### MINNESOTA CODE OF AGENCY RULES

### RULES OF THE STATE DEPARTMENT OF EDUCATION

1982 Reprint



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Prepared by

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### STATE DEPARTMENT OF EDUCATION

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### Chapter One: Classification for State Aids. Minimum Requirements for Elementary and Secondary Schools 75R 1373 3-28-83

EDU 1 Classification procedure.

A\ Application. School districts desiring classification of a school, for any type of classification or change in classification, shall make written application to the state board of education.

B. Effective date of application. Classification or changes in classification made by the board will become effective at the beginning of the school year for which such classification is sought.

(EDU 1956 s 5000;1959)

### EDU 2 Building.

A. A school district seeking to have a school classified shall provide a school building and site that are safe and healthful, adequate in size, and provide the necessary facilities for a school of the type for which the classification is sought,

B. A classified school, to maintain its classification status, shall remedy physical plant deficiencies/resulting from (1) changes in or additions to physical plant standards, (2) increases in school enrollment, (3) change in educational program/or services, or (4) changes necessary to correct unsatisfactory operational and maintenance practices.

(EDU 1956 s 5001)

### EDU 3 Equipment.

- A. General requirement. All classified schools shall be supplied with teaching facilities textbooks, reference materials, library books, audio and visual aids and equipment, laboratory and shop equipment furniture and supplies - of sufficient quality and quantity to carry on effectively the work of the school. All equipment shall be kept in good repair.
- B. Office. Administrative offices shall be provided with appropriate equipment for the size and classification of the school.
- C. Seating. Every classroom and study hall shall be provided with single seats and desks, or tables and chairs, of proper size and adjusted to fit the pupils!
- D. Storage! Every school shall be provided with suitable and sufficient lockers, wardrobes or cloakrooms for pupils' wraps, and classroom, storage units for teaching materials and for audio-visual aids and equipment.

# (EDU 1956 s 5002;1959) EDU 4 Curriculum. in 384 Knew: alo 23357

A. The educational program. The educational program shall be such as to provide a program of general education for all pupils and suitable

special education for exceptional children - handicapped, gifted and talented; it shall meet the needs and interests of all pupils and the needs of the community served. Except as provided in this rule, no school shall provide any course or activity on the basis of sex. This includes health, physical education, home economics, and industrial education. Separation by sex is acceptable for the purpose of locker or dressing room use, facility supervision and presentation of topics in health having to do with human reproduction.

- B. Guidance. Each school shall provide guidance to assist pupils in making satisfactory personal adjustments and appropriate educational and vocational plans.
  - C. Evaluation of pupil growth and progress.
- 1. Testing. Each school district shall provide a testing program for the purpose of measuring pupil growth and for curriculum evaluation.
- Grading. The schools shall use an acceptable system, in accord with local administrative policy, for grading and making reports to parents.
- 3. Promotion. Each shall develop an appropriate program of pupil progress and promotion for its elementary, middle and secondary schools. The program shall provide for meeting, in the senior secondary school period, the state board of education requirements for graduation.
- D. Summer school. All summer school classes for elementary, middle and secondary school pupils and special summer school classes for area vocational- technical school students for which maximum foundation aid is to be claimed shall be for a minimum term of six weeks, provided that 120 hours of instruction may be accepted as an equivalent term.

Area school courses extending beyond the regular school term.

Area vocational-technical schools which maintain courses which extend beyond the regular school term of the district shall be eligible for beyond the regular school term of the district shall be eligible for 2 foundation aid at a proportionate rate paid during the regular school term.

F. Chemical dependency instruction. Instruction in the use and misuse of drugs, alcohol, and other chemicals shall be required of every school pupil. Instructional materials shall be made available to all schools by the state department of education. Schools shall either implement this curriculum or demonstrate that they have provided alternative curriculum or one which will accomplish similar objectives. (This section shall take effect July 1, 1975).

(EDU 1956 5003; 1959; 1964; 1966; 1974)

EDU 5 Staff.

- A. Certificates, filing. For each teacher there shall be on file in the office of the superintendent or school head at the beginning of each new school year a certificate of qualifications or a record of such certificate.
  - B. Superintendent, administration and supervision.
- In school districts maintaining elementary, middle and secondary schools but employing less than 10 teachers, the superintendent shall

devote at least one-half of the school day to the administration and supervision of the schools.

