

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJM
10/28/92

RULE REVIEW CHECKLIST

File No. 1961
DATE RECEIVED 10-23-92
REVIEW DATE ~~11-92~~ 11-2-92
DUE DATE 11-6-92
(~~DIS~~)APPROVED 11-3-92
WITHDRAWN _____

Docket No. 05 0009 0019
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 10-28-92
REVISOR (DIS)APPROVED 11-3-92
FILED W/SEC. OF STATE 11-3-92
RETURNED TO AGENCY 11-3-92

✓ 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
~~October 20, 1992~~ Date adopted May 27, 1992

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
129C.10 subd 4 Statutory Authority
No statement Small Business Statement
_____ Expenditure of public money statement
5-27-92 Signature

✓ Statement of Need and Reasonableness (if applicable)
No Statement Small Business Statement
_____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
August 8, 1992 Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
August 10, 1992 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
October 20, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
September 23, 1992 Date

NA Written Requests, Submissions or Comments

_____ Declaration of Attorney
Bernadette Johnson Name of SAAG representing agency

Oct 20 Notice of Submission to Attorney General (if applicable)

Oct 20 Affidavit of Mailing Notice to Attorney General (if

STATE OF MINNESOTA

Office of the Attorney General

TO : JAMES UNDERCOFLER
Executive Director
Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, MN 55422

DATE : November 3, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

SUBJECT : In the Matter of the Adopted Rule Relating to Admissions Process

The above-referenced rule has been approved as to its legality by the Attorney General on November 3, 1992.

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.

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

MJM:jj.rules.bc8

Center for Arts Education

Adopted Permanent Rules Relating to Admissions Process

Rules as Adopted

3600.0010 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 6. **School record.** "School record" means a transcript of courses taken at the secondary level and their accompanying grades, secondary level attendance records, and individual education plan, if applicable.

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 February 1 of each year, who meets the following requirements:

A. For enrollment in the full-time high school program as an 11th grader, pupils who have successfully completed grade 9 and are enrolled in grade 10 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. For enrollment in the full-time high school program as a 12th grader, pupils who have successfully completed grades 9 and 10 and are enrolled in grade 11 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. Pupils who have insufficient credits, as determined by standards established at the time of enrollment, will not be accepted for enrollment.

[For text of item B, see M.R.]

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, 7:30 a.m. to 4:00 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 February 1, 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.

Subp. 4. **Number of applications.** An individual may apply up to two times for admission into the full-time high school program if they are eligible applicants as defined in part 3600.0030, subpart 1, at the time of application.

Subp. 5. **Matriculation as a 12th grader.** Eleventh grade students enrolled in the full-time high school program must reapply for continuation in the program as a 12th grader by April 15 of their 11th grade year. Eleventh grade students will not be allowed to reenter the program as 12th grade students unless by the date of the final student learning plan they have achieved 75 percent of their learner outcomes in their art area and 75 percent of their learner outcomes in each of their other classes so as to satisfy the minimum credit requirements of the 11th grade year.

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. Locations and dates for the reviews will be determined by the board.

[For text of subps 2 to 5, see M.R.]

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 shall determine if placement in the full-time arts high school program or residential component is inappropriate and may disqualify students on that basis.

Subp. 2. **Application review.** The final review team shall read the applicants' applications to determine the applicants' attitudes about prior learning in the academic and arts areas. The final review team shall assign zero to ten points for the content of the applications according to the extent to which they demonstrate motivation and commitment to learning.

[For text of subp 3, see M.R.]

3600.0070 APPEAL PROCESS.

Subpart 1. **Informal appeal.** Applicants or applicants' parents or guardians may make written requests for explanations of the denial of placement within ten days of the denial date. The director must reply, in writing, within one week of having received the request for explanation of the denial of placement, with a detailed explanation of the review process and reasons for the denial of placement.

Subp. 2. **Formal appeal.** If the denial of placement is still in dispute, applicants or applicants' parents or guardians may take their cases to the appeals subcommittee of the board by submitting a written request explaining the reasons they believe the denial was incorrect within 20 days of the date of the director's written explanation of the denial. The subcommittee must review the appeal, the review team's evaluation, and the director's explanation, and make final recommendations to the full board for adoption within two weeks of having received the written request. The appeals process ends with the formal action of the board at its next scheduled meeting.

