S STATUTORY AUTHORITY

The Board's statutory authority to repeal the rules is set forth in Minn. Stat. § 124.625 (1990), which provides:

124.625 VETERANS TRAINING

> The state board of education shall continue the veterans training program. All receipts to the veterans training revolving fund for the veterans training program are appropriated to the state board to pay the necessary expenses of operation of the program. The state board shall act as the state agency for approving educational institutions for purposes of United States Code, title 38, chapter 36, relating to educational benefits for veterans and other persons. The state board may adopt rules to fulfill its obligations as the state approving agency. All federal money received for purposes of the veterans training program shall be deposited in the veterans training revolving fund and is appropriated to the state board for those purposes.

Under this statute the Board has the necessary statutory authority to repeal the proposed rules.

III. STATEMENT OF NEED

Minn. Stat. ch. 14 (1990) requires the Board to make an affirmative presentation of facts establishing the need for and reasonableness repeal of the

rules in question. In general terms, this means that the Board must set forth the reasons for the repeal and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the Board is appropriate. The need for the repeal of the rules is discussed below.

Minn. Rules pt. 3530.6300

Inasmuch as each private vocational institution operating in Minnesota must have its teachers approved by the Private Vocational Schools Unit in the Department of Education, Minn. Rules pt. 3530.6300 has created a dual standard for some schools approved for veterans' education.

In addition, the Department of Education, which is the state approving agency for Veterans' Education, has received numerous applications for approval of vocational programs at collegiate institutions in Minnesota. Strict enforcement of Minn. Rules pt. 3530.6300 would preclude approval of such programs because college and university faculty are rarely, if ever, required to be licensed by the State Department of Education. These programs, like the ones offered at non-collegiate institutions, provide quality educational opportunities for Minnesota's veteran population, even without the licensure now required.

Minn. Rules pt. 3530.6400

Minn. Rules pt. 3530.6400 is no longer needed and, in fact, it creates a dual (and often confusing) standard for approved institutions offering non-college degree programs to veterans.

The following examples illustrate the point: 1) the Minnesota State Board of Vocational Technical Education requires all state techhical colleges to demonstrate a placement rate of at least 50 percent for each of its approved programs; 2) the Private Vocational Schools Unit in the Minnesota Department

of Education requires licensed private schools having placement services to publish placement statistics (though no minimum percentage rate is required); and 3) nationally recognized accrediting bodies for vocational schools (i.e., National Association of Trade and Technical Schools) require the maintenance and submission of placement data. Given these three separate requirements, the requirement contained in 3530.6400 is simply not needed.

IV. STATEMENT OF REASONABLENESS

The Board is required by Minn. Stat. ch. 14 to make an affirmative presentation of facts establishing the reasonableness of repeal of rules. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Board's proposed action. The reasonableness of the proposed rules is discussed below.

B. Reasonableness of Repeal of the Individual Rules

The following discussion addresses the specific provisions of the proposed rules section by section.

Minn. Rules pt. 3530.6300

Repeal of Minn. Rules pt. 3530.6300 will eliminate the dual requirement placed on private vocational schools and the exclusion from veterans' approval of vocational programs at collegiate institutions. It will also make it possible for college instructors to teach veterans' vocational courses.

Minn. Rules pt. 3530.6400

The overlapping and often divergent placement requirements have created an unnecessary burden for many approved schools offering non-college degree programs for veterans. Repeal of Minn. Rules pt. 3530.6400 will eliminate the unnecessary and repetitive requirement, and help streamline the approval process. At the same time, the consumers of the program will still be protected by the other requirements in place.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

It has been determined that there will be no impact on small business.

VI. CONCLUSION

Based on the foregoing, repeal of Minn. Rules pts. 3530.6300 and 3530.6400 is both needed and reasonable.

Dated: March 22, 1991.