- 2. In school districts maintaining elementary, middle and secondary schools but employing ten or more teachers, the superintendent shall devote at least two-thirds of the school day to the administration and supervision of the schools.
- C. Teachers, lunch period. Each teacher shall be provided with a duty free lunch period, scheduled in accordance with local school board policy.
- D. No local school district or board thereof shall permit or authorize any of its employees to act as or perform the functions of a selective service registrar during that period in which an employee is performing services for the employing district and for which the employee receives compensation from the district. This prohibition shall apply regardless of the voluntary or paid status of the employee as a selective service

A. Personnel. In elementary, middle, and secondary schools, library service appropriate to the enrollment and educational program shall be given by a qualified librarian.

1. Teachers who are assigned part-time duties as librarian and who do not have at least pinor in this field.

- B. Materials collection. The instructional materials collection shall consist of an adequate number of appropriate and up-to-date books, films, recordings, models, magazines, pamphlets, film-strips, flat pictures, globes, and similar materials, carefully selected systematically organized to meet pupil and teacher needs.
- C. Library quarters. There shall be a well-equipped central library room, of a size appropriate to the enrollment, in every elementary, middle and secondary school building, plus, in all new school buildings, the auxiliary space and facilities needed for work storage, viewing, listening and conference purposes. In one and two-room elementary schools, provisions shall be made for a library service.

(EDU 1956 s 5005; 1959; 1974; 1975)

## EDU 7 Records and reports. In SUX New, and

- A. Each school district shall submit all records and reports as required by law and by the state board of education. There shall be maintained an efficient and accessible system for filing copies of required records and reports in the administrative office of the school district.
- B. Permanent records. Each school district shall keep accurate and complete individual, permanent, cumulative personal records for all pupils and shall store such records in a fireproof file or vault.

(EDU 1956 s 5006)

EDU 9 Flexible school year.

Repealed 75R 1373

A. Definition. Flexible school year program means any school district plan approved by the state board of education which utilizes school buildings and facilities during the entire year and/or which provides forms of optional scheduling of pupils and school personnel during the school year in elementary and secondary schools or residential facilities for handicapped children.

B. Standards for approval. School districts may make application for any or all of their schools to operate on a flexible school year basis in order to alleviate an overcrowded situation, offer broader course selections for students, promote better utilization of facilities, initiate other innovative ideas, or to solve other hardship situations to improve the instructional program not otherwise possible. Each school or school system requesting permission to operate a flexible school year program shall submit its proposed flexible year schedule and its method of evaluation to the state board of education by May 1 preceding the school year in which the program is to become operational. The state board of education will approve or disapprove the proposal by June 15 following the submission of the document. Continuation of an existing flexible school year program will be determined by a study of the evaluation submitted by the school system at the end of each school year.

C. The school year. The school year for students in the elementary and secondary grades shall be a minimum of 175 days or its equivalent and a maximum of 200 days or its equivalent. Aid will be determined by the total number of days school is in session. This shall not be construed to mean that any school district will receive any more or less than the aid computed on the basis of 175 days of school.

D. Length of school day. See EDU 21 A and EDU 44.

E. Equivalent days.

(E**I]**U 1975)

1. Definition. Equivalent days may be established by combining hours of one day with hours from other days to meet the requirements in EDU 21 A and EDU 44. A establishing equivalent days no student day shall be longer than seven and one-half clock hours nor shorter than four clock hours, excluding the noon lanch period. Students shall be required to attend no more than 30 hours per week.

F. Application forms. These forms will be developed by staff of the department of education for state board approval and distributed upon request to school districts.

§ 1.0010 Experimental programs. Elementary and middle schools desiring to offer an experimental course or program of studies that would require exemption to existing state board of education rules may request approval for such course offerings or programs. If the proposed program is approved, the state board of education is empowered to provide an exemption to rules that otherwise would apply.

A. The proposal shall include: A statement of the goals and objectives of the program which must include an expectation of improving the instructional program or the reduction of program costs without reduction in effectiveness or quality.

A listing of the activities and procedures to be utilized in accomplishing the stated objectives.