APPROVED AS TO FORM AND LEGALITY
Nov 3 1992
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 3 1992
Joan Anderson Growe
Secretary of State

2:10 PM
PB

Center for Arts Education

Proposed Permanent Rules Relating to Admissions Process

Rules as Proposed

3600.0010 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 6. **School record.** "School record" means a transcript of courses taken at the secondary level and their accompanying grades, secondary level attendance records, and ~~any disciplinary action that pertains to the applicant's work at the secondary level~~ individual education plan, if applicable.

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~~ February 1 of each year, who meets the following requirements:

A. For enrollment in the full-time high school program~~, pupils who will be in the~~ as an 11th ~~grade the following September.~~ grader, pupils who have successfully completed grade 9 and are enrolled in grade 10 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. For enrollment in the full-time high school program as a 12th grader, pupils who have successfully completed grades 9 and 10 and are enrolled in grade 11 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. Pupils who have insufficient credits, as determined by standards established at the time of enrollment, will not be accepted for enrollment.

[For text of item B, see M.R.]

Subp. 2. **Application forms for the full-time high school program.** Eligible applicants may apply for admission to the

Approved by Revisor

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~~ 7:30 a.m. to ~~4:30~~ 4:00 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~~ February 1, 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 if they are eligible applicants as defined in part 3600.0030, subpart 1, at the time of application.

Subp. 5. **Matriculation as a 12th grader.** Eleventh grade students enrolled in the full-time high school program must reapply for continuation in the program as a 12th grader by April 15 of their 11th grade year. Eleventh grade students will not be allowed to reenter the program as 12th grade students unless by the date of the final student learning plan they have achieved 75 percent of their learner outcomes in their art area and 75 percent of their learner outcomes in each of their other classes so as to satisfy the minimum credit requirements of the 11th grade year.

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

Approved
by Revisor _____

southern Minnesota~~,-from-January-to-mid-March-each-year~~. Locations and dates for the reviews will be determined by the board.

[For text of subps 2 to 5, see M.R.]

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~~ shall determine if placement in the full-time arts high school program or residential component is inappropriate and may disqualify students on that basis.

Subp. 2. **~~Recommendations~~ Application review.** The final review team ~~must~~ shall read the applicants' ~~recommendations~~ applications to determine the applicants' attitudes about prior learning in the academic and arts areas. The final review team ~~may~~ shall assign ~~from~~ zero to ~~five~~ ten 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~~ the content of the applications according to the extent to which they demonstrate motivation and commitment to learning.

[For text of subp 3, see M.R.]

3600.0070 APPEAL PROCESS.

Subpart 1. **Informal appeal.** Applicants or applicants' parents or guardians may make written requests for explanations of the denial of placement within ten days of the denial date. The director must reply, in writing, within one week of having

Approved by Revisor _____

received the request for explanation of the denial of placement, with a detailed explanation of the review process and reasons for the denial of placement.

Subp. 2. **Formal appeal.** If the denial of placement is still in dispute, applicants or applicants' parents or guardians may take their cases to the appeals subcommittee of the board by submitting a written request explaining the reasons they believe the denial was incorrect within 20 days of the date of the director's written explanation of the denial. The subcommittee must review the appeal, the review team's evaluation, and the director's explanation, and make final recommendations to the full board for adoption within two weeks of having received the written request. The appeals process ends with the formal action of the board at its next scheduled meeting.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Admissions Process

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

CERTIFICATE OF RESOLUTION AMENDING RULE

I, Audrey Eickhof, do hereby certify that I am the Chair 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 Board duly and properly called and held on the 23rd day of September, 1992, 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 (Board) hereby approves and adopts the amendments to rule governing admissions pursuant to the authority vested in the Board by Minn. Stat. §129C.10, subd. 4a.

BE IT FURTHER RESOLVED, THAT prior to publishing the rule as amended in The Minnesota State Register, (Vol. 17, Number 6, Pages 262-264, published August 10, 1992), the Chair 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 Rule Amendments and that the Chair 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 day of October 20, 1992.

Audrey Eickhof

Audrey Eickhof, Chair
Board of Directors
Minnesota Center for Arts Education

RESOLUTION AMENDING RULE

BE IT RESOLVED, THAT the Minnesota Center for Arts Education Board of Directors (Board) hereby approves and adopts the amendments to rule governing admissions pursuant to the authority vested in the Board by Minn. Stat. §129C.10, subd. 4a.