Thomas Lindquist

(authorized person)

RECEIVED

SEP 20 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

Martha S. Casserly
Special Assistant Attorney General
Attorney General's Office
525 Park Street
Suite 500
St. Paul, Minnesota 55103

Re: In the Matter of Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

Dear

On August 13, 1991, the Minnesota State Board of Education repealed the above-captioned rules governing Veterans' Education. Enclosed for your review are the following:

1. Rules as repealed (original and three copies).
2. Findings of Fact, Conclusions, and Order Repealing Rules (two copies).
3. Certificate and Resolution Repealing Rules.
4. Certificate of Authorizing Resolution.
5. Notice of Intent to Repeal Rules and rules as proposed (15 S.R., 2219, April 8, 1991).
6. Affidavit Regarding Comments Received.
7. Notice of Intent to Repeal Rules Without a Public Hearing, as mailed.
8. Affidavit of Mailing the Notice of Intent to Repeal Rules Without a Public Hearing and Certificate of Mailing List.
9. Rules as repealed.
10. Statement of Need and Reasonableness.
11. Declaration of Counsel.
12. Notice of Submission of Rule Adopted Without Public Hearing to the Attorney General.
13. Affidavit of Mailing and Notice of Submission of Rules to the Attorney General.

Very truly yours,

John W. Allen
State Supervisor
Veterans' Education Unit

RECEIVED

SEP 20 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

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

BE IT RESOLVED, that Thomas R. Lindquist, President of the Minnesota State Board of Education (Board) is hereby granted the authority and directed to sign and to give notice of the Board's intent to repeal without a public hearing, the attached rules governing Veterans' Education, Minn. Rules pts. 3530.6300 and 3530.6400, to all persons who have registered their names with the Board for that purpose and publish the Notice and the rules 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. § 140.07, subd. 2 (1990).

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the President 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.

CERTIFICATE OF AUTHORIZING RESOLUTION

I, Thomas R. Lindquist, do hereby certify that I am the President of the Minnesota State Board of 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 State Board of Education duly and properly called and held on the 11 day of December, 1990, 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 Thomas R. Lindquist of the Minnesota State Board of Education (Board) is hereby granted the authority and directed to sign and to give notice of the Board's intent to repeal, without a public hearing, the attached rules, governing Veterans' Education, Minn. Rules pts. 3530.6300 and 3530.6400, to all persons who have registered their names with the Board for that purpose and publish the Notice and the rules 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. § 14.07, subd. 2 (1990).

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the President 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 a 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 December 11, 1990.

Thomas Lindquist
(authorized person)

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

NOTICE OF INTENT TO REPEAL RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota State Board of Education (Board) intends to repeal the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1990). The Board's authority to repeal the rules is set forth in Minn. Stat. § 124.625 (1990).

(2) All persons have 30 days in which to submit comments in support of or in opposition to repeal of the rules or any part or subpart of the rules. That date would end on May 7, 1991 at 4:30 p.m. Comment is encouraged. (3) Each comment should identify the portion of the 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. (4) 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. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the 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. §§ 14.131 to 14.20 (1990).

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

John Allen, Supervisor
Minnesota Department of Education
Capitol Square Building, Room 718
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-7998

(8) The rules proposed for repeal 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 rule to be repealed as noticed.

(11) A copy of the rules to be repealed are attached to this notice.

A free copy of the rules to be repealed are available upon request from John Allen at the address and telephone number stated above.

(12) A Statement of Need and Reasonableness that describes the need for reasonableness of the rule repeal and identifies the data and information relied upon to support the rule repeal has been prepared and is available from John Allen upon request.

(9) 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 John Allen at the address and telephone number stated above.

Dated: March 22, 1991.

Thomas Lindquist

(authorized person)

3530.6000 COMMUNITY SCHOOL DIRECTORS.

Where a school district employs a district-wide director, all community services funds shall be administered by the community services director, under the supervision of the local superintendent. However, any community services program financed by categorical aids from the State Department of Education may be exempted from this part by action of the local board of education.

Statutory Authority: *MS s 121.86*

3530.6100 LEVY EFFORT.

For purposes of Minnesota Statutes, section 124.271, subdivision 1, any district which did not qualify for a community school levy in 1974 shall be deemed not to have levied at the maximum permissible.