A definite time limit for the experiment not to exceed three years.

A statement of the evaluation procedures to be used in determining the effectiveness of the program. Such evaluation shall be conducted by persons other than employees of the district.

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

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

C. If the evaluation at the end of the course or program is positive, the state board of education shall authorize continuation of the program. When such continuation is granted, the state board of education shall stipulate the specific rules from which the program shall continue to be exempt.

(EDU 1978)

LASUNT NW. ORO 2335 (5 MCAR S) 1,0011; 1,00201)

### **Chapter Two: Classification for State Aids, Special Requirements for Elementary Schools**

Repealed	7 5R	1373	3.28.83
		. ,	

EDU 20 Curriculum.

A. The state curriculum outlines and the suggested courses of study for elementary schools, on file in the office of the commissioner of education, shall constitute the basis for the elementary curriculum, with the necessary modifications to adapt them to local needs.

B. Constant subjects in the elementary curriculum shall be as follows:

Subject			Constant Years
Language A	Arts . \	<b>/</b>	1-6 or 1-8
Reading		Aevelopmenta lial phases.	al,
Library -		nstruction in t	he
Languag	e, handwrith	g, and spelling	_
Assists	pupils to	develop ability	to
		ng skills, and go	
	d written comm		
Arithmetic	(Mathematics)		1-6 or 1-8
Included	here are ography.	history, citizensh	nip
Science and	d Conservation		1-6 or 1-8
Fine and P	ractiçál Arts .	<b></b>	1-6 or 1-8
	here are a .ics,/and crafts	rt, music, creati	ve
		on and Safety	1-6 or 1-8
Note: Spel	ling and arith	metic in the first	grade and social
		onservation in the	

may be taught informally or in general periods.

C. Teacher instructional assignment. In the first six grades, and in grades seven and eight when instruction is not departmentalized, teachers shall be responsible for all the instructional activities in their respective classrooms or to which they have been assigned.

(EDÜ 1956 s 5007;1964)

### EDU 21 Class schedules. >

A. Length of school day. In the elementary school, the length of the instructional school day which shall be maintained throughout the school year, exclusive of the noon intermission, shall be as follows:

	Not less than
Kindergarten	2⅓ hours
Grades 1, 2, and 3	5 hours

New: OKO23357

Grades 4 through 6 (in schools maintaining six-year elementary schools) . . . . . . 5½ hours Grades 4 through 8 (in schools maintaining eight-year elementary schools) . . . . . 5½ hours

Grades 4 through taining eight-year eleme

B. Number of grades in e
six- year or eight-year graded

than two consecutive grades.

C. Kindergort B. Number of grades in each classroom. In any classroom of either six-year or eight-year graded elementary schools there shall be not more

C. Kindergarten May be scheduled only as a separate unit, never in combination with a first grade.

(EDU 1956 s 5008; 1961; 1963; 1964; 1975)

### EDU 22 Enrollment.

graded elementary school. A classified ungraded elementary school making application for classification as a six-year graded elementary school or a new unclassified school making such application shall have a minimum enrollment of 80 pupils.

B. Eight-year graded elementary school. A classified ungraded elementary school making application for classification as an eight-year graded elementary school or a new unclassified school making such application shall have a minimum enrollment of 100 pupils.

(EDU 1956 s 5009)

ensert new: alo 2335T EDU 23 Staff

### A. Principal.

- Every graded elementary school shall be in immediate charge of a certificated principal.
- 2. In each school building enrolling 400 or more elementary pupils in grades 1-6 or 1-8, or K-6 or K-8, and in any combination of school buildings within a district with a total enrollment of 400 or more but less than 900 elementary pupils, a full-time non-teaching certificated principal shall be provided and clerical assistance as necessary.
- In each school building and in any combination of school buildings within a district enrolling 900 or more elementary pupils in grades 1-6 or 1-8, or K-6 or K-8, a full-time non-teaching certificated principal shall be provided and the additional professional and secretarial staff as necessary.
- 4. Smaller schools. In each school building or combination of school buildings within a district enrolling 200 but less than 400 elementary pupils in grades 1-6 or 1-8 or K-6 or K-8, the principal is to devote not less than one-half time to administration and supervision, and provision is to be made for clerical assistance as necessary.
- 5. In an ungraded elementary school of two or more teachers, one of the teachers shall be designated as principal.
  - B. Teacher-pupil load.
- 1. Elementary classroom An acceptable maximum class size for instruction in any elementary classroom is 30 pupils. Whenever the class

20

size exceeds this number, the superintendent shall make a written report to the state board of education through the commissioner of education indicating the circumstances which make this exception necessary.