BE IT FURTHER RESOLVED, THAT prior to publishing the rule as amended in The Minnesota State Register, the Chair 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 Rule Amendments and that the Chair 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.

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rules Governing Admissions Minn. Rules Part 3600.0010-3600.0070	AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

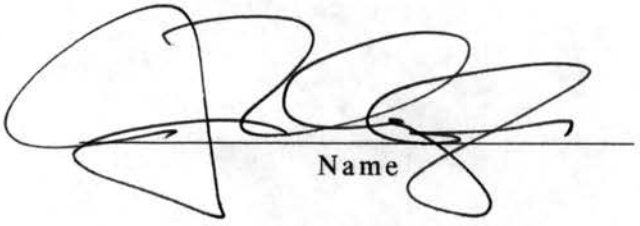
STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

James Undercofler, being duly sworn on oath, deposes and says:

1. That I am the person named in the Notice of Intent to Amend Rules Without a Public Hearing (The Minnesota State Register, Vol. 17, Number 6, Pages 262-264, published August 10, 1992), as the person to receive comments on the Board's intent to amend rules concerning the above-entitled subject.

2. That the comment period set forth in the Notice terminated at 4:30 p.m. on September 9, 1992.

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



Name

Subscribed and sworn to before me this 13th day of October, 1992.

Karen M. Sandt
Notary Public



CERTIFICATE OF AUTHORIZING RESOLUTION

I, Audrey Eickhof, 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 Board duly and properly called and held on the 27th day of May, 1992, 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 AUDREY EICKHOF, 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, governing admission to the full-time high school program, Minnesota Rules part 3600.0010-3600.0070, 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. § 14.07, subd. 2 (supp. 1991).

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 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 May 27, 1992.

Audrey Eickhof

Audrey Eickhof, Chairman
Board of Directors
Minnesota Center for Arts Education

Minnesota Center for Arts Education

Proposed Rules Relating to Admission Into the Full-Time High School Program

Notice of Intent to Amend Rules Without a Public Hearing

3600.0010-3600.0070 ADMISSION INTO THE FULL-TIME HIGH SCHOOL PROGRAM

(1) Notice is hereby given that the Minnesota Center for Arts Education Board intends to amend 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. §§ 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in Minn. Stat. § 129C.10 subd. 4a (supp. 1991).

(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 September 9, 1992 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.

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 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. §§ 14.131 to 14.20 (1990).

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

James Undercofler, Executive Director

Minnesota Center for Arts Education

6125 Olson Memorial Highway

Golden Valley, MN 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 a substantial change in the proposed rule as noticed. (11) A copy of the proposed rule is attached to this notice. (8)

(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.

(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 James Undercofler.

Dated: 5/27/92

Audrey G. Eickhof

Audrey Eickhof, Chairman
Board of Directors
Minnesota Center for Arts Education

Stat Authority
129C. Sud 4/9
The board may adopt rules for admission to and discharge from the full-time programs for talented pupils and rules regarding the operation of the center, including transportation of its pupils.

end of comment period September 9, 1992

Affidavit of mailing - Aug 8, 1992
Affidavit of publication Sept 17, 1992

Submitted to the AG on Oct 23
Affidavits of Submission state submitted to AG on Oct 20.

Minnesota CENTER for arts education

6125
Olson
Memorial
Highway
Golden Valley
MN, 55422
612 591 4700
Fax 612 591 4747

RECEIVED
OCT 23 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg. Suite 500
525 Park Street
St. Paul, MN 55101

October 23, 1992

oct 23

Ms. Christie B. Eller
Assistant Attorney General
Office of the Attorney General
Capitol Office Building #500
525 Park Street
St. Paul, MN 55103

Re: **In the Matter of Proposed Rules Governing Admissions, Minn. Rules Part 3600.0010-3600.0070**

Dear Ms. Eller:

On September 23, 1992, the Minnesota Center for Arts Education Board of Directors (Board) amended the above-captioned rules governing Admissions. Enclosed for your review are the following:

1. Rules as amended (original and three copies);
2. Findings of Fact, Conclusions and Order Amending Rules (two copies);
3. Certificate and Resolution Amending Rules;
4. Affidavit Regarding Comments Received.
5. Certificate of Authorizing Resolution;
6. Notice of Intent to Amend Rules and rules as proposed (The Minnesota State Register, Vol. 17, Number 6, Pages 262-264, published August 10, 1992);
7.* Notice of Intent to Amend Rules Without a Public Hearing, as mailed;
8.* Affidavit of Mailing the Notice of Intent to Amend Rules Without a Public Hearing and Certificate of Mailing List;
9. Rules as proposed;
10. Statement of Need and Reasonableness;
11. Declaration of Counsel;
12. Notice of Submission of Rule Amended Without Public Hearing to the Attorney General;
13. Affidavit of Mailing of Notice of Submission of Rules to the Attorney General; and
14. Fiscal Note.

* These documents are photocopies--I had mailed the originals to Bernie Johnson, the Agency's Special Assistant Attorney General, on September 22, 1992 for his review.

If I understand the process correctly, the Agency will receive a Notice of Adoption from the Revisor's Office after you have completed your review and that a notice of adoption has to then be published in the State Register.

If you have questions, please call me at 591-4718.

Sincerely,

Barbara J. McDonald

Barbara J. McDonald
Administrative Assistant

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rules Relating to Admissions Minn. Rules Parts 3600.0010-3600.0070

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Center for Arts Education Board intends to amend 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. §§ 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in Minn. Stat. § 129C.10 subd. 4a (supp. 1991).

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 September 9, 1992 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 Minn. Stat. §§ 14.131 to 14.20 (1990).

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, MN 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 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.

(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 James Undercofler.

Dated: 5/27/92

Audrey G. Eickhof

Audrey Eickhof, Chairman
Board of Directors
Minnesota Center for Arts Education

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rules Governing Admissions Minn. Rules Part 3600.0010-3600.0070

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

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Barbara J. McDonald, 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 17th day of September, 1992.

That on the 8th day of August, 1992, at the City of Golden Valley, County of Hennepin, 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 a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Barbara J. McDonald

Subscribed and sworn to before me this 22nd day of September, 1992.

Karen M. Sandt
Notary Public

KAREN M. SANDT
NOTARY PUBLIC—MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES 7-31-97

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

STATEMENT OF NEED AND REASONABLENESS FOR PROPOSED MINNESOTA RULE PARTS 3600.0010 to 3600.0070 RELATING TO ADMISSION INTO THE FULL-TIME HIGH SCHOOL PROGRAM

AUTHORITY:

Minnesota Statutes 129C.10, subdivision 4a, 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 and revised in December, 1989.

A need for several changes has emerged from the first two years of experience in implementing the rules for admission. Following is a listing of each change, the need for it, and a rationale for why the change is appropriate.

DETAIL BY SECTION:

3600.0010 DEFINITIONS

Lines 8-12, Page 1

> Subp. 6. **School record.** "School record" means a transcript of courses taken at the secondary level and their accompanying grades, secondary level attendance records, and ~~any disciplinary action that pertains to the applicant's work at the secondary level~~ individual education plan, if applicable.

It has been found that secondary level school records do not contain citations of disciplinary actions. The request for them has been deleted because it yields no useful information. The submission of individualized education plans will provide the final review teams with additional information that will assist them in making determinations in cases where motivational and attitudinal factors may be in question as a result of evidence in the other school records.

3600.0030 APPLICATION PROCESS

Line 17, Page 1 (Subp. 1)

~~December 15~~, February 1 of each year, who meets the following

It was found that a December 15 application deadline was too early in the year for many parents and students. During the high school years parents generally do not start planning changes for the following years until after January 1. February 1 is a reasonable date when understood within this pattern of decision making.

Lines 19-32, Page 1 (Subp. 1)

A. For enrollment in the full-time high school program, ~~pupils who will be in the~~ as an 11th ~~grade the following September.~~ grader, pupils who have successfully completed grade 9 and are enrolled in grade 10 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. For enrollment in the full-time high school program as a 12th grader, pupils who have successfully completed grades 9 and 10 and are enrolled in grade 11 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. Pupils who have insufficient credits, as determined by standards established at the time of enrollment, will not be accepted for enrollment.