Statutory Authority: *MS s 121.86*

3530.6200 ANNUAL REPORT.

Each year on or before August 15, each district having a community service levy shall report to the State Department of Education on forms authorized by the commissioner.

Statutory Authority: *MS s 121.86*

VETERAN'S EDUCATION

3530.6300 TEACHER CERTIFICATION.

Subpart 1. **Certification.** Teachers of courses or portions of courses approved on an accredited basis under the provisions of United States Code, title 38, chapter 36, section 1775, must be certified by the Minnesota State Department of Education.

Subp. 2. **Exemption.** Requirement in subpart 1 does not apply to teachers who were employed to teach on December 28, 1971, and have subsequently been continuously employed teaching a course approved on an accredited basis for training veterans and other eligible persons under Public Laws Number 89-358, 90-631, or 91-219.

Statutory Authority: *MS s 124.625*

3530.6400 EMPLOYABILITY REQUIREMENT.

Pursuant to the provisions of Veterans Administration directive, PG 21-1, Change 134, Section M-24 (Revised) February 3, 1970, Veterans Administration D.V.B. Circular 21-70-8 (June 5, 1970), and Veterans Administration D.V.B. Circular 21-71-8 (May 18, 1971), regarding courses approved for veterans education on either an accredited basis or a nonaccredited basis, the State Approving Agency will require (effective February 1, 1972) that all schools offering educational courses below college level and approved for Veterans Education under Public Laws Number 89-358, 90-631, and 91-219 demonstrate that at least 51 percent of the graduates of such courses over the preceding two-year period were employed in bona fide positions in the occupation for which they were trained by the course. Graduates who refuse bona fide job offers will be considered as employed. Graduates indicating upon graduation that they are not interested in securing employment will not be included in the computation of percentage of graduates employed.

Statutory Authority: *MS s 124.625*

Applicants need not reapply to the board for examination; however, applicants must notify the board of their intention to sit for the boards not later than 30 days before the examination.

If, after retaking the failed portions of the examination, the applicant fails to pass that examination, the applicant must resubmit an application, pay the required examination fee, and retake the entire examination.

Department of Education

Proposed Permanent Rules Relating to Education; Repealing Certain Veterans Education Requirements

Notice of Intent to Repeal Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota State Board of Education (Board) intends to repeal the above-entitled rules 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 (1990). The Board's authority to repeal the rules is set forth in *Minnesota Statutes* § 124.625 (1990).

All persons have 30 days in which to submit comments in support of or in opposition to repeal of the rules or any part or subpart of the rules. That date would end on May 7, 1991 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the 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 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* §§ 14.131 to 14.20 (1990).

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

John Allen, Supervisor
Minnesota Department of Education
Capitol Square Building, Room 718
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-7998

The rules proposed for repeal 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 rule to be repealed as noticed.

A copy of the rules to be repealed are attached to this notice.

A free copy of the rules to be repealed are available upon request from John Allen at the address and telephone number stated above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for reasonableness of the rule appeal and identifies the data and information relied upon to support the rule repeal has been prepared and is available from John Allen 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 John Allen at the address and telephone number stated above.

Dated: 22 March 1991

Thomas Lindquist
President
Minnesota State Board of Education

Rules as Proposed

REPEALER. *Minnesota Rules,* parts 3530.6300 and 3530.6400 are repealed.

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 OF MINNESOTA

Department of Administration

STATE REGISTER

Print Communications Division
(Editorial Office: 504 Rice Street) Editor (612) 296-4273
Billing/Circulation Manager (612) 296-0931
117 University Avenue, St. Paul, Minnesota 55155

STATE REGISTER PRINTING ORDER

INSTRUCTIONS:

1. Submit TWO COPIES of everything to be published, typed double spaced, with one-inch margins all around.
2. Use typewriter only, so that all cabron copies are legible.
3. Use a separate form for each sequence number used.
4. **Do not** write in shaded areas. Complete all other applicable areas, including the department/division number and the sequence number.
5. Your agency's STATE REGISTER **Liaison Officer** must sign this form.
6. Retain the last copy for your records.
7. Check the inside front cover of the STATE REGISTER for submission deadlines.