2. Kindergarten. An acceptable maximum class size for instruction in any kindergarten session is 30 pupils.
(EDU 1956 s 5010;1959;1962;1964;1965;1975)

EDU 24-29 Reserved for future use.

### Chapter Two-A: Classification for State Aids, Special Requirements for Middle Schools

### EDU 30 Middle school

A. Definition.

Middle school means any school other than a secondary school giving an approved course of study in a minimum of three consecutive grades above fourth but below tenth with building, equipment, courses of study, class schedules, enrollment and staff meeting the standards established by the state board of education.

(EDU 1974)

#### EDU 31 Staff.

### A. Principal.

- 1. Every middle school shall be in immediate charge of a certificated principal.
- 2. Every person employed as a middle school principal is to hold either a valid elementary school principal's certificate or a valid secondary school principal's certificate.
- 3 A middle school principal shall be assigned full time responsibility to the middle school.

#### B. Teacher.

1. Every middle school teacher shall hold valid certification to perform the particular service for which he or she is employed.

(EDU 1974)

### EDU 32 Middle school program of studies.

- A. Each middle school shall provide: general education for all pupils; special education for eligible exceptional pupils; exploration experiences in the practical and fine arts fields, including provision for industrial education or agriculture, home economics, music and art; library and audio-visual aids and services; and a planned student counseling program.
- B. Instruction in the middle school is to be conducted in accordance with a well organized curriculum that is sequential, provides continuity between instructional levels, and provides for individual student instructional needs, interests and abilities.
- C. Constant subjects in the middle school program of studies shall include, but not be limited to:

Art Communication Skills

Mathematics Music

<b>\</b>
Health
77
Home Economics and/or
Industrial Education
industrial Education

Physical Education Science Social Studies

D. Middle school program organization.

Subjects	Minimum clock hours			
	Grades 6	-8 Grades 6-9	Grades 5-8	Grades 5-9
Art	120	120	150	150
Communication Skills	480/	600	760	880
Health	\ 96	90	120	120
Home Economics	\ /			
Industrial Education	<b>X</b> 120	160	120	160
Mathematics	<b>√</b> \360	480	480	600
Music	/ h20	120	150	150
Physical Education	<b>/</b> 240	320	320	400
Science	36 <b>0</b> ,	480	480	600
Social Studies	360	480	480	600
Sub-Total	2250 \	2850	3060	3660
Open-Elective	900	1350	1140	1590
Total	3150	4200	4200	5250
	3 yr.	4 yr.	4 yr.	5 yr.

- 1. The minimum pupil load for each included in the middle school shall be 1050 clock hours exclusive of noon lunch period.
- 2. Communication skills, mathematics, physical education, science and social studies shall be a constant requirement each year of the middle school.
- 3. In grades five and/or six of the middle school, art, music and health shall also be a constant requirement each year.

  (EDU 1974)

EDU 33-39 Reserved for future use.

LN 5ert New; OLO 2335T (5 MCAR 55 1.00301; 1.0036; 1.0037)

ed school programs.

Chapter Three: Classification for State Aids, Special Requirements for Secondary Schools

EDU 40 Program of studies. In Ser & MCCO 233.57

A. Curriculum, general requirements.

1. Subject fields The subject fields in any classified secondary school shall always inleduce as a minimum: communication skills, the social studies, science, mathematics, and physical and health education.

2. Curricular plan. The curriculum shall be one of constants (or core content) with electives and shall be subject to the approval of the

commissioner of education.

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

a. Junior secondary period. The minimum total pupil load for the three year period of grades seventh, eighth, and ninth, shall be 3,150 clock hours consisting of required and elective subjects. Of this minimum total, there shall be 1,950 required (constant) clock hours and 1,200 elective clock hours. Elective clock hours shall be utilized to provide additional time for required and/or elective subjects.