These changes clarify who may apply according to credit accumulation in relation to normal progress toward graduation. They give clearer definition to how the school determines 11th grade status when assessing eligibility for application and enrollment. This section also allows 11th graders to apply for admission as 12th graders. Normal attrition opens up a limited number of slots for seniors. It would be advantageous and economical to allow a limited number of 11th graders to apply for admission as 12th graders.

Lines 3-9, Page 2 (Subp. 2)

Application forms will be available at the center's central office, Monday through Friday, ~~8:00~~ 7:30 a.m. to ~~4:30~~ 4:00 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~~ February 1, to be considered for admission into the full-time high school program.

These changes are needed to conform with the Agency's new work hours for office staff.

Lines 10-16, Page 2 (Subp. 3)

> 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.~~

Three years of reviewing applicants for admission has demonstrated that all recommendations received are of a positive nature and, consequently, do not reveal important information for decision-making. In addition, the requirement for submission of two recommendations may be causing a defacto disqualification for some disadvantaged students or students who have not had the benefit of previous training or experience in the arts. The school record is retained as a source of information because it generally demonstrates motivation and commitment to further study.

Lines 17-20, Page 2 (Subp. 4)

> Subp. 4. **Number of applications.** An individual may apply up to two times for admission into the full-time high school program if they are eligible applicants as defined in part 3600.0030, subpart 1, at the time of application.

This change is needed to conform with the changes on Lines 19-32 on Page 1.

Lines 21-30, Page 2

> Subp. 5. **Matriculation as a 12th grader.** Eleventh grade students enrolled in the full-time high school program must reapply for continuation in the program as a 12th grader by April 15 of their 11th grade year. Eleventh grade students will not be allowed to reenter the program as 12th grade students unless by the date of the final student learning plan they have achieved 75 percent of their learner outcomes in their art area and 75 percent of their learner outcomes in each of their other classes so as to satisfy the minimum credit requirements of the 11th grade year.

This addition is needed to allow the school greater latitude in dealing with the small number of students who are not succeeding in the full-time program curriculum. Regular support procedures implemented when a student experiences difficulty include a high level of "intervention" services, including tutorials, counseling, guided study, etc. In a few cases, in spite of these "interventions," students continue to not succeed. Under current procedures, if a student and/or his parents do not agree to voluntary withdrawal from the program, the school must proceed toward expulsion according to the Pupil Fair Dismissal Act. It was never intended that the arts high school be a school of last resort. The arts high school was envisioned as a school of special placement for highly motivated artistically talented students. Requiring students to reapply is reasonable practice. Because the school provides a high level of support services to help students succeed, it is reasonable to conclude that a student not succeeding according to minimum progress standards should not be allowed to continue into the senior year and may, in fact, perform better back in his/her district school.

3600.0040 ARTS REVIEW PROCESS

Lines 1-2, Page 3 (Subp. 1)

> southern Minnesota, ~~from January to mid-March each year~~. Locations and dates for the reviews will be determined by the

These changes give the board more latitude in scheduling the dates for the reviews. Current rules do not allow enough scheduling flexibility to accommodate applicants' and reviewers' needs, especially should the application deadline be extended to February 1.

3600.0060 EVALUATION BY THE FINAL REVIEW TEAM

Lines 11-19, Page 3 (Subp. 1)

> 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~~ shall determine if placement in the full-time arts high school program or residential component is inappropriate and may disqualify students on that basis.

There is a need to give the Final Review Team more clearly defined authority. It has been found that the requests for more information have not always yielded new or convincing evidence in assessing student placement. Giving the Final Review Team this authority is reasonable because the information they receive in the applications is sufficient and because they represent a broad array of professionals who are capable of valid decision-making. The Review Team still retains the authority to request additional information should they believe it is necessary and appropriate.

Lines 20-28, Page 3 (Subp. 2)

> Subp. 2. ~~**Recommendations**~~ **Application review**. The final review team ~~must~~ shall read the applicants' ~~recommendations~~ applications to determine the applicants' attitudes about prior learning in the academic and arts areas. The final review team ~~may~~ shall assign ~~from~~ zero to ~~five~~ ten 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~~ the content of the applications according to the extent to which they demonstrate motivation and

It has been demonstrated that all recommendations are of a positive nature and, consequently, do not reveal important information for decision making. In addition, the requirement for submission of two recommendations may cause a defacto disqualification of some disadvantaged students. It is reasonable to give the Final Review Team the authority to assign up to 10 points for motivation based on the application materials because the contents of the application include a student statement regarding his/her intention for arts study and because the school record generally demonstrates motivation and commitment to further study.