CHECK ALL THAT APPLY:

Desired date/s of publication April 8, 1991

☒ **Request for publication in the STATE REGISTER**

☐ **Request for publication in the STATE REGISTER Contract Supplement**

☐ **Request for publication in BOTH listed above.**

☐ **Request for overrun (must be made prior to printing)**

Date of issue ___/___/___ Number of copies _____

☐ **Request for single copies** Date of issue ___/___/___ Number of copies _____

☐ **Request for other publications:** _____

SHIP TO:

Name	John Allen
Department/Division	Education / Veterans Educ Unit
Address	Room 718 Capitol Square Bldg
City/State/Zip	St. Paul, MN. 55101
Telephone	296-7998

NA68	INVOICE NO.	DEPT./DIV. NO.	SEQ. NO.	SUFF	FY	OBJ	AMOUNT	CC1	CC2	CC3
	STR09488	37080	84020		1			380		

	CC5	OCC DATE	REC INDEX ITEM FUND	REC CLASS	REC CC5
031891-99783 476382-641991-380	641991		160991384	348	

DEPARTMENT	DIVISION	BILLING ADDRESS
Education	School Management and Support Services	Room 749 - Capitol Square Bldg - St. Paul, Minn.

DEPARTMENT AUTHORIZED SIGNATURE - LIAISON OFFICER – PHONE – DATE

Patricia A Boggiss

TRANSACTION NUMBER (FOR NA68 ONLY)

DESCRIPTION (FOR SUBMITTING AGENCY'S USE)
Notice of Intent To Repeal State Board of Education Rules 3530.6300 and 3530.6400 Without A Public Hearing.

DESCRIPTION	PRICE

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO REPEAL RULES WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Anne Hinrichs, 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 20 day of March, 1991.

That on the 5th day of April, 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Repeal Rules Without a Public Hearing by depositing in the United States Mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Anne Hinrichs

Subscribed and sworn to before me
this 5 day of April, 1991.

Hollis Dee Britz-Mitchell

Notary Public

HOLLIS DEE BRITZ-MITCHELL
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
MY COMMISSION EXPIRES OCTOBER 4, 1996

A22p
03/20/91

RULEMAKING LIST

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Lakeville, MN 55044

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Minnesota Government Reporter
B-12 Press Room, State Capitol

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Virginia Petty
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St. Paul, MN 55104

Director
Developmental Disabilities
Planning Office
3rd Floor Centennial Office Building

I N T E R O F F I C E

Leo Fitzpatrick
8138 Henslowe Avenue South
Cottage Grove, MN 55016

Government Relations Department
United Way of Minneapolis Area
404 South 80th Street
Minneapolis, MN 55404

Kris Juliar
Region 9 Development Commission
410 South 5th Street
P.O. Box 3367
Mankato, MN 56001

Gene Johannes
Minnesota Chiropractic Association
2353 Rice Street, Suite 170
St. Paul, MN 55113

Jeffrey Olson, Deputy Commissioner
Department of Veterans Affair
Veterans Service Building

I N T E R O F F I C E

Minnesota Board of Nursing
717 Delaware Street Southeast
Minneapolis

I N T E R O F F I C E

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN 55103

Executive Secretary
LCRAR
55 State Office Building

I N T E R O F F I C E

Bruce Rowe
Community Health Service Board
325 Lake Avenue South, Suite 604
Duluth, MN 55802

Charles Schaffer
Department of Energy and
Economic Development
900 American Center Building

I N T E R O F F I C E

Robert Harder
Minnesota Dental Association
2236 Marshall Avenue
St. Paul, MN 55104

City Editor
Minneapolis Star and Tribune
425 Portland Avenue
Minneapolis, MN 55488

Dale Swanson
1068 South Lake Street
Suite 210
Forest Lake, MN 55025

Mary Samoszuk
Minnesota Higher Education
Coordinating Board
Suite 400
Capitol Square Building