Subject area	Minimum clock hours	Elective clock hours
Art	90	Plus 1.200
Communication Skills	360	additional
Health	60	or elective
Home Economics or		clock hours
Industrial Education	150	
Mathematics	360	
Music	90	
Physical Education	240	
Science	240	
Social Studies	360	
Required (constant) clock hours	1,950	
Elective clock hours	1,200	
Total clock hours	3,150	

Period length and grade placement of the above required (constant) and elective clock hours shall be left to the discretion of the local school board.

b. Senior secon	dary period (Grad	les 10, 11, 12).	
Subject area	Minimum required clock hours	Credit equivalency	Elective clock hours
Communication Skills Health	360	3 ½	Plus 2,430 additional hours to be utilized for elective subjects, super- vised study, independent

Subject area	Minimum required clock hours	Credit equivalency	Elective clock hours
Physical Education (grade 10) Social Studies Field:	60	1/2	Plus 2,430 additional hours to be utilized for elective subjects,
Studies of America, which will include American History Social Studies, which will include	120	1	supervised study, independent study, and other approved school programs.
Social Problems Totals	120 720	6	9 or more credits

Electives and experimental programs.

a. Electives shall be offered in both academic and special fields to

meet individual needs of pupils.

b. A school shall organize and submit to the commissioner of education for approval detailed outlines of: (1) proposed elective courses for which state curriculum guides are not available, and (2) all proposed experimental programs.

- c. Experimental programs. Secondary schools desiring to offer a course of program of studies that would be an exception to existing regulations may submit requests for experimental approval for such course offerings or programs. These "experimental programs" shall be reviewed by a special departmental committee appointed by the commissioner of education and the commissioner of education shall be empowered to waive the regulations that otherwise would apply if the proposed program is approved by the departmental committee.
- (1) The proposal shall include A statement of the goals and objectives of the program.

A description of the proposed program.

A listing of the activities and procedures to be utilized in accomplishing the stated objectives.

A definite time limit for the experiment.

A statement of the evaluation procedures to be used in determining the effectiveness of the program.

An identification of the state board of education regulation which the district requests to be waived for the purpose of the proposed program.

- (2) Evidence shall be provided that the proposal has been given thorough exposure to students and parents, that the faculty has been involved in the development of the proposal, and that the proposal has the approval of the local board of education.
- (3) If the program is evaluated positively at the end of the proposed time span, the departmental committee, acting on behalf of the commissioner of education, may authorize continuation of the program, even though it does not meet existing regulations. When such continuation is granted, the committee shall stipulate the specific regulations from which the program is exempt.

- 5. Cocurricular plan. A consistent and well organized program of varied activities for pupils shall be provided under the direct supervision of the school.
- B. Junior secondary school. Each junior secondary school shall provide: general education for all pupils; special education for exceptional children; occupational preparation experiences in the practical and fine arts fields, including provision for industrial education or agriculture, home economics, music, art; library and audiovisual aids and services; and a planned guidance program.
- C. Senior secondary school. Each senior secondary school shall provide: a comprehensive program of studies which offers choices from the areas of general education and such specialized areas as college preparatory, occupational education, practical and fine arts to such extent as meet the needs of pupils enrolled; special education for exceptional students; library and audiovisual aids and services; and a planned guidance program.
- D. Six-year secondary school. Each six-year secondary school shall provide a program for the junior and senior secondary school periods which includes, in addition to the basic general and special education programs, pupil activities, well-planned guidance, audio and visual aids, library service, and work in at least three approved vocational or occupational departments.
- E. Four-year secondary school. Each four-year secondary school shall provide such range of electives as is consistent with the size of the school and the number of teachers.
- F. Approval of departments in vocational and related fields. In classified secondary schools, all practical arts and vocational departments and classes shall be approved by the state board for vocational education (state board of education).
- G. Program schedule. The schedule of subject offerings of any secondary school shall be based on the state department of education curriculum patterns for the junior and senior secondary school periods, including constant subjects, electives which may be offered, time allotments, and units of instruction required for graduation.