3600.0070 APPEAL PROCESS

Line 33 (Subp. 1), Page 3

parents or guardians may make written requests for explanations

Line 5 (Subp. 2), Page 4

still in dispute, applicants or applicants' parents or guardians

These changes are needed to recognize that some students are without parents and are assigned to guardians.

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rules Governing Admissions Minn. Rules Part 3600.0010-3600.0070	FINDINGS OF FACT, CONCLUSIONS, AND ORDER AMENDING RULE

The above-entitled matter came on for decision before the Minnesota Center for Arts Education Board of Directors (Board) on the 23rd of September, 1992. 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 amendment of noncontroversial rules, after considering all of the evidence adduced upon the records, files and proceedings herein, the Board, being fully 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 Board's intent to amend the above-entitled rule without a public hearing was published in The Minnesota State Register on August 10, 1992 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 August 8, 1992.

2. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Amend a Rule Without a Public Hearing was mailed to all persons on the rulemaking list and published in The Minnesota 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 September 9, 1992.

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 no written comments.

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. (8)

CONCLUSIONS

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

2. The Board published and served due, timely and adequate notice of the intent to amend 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. Rules, Part 3600.0010-3600.0070, governing Admissions, is adopted pursuant to the authority vested in the Minnesota Center for Arts Education Board of Directors by Minn. Stat. §129C.10, subd. 4a.

(9)

Audrey Eickhof

Audrey Eickhof, Chair
Board of Directors
Minnesota Center for Arts Education

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rules
Governing Admissions
Minn. Rules Part 3600.0010-3600.0070

DECLARATION OF COUNSEL

I, Bernard E. Johnson, 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, Ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0019.

Bernard E. Johnson
Special Assistant Attorney General

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rule Governing Admissions Minn. Rules Part 3600.0010-3600.0070

NOTICE OF SUBMISSION OF RULE AMENDED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Stat. § 14.26:

PLEASE TAKE NOTICE that the above-captioned rule as amended has been submitted to the Office of the Attorney General on the date of this notice, October 20, 1992, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

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

Office of the Attorney General
Capitol Office Building #500
525 Park Street
St. Paul, MN 55103
(612) 297-2040

Any written comments submitted to the Attorney General must be submitted simultaneously to:

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

Dated: October 20, 1992

Audrey Eickhof

Audrey Eickhof, Chair
Board of Directors
Minnesota Center for Arts Education

STATE OF MINNESOTA
BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

In the Matter of the Proposed Rules Governing Admissions Minn. Rules Part 3600.0010-3600.0070	AFFIDAVIT OF MAILING NOTICE OF SUBMISSION OF RULE AMENDED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Barbara J. McDonald, being duly sworn says:

That on the 20th day of October, 1992 in the City of Golden Valley, County of Hennepin, State of Minnesota, I mailed the attached Notice of Submission 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 rule in the above-entitled matter has been submitted to the Attorney General.

Barbara J. McDonald
Name

Administrative Assistant
Title

Subscribed and sworn to before me this 20th day of October, 1992.

Karen M. Sandt
Notary Public

KAREN M. SANDT
NOTARY PUBLIC—MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES 7-31-97

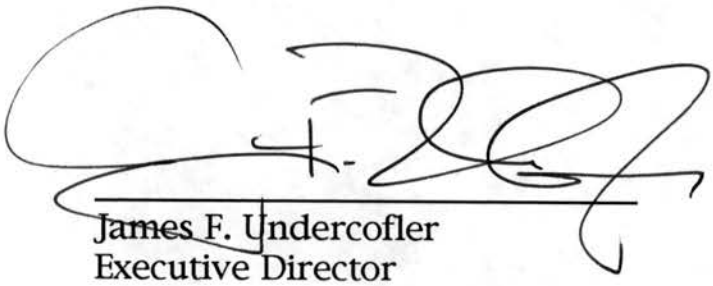
Minnesota Center for Arts Education

Arts High School Program

Fiscal Note

Pertaining to Proposed Permanent Rules Relating to Arts Education; Application Process, Minnesota Rules, Chapter 3600.

Fiscal Impact: **None**



James F. Undercofler
Executive Director

10-13-92

Date