I N T E R O F F I C E

Vernon Vick, Vocational Director
Roseville Public Schools 623
1251 West County Road B-2
Roseville, MN 55113

Alan Ingram
Minnesota Association of Social Workers
614 Portland
St. Paul, MN 55102

Karen George
Southern Minnesota Legal Services
310 Medical Arts Building
Albert Lea, MN 56007

Dr. Glen Holman
P.O. Box 901
Faribault, MN 55021

Mike Gravel
509 Sibley Street
St. Paul, MN 55101

Post Board
333 Sibley Street
Suite 495
St. Paul, MN 55101

Ken Greener
5040 17th Avenue South
Minneapolis, MN 55417

Kay Grabner
4853 Safari Pass
Eagan, MN 55122

Kingsley Holman
Holman and Holman - Attorney at Law
220 West 98th Street
Bloomington, MN 55420

Frundt, Frundt, and Johnson
117 West Fifth Street
Blue Earth, MN 56013

Revisor's Office
Room 700
State Office Building

I N T E R O F F I C E

Jane Goodell
1534 North Timber Ridge Northeast
Minneapolis, MN 55432

David Kingsbury
Bridgeman Hall
Bemidji State University
Bemidji, MN 56601

Minnesota Foundation for Better
Speech and Hearing
508 Bremer Building
7th and Robert Streets
St. Paul, MN 55101

Curt Micka
222 Grain Exchange
323 4th Avenue South
Minneapolis, MN 55415

Richard Anderson
Minnesota School Boards Association
Box 119
St. Peter, MN 56082

Mary Stanton
State University System
555 Park Street, Suite 230

I N T E R O F F I C E

Gregor Pinney
Minneapolis Star and Tribune
425 Portland Avenue South
Minneapolis, MN 55488

Paul Farseth
11691 Lansing Avenue North
Stillwater, MN 55082

Bob Hamper
Department of Human Services
444 Lafayette Road

I N T E R O F F I C E

Michael Ricci
Executive Vice President
Minnesota Federation of Citizens
for Educational Freedom
350-S Griggs Midway Building
1821 University Avenue
St. Paul, MN 55104-2801

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Repeal of Rules
Governing Veterans' Education, Minn.
Rules pts. 3530.6300 and 3530.6400

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14 subd. 1a and 14.22, that their names be placed on file with the Minnesota State Board of Education (Board) for the purpose of receiving notice of the proposed repeal of rules by the Board is accurate and complete as of 3:00 p.m., this 20th day of March, 1991.

Marsha R. Gronseth

Executive Director, State Board of Education

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO REPEAL RULES WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

John Allen, being duly sworn on oath deposes and says:

1. That John Allen is the person named in the Notice of Intent to Repeal Rules Without a Public Hearing (15 S.R., 2219, April 8, 1991) as the person to receive comments of the Board's intent to repeal rules concerning the above-entitled subject.

2. That the comment period set forth in the notice terminated at 4:30 p.m. on May 7, 1991.

3. That during the public comment period no comments were received by the Board.

John Allen

Subscribed and sworn to before me this
19th day of July, 1991.

Bernard E Johnson
Notary Public

BERNARD E. JOHNSON
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JANUARY 24, 1997

RULES TO BE REPEALED

3530.6300 TEACHER CERTIFICATION.

Subpart 1. **Certification.** Teachers of courses or portions of courses approved on an accredited basis under the provisions of United States Code, title 38, chapter 36, section 1775, must be certified by the Minnesota State Department of Education.

Subp. 2. **Exemption.** Requirement in subpart 1 does not apply to teachers who were employed to teach on December 28, 1971, and have subsequently been continuously employed teaching a course approved on an accredited basis for training veterans and other eligible persons under Public Laws Number 89-358, 90-631, or 91-219.