EDU 1956 s 5011;1959;1960;1961;1962;1966;1974;1974)

### EDU 41 Minimum pupil load.

- A. Grades 7-9. See EDU 40 A. 3 a.
- B. Grades 10-12. The minimum pupil load for regular pupils for each year of the senior secondary school period shall be four major credit courses except as provisions are made for early graduation (Minn. Stat. § 120.80).
- 1. Early graduation is a process whereby a student through acceleration, accumulates the required number of units for graduation prior to the completion of the usual consecutive three years of the senior secondary school period. A student graduating after the date on which he or she normally would have graduated cannot be claimed as an early graduate under Minn. Stat. § 120.80. Such student's attendance must be recorded and aid claimed on the basis of full-time equivalence.

(EDU 1956 s 5012;1959;1971;1975;1976)

ensent new acope 3351 EDU 42 Basis for secondary school credit.

A. Basic requirements.

- 1. The basis for a credit course in grades 10, 11, and 12 in all types of secondary schools shall be the satisfactory completion of a course on the secondary school level, covering a minimum of 120 clock hours. Length of periods and frequency of meeting will be determined by the local district. Credit units may be divided into semester, trimester, or quarter units by offering courses covering 60, 40, or 30 clock hours respectively.
- 2. Credit may be given on a performance basis to any student for successful completion of course upon examinations covering the content ordinarily included in the subject.
- B. Summer school. Credit to be allowed toward graduation by secondary schools for courses taken in summer school shall be based on the following requirements:

1. Summer school courses shall be taken in an approved secondary

school offering such work as a part of the regular school program.

2. For summer school course carrying one unit of credit a minimum of 120 hours of classwork shall be required, and for each course carrying one-half unit of credit a minimum of 60 hours of classwork.

3. Credit. See EDU/42D item 3.

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

### D. Correspondence courses.

- 1. Correspondence courses, at district expense, may be offered for credit toward graduation by any secondary school only: (1) to provide additional courses in secondary schools with limited course offerings, or (2) to provide an opportunity for special secondary pupils, who because of individual handicaps cannot attend school regularly, to meet requirements for secondary school graduation.
- 2. Correspondence courses to be offered shall be approved by the commissioner of education and by the local school administration before pupils are enrolled. Pupil taking such courses shall be under the supervision and guidance of a teacher assigned to such work.
  - 3. Credit, correspondence dourses and summer school courses.
- a. Not more than one credit per year, nor more than three credits for the senior secondary school period, in correspondence work, or courses completed in summer school, shall be granted to any secondary school pupil toward graduation Credit for correspondence courses in the constant subjects of English and social studies shall not be granted, except as indicated in b, c and d below.
- b. (1) Special secondary pupils as defined in item D.1. of this subdivision may receive credit toward graduation for all approved courses satisfactorily completed by correspondence.

- (2) Secondar's school pupils who have taken English and social studies courses in regular classes and failed to earn credit may be granted credit toward graduation for approved courses in those subjects satisfactorily completed by correspondence under local approval and supervision.
- c. Secondary pupils (grade 10, 11, 12) who, due to unusual circumstances, are unable to be in attendance in a Minnesota secondary school for required classes in social studies and communication skills may be granted on or more fredits earned by correspondence study in these subjects and such credits counted toward graduation with the approval of the local school administrator.
- d. Secondary school drop-outs may receive credit toward a diploma for all approved correspondence, summer school and evening school courses completed under the supervision of the local school authorities.
- (1) Such person seeking to qualify for a diploma should consult with local school authorities concerning required and recommended courses to be taken and credits to be earned prior to enrolling in any correspondence, summer or evening school course. (EDU 1956 s \$013;1959;1960;1951;1963;1964;1970;1971;1974;1975)

EDU 43 Completion of secondary course Insert new;

- A. Graduation requirement.
- 1. Each pupil shall have completed 15 credits earned in the 10th, 11th, and 12th years of the secondary school in required and elective courses.
  - 2. Such credits shall always include:
    - a. Three credit courses in communication skills.
- b. A minimum of two gredit courses in the social studies field: one credit in studies of America which will include American history, and one credit in twelfth grade social studies which will include social problems.
- c. Nine additional credit courses from any of the approved curriculum of the local school district.
- d. One-half credit in hysical education and one-half credit in health education. (May be waived in adult education programs.)
- 3. Under a program approved by the local school board for selected accelerated pupils; credit toward graduation may be given for courses listed under EDU 43 A2 when such courses are satisfactorily completed in the junior secondary school in accordance with EDU 42 A.1 and 2.
  - B. Secondary school certificates.
- 1. Secondary school certificates, indicating the completion of the secondary school period may be given to pupils who do not have the ability to meet all the requirements for graduation, provided each pupil

- a Been in regular attendance in the 10th, 11th, and 12th years in any classified secondary school.
  - b. Enrolled in at least three subjects each year.
  - c. Completed not less than nine subject courses.
- d. Demonstrated the qualities of good citizenship as indicated by their attitude toward their school work and toward the general welfare of the school.
- 2. Pupils who receive these certificates shall not be included in the scholastic ranking of the graduating class. The permanent record cards of pupils who are given secondary school certificates shall show that they received such certificates.
  - C. Persons in military service.
- 1. Diplomas shall be granted persons in military service who did not complete the secondary school only after all the requirements for graduation have been met.
- 2. Such persons may earn credit that will entitle them to a secondary school diploma by completing:
- a. Correspondence courses offered by the United States Armed Forces Institute;
- b. Other correspondence courses in conformance with state board of education regulations; or
- Courses on the secondary school level in special schools maintained by the armed forces.
- D. Secondary school equivalency certificate.
- 1. A secondary school equivalency certificate may be issued by the state board of education to residents of Minnesota 19 years of age or over who need this credential for advancement in an occupational field or for higher education, provided.
- a. Each such person shall make written application on forms specifically provided for this purpose, and which are available on request from any of the approved General Educational Development Testing Centers, most secondary schools, or from the state department of education.
- b. Each such person shall obtain satisfactory scores on the General Educational Development Tests as described below.

General educational development tests (high school level). To qualify for a certificate, a minimum standard score of 35 must be obtained on each of the five tests in this battery and an average standard score of at least 45 on all five tests. Tests shall be administered only by official agencies established by the American Council on Education and approved by the commissioner of education.

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

(EDU 1956 s 5014;1959;1960;1961;1962;1963;1965;1970; 1971;1974;1975)

29 EDU 44

Insert new; alo 2335T

EDU 44 Length of school day. In all classified secondary schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours.

Exceptions to the six hour day may be made as follows:

- A. The state board of education may approve community-based programs for all or part of the school day. Employment rated, community-based programs in excess of one hour per day shall be supervised by the vocational-technical division. Non-employment related, community-based programs in excess of one hour per day shall be supervised by the division of instruction.
- B. The local board of education may adopt a policy which allows secondary school principals to adjust the length of the school day for individual students provided that:
  - 1. The student is at least 16 years of age;

and

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

and

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

and

4. The student's parent has approved the option in writing. (EDU 1956 s 5015;1971;1974;1977)

## EDU 45 Admission. In SOME WEW! OR 3355 A. Admission to secondary schools.

- 1. Admission to grades seven, eight, or nine of any classified secondary school shall be limited to pupils who have satisfactorily completed the work of the preceding grade, or to those, as special pupils, who in the judgment of the school authorities may profit by such work.
- 2. Admission as regular pupils to any specified year of the senior secondary school period (10-11-12) of any classified secondary school shall be based upon the following conditions:
- a. Pupils from classified schools, or schools with equivalent standards, in this state or any other state, shall submit admission records showing the successful completion of the work of the preceding

b. Other pupils shall furnish evidence of educational attainment satisfactory to the administrator. If such evidence cannot be shown, examinations approved by school authorities shall be administered to the pupil by the administrator.

28.8 3 (EDÚ 1956 s 5016;1956;1961;1963;1966;1971)

# EDU 46 State Insent new: aRO23357

- A. Principal. Every junior, senior, six-year, and four-year secondary school shall be under the direction of a properly certificated principal.
- B. All teachers shall be assigned to teach subjects or courses and perform services only in areas for which they are properly certificated.
  - C. Teaching load.
- 1. The maximum assignment of subjects for any teacher shall be five periods in a six-period day or six periods in a seven or eight-period day.
- 2. Each secondary school teacher shall have one period during the school day for preparation and conferences.
- 3. The total pupil load for a teacher shall not exceed 