Statutory Authority: *MS s 124.625*

3530.6400 EMPLOYABILITY REQUIREMENT.

Pursuant to the provisions of Veterans Administration directive, PG 21-1, Change 134, Section M-24 (Revised) February 3, 1970, Veterans Administration D.V.B. Circular 21-70-8 (June 5, 1970), and Veterans Administration D.V.B. Circular 21-71-8 (May 18, 1971), regarding courses approved for veterans education on either an accredited basis or a nonaccredited basis, the State Approving Agency will require (effective February 1, 1972) that all schools offering educational courses below college level and approved for Veterans Education under Public Laws Number 89-358, 90-631, and 91-219 demonstrate that at least 51 percent of the graduates of such courses over the preceding two-year period were employed in bona fide positions in the occupation for which they were trained by the course. Graduates who refuse bona fide job offers will be considered as employed. Graduates indicating upon graduation that they are not interested in securing employment will not be included in the computation of percentage of graduates employed.

Statutory Authority: *MS s 124.625*

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

FINDINGS OF FACT, CONCLUSIONS, AND ORDER REPEALING RULES

The above-entitled matter came on for decision before the Minnesota State Board of Education (Board) on the 13th day of August, 1991. 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 repeal of noncontroversial rules, after considering all of the evidence adduced upon the records, files and proceedings herein, the Board, being fully advised on the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

(1) 1. Notice of the Minnesota State Board of Education's intent to repeal the above-entitled rules without a public hearing was published in the State Register on April 8, 1991, 15 S.R., 2219, 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 April 5, 1991.

(2) 2. The Statement of Need and Reasonableness was prepared before the notice of intent to repeal 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.

(4) 3. All persons were given the opportunity to submit comments on the rule repeal for 30 days after notice of proposed rule repeal. The 30-day comment period, as set out in the notice, expired on May 7, 1991.

(5) 4. During the comment period the Board did not receive any requests for public hearing.

(7) 5. During the comment period the Board did not receive any written comments.

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

7. The above-captioned rule repeal is needed and reasonable. (8)

CONCLUSIONS

1. The Minnesota State Board of Education has jurisdiction over this proceeding.

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

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

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Minn. Rules pts. 3530.6300 and 3530.6400 governing Veterans' Education, are repealed pursuant to the authority vested in the Minnesota State Board of Education by Minn. Stat. § 124.625 (1990).

STATE BOARD OF EDUCATION

Thomas Lindquist

Thomas R. Lindquist
President
Minnesota State Board of Education

(9)

Dated: This 13 day of August, 1991.

Hollis Dee Britz-Mitchell

HOLLIS DEE BRITZ-MITCHELL
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
MY COMMISSION EXPIRES OCTOBER 4, 1996

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

FINDINGS OF FACT, CONCLUSIONS, AND ORDER REPEALING RULES

The above-entitled matter came on for decision before the Minnesota State Board of Education (Board) on the 13th day of August, 1991. 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 repeal of noncontroversial rules, after considering all of the evidence adduced upon the records, files and proceedings herein, the Board, being fully advised on the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota State Board of Education's intent to repeal the above-entitled rules without a public hearing was published in the State Register on April 8, 1991, 15 S.R., 2219, 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 April 5, 1991.

2. The Statement of Need and Reasonableness was prepared before the notice of intent to repeal 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 repeal for 30 days after notice of proposed rule repeal. The 30-day comment period, as set out in the notice, expired on May 7, 1991.

4. During the comment period the Board did not receive any requests for public hearing.

5. During the comment period the Board did not receive any written comments.

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

7. The above-captioned rule repeal is needed and reasonable.

CONCLUSIONS

1. The Minnesota State Board of Education has jurisdiction over this proceeding.

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

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

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Minn. Rules pts. 3530.6300 and 3530.6400 governing Veterans' Education, are repealed pursuant to the authority vested in the Minnesota State Board of Education by Minn. Stat. § 124.625 (1990).

STATE BOARD OF EDUCATION

Thomas R. Lindquist
President
Minnesota State Board of Education

Dated: This 13 day of August, 1991.

Hollis Dee Britz-Mitchell

HOLLIS DEE BRITZ-MITCHELL
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
MY COMMISSION EXPIRES OCTOBER 4, 1996

RESOLUTION REPEALING RULE

BE IT RESOLVED, that the Minnesota State Board of Education (Board) hereby repeals Minn. Rules Pts. 3530.6300 and 3530.6400 governing Veterans' Education pursuant to the authority vested in the Board by Minn. Stat. § 124.625 (1990).

BE IT FURTHER RESOLVED, that prior to publishing the rule as repealed in the State Register, the Thomas R. Lindquist 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 Repealing the Rules and that the Thomas R. Lindquist 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 repeal shall have the force and effect of law.

CERTIFICATE OF RESOLUTION REPEALING RULE

I, Thomas R. Lindquist, do hereby certify that I am the President of the Minnesota State Board of Education, an agency duly authorized under the laws of the State of Minnesota, and that the following is true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota State Board of Education duly and properly called and held on the 13th day of August, 1991, 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 State Board of Education (Board) hereby repeals Minn. Rules Pts. 3530.6300 and 3530.6400 governing Veterans' Education pursuant to the authority vested in the Board by Minn. Stat. § 124.625 (1990).

BE IT FURTHER RESOLVED, that prior to publishing the rule as repealed in the State Register, the Thomas R. Lindquist 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 Repealing the Rules and that the Thomas R. Lindquist 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 repeal shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13 day of August, 1991.

Thomas Lindquist

Thomas R. Lindquist
President
Minnesota State Board of Education

Subscribed and sworn to before me this
13 day of August, 1991.

Hollis Dee Britz-Mitchell
Notary Public

HOLLIS DEE BRITZ-MITCHELL
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
MY COMMISSION EXPIRES OCTOBER 4, 1996

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

NOTICE OF SUBMISSION OF RULES REPEALED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minn. Stat. § 14.26 (1990):

PLEASE TAKE NOTICE that the above-captioned rules as repealed have been submitted to the Office of the Attorney General on this date, 18 Sept 1991, 1991, for review as to legality and form to the extent form relates to legality. The proposed rule repeals, the rules as repealed, all the notices, all written comments received, and other required documents also have been submitted to the Attorney General.

The rule repeal must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the Attorney General. You may submit written comments to the Attorney General on the legality of the rule repeal. Any written comments must be submitted within eight calendar days of the date of the submission of the rule repeal to the Attorney General. Your comments must address only the issue of legality of the rule repeal or the legality of the specific parts or subparts of the rule repeal. The Attorney General standards for review are set forth in Minnesota Rules, pt. 2010.1000. You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

Martha S. Casserly
Special Assistant Attorney General
Attorney General's Office
525 Park Street
Suite 500
St. Paul, Minnesota 55103

Any written comments submitted to the Attorney General must be submitted simultaneously to John Allen, State Supervisor, Veterans' Education Unit,

Minnesota Department of Education, 718 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

John W. Allen
State Supervisor
Veterans' Education Unit

Dated: 18 Sept 1991

DECLARATION OF COUNSEL

In the Matter of the Repeal of Rules of the State of Minnesota Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

DECLARATION OF COUNSEL

I, Bernard E. Johnson, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, 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 40 0015 0021.

Bernard E. Johnson

Bernard E. Johnson
Special Assistant
Attorney General

Dated: Sept 6, 1991

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

In the Matter of the Repeal of Rules Governing Veterans' Education, Minn. Rules Parts 3530.6300 and 3530.6400

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION OF RULES REPEALED WITHOUT PUBLIC HEARING TO ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Lucy Ciupik, being duly sworn says:

That on the 18 day of September, 1991, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission of Rules Repealed Without Public Hearing to the Attorney General by depositing in the United States Mail a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been sent to the Attorney General.

Lucy Ciupik

Subscribed and sworn to before me this

18 day of September, 1991.

Hollis Dee Britz-Mitchell
Notary Public

HOLLIS DEE BRITZ-MITCHELL
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
MY COMMISSION EXPIRES OCTOBER 4, 1996

RECEIVED

SEP 20 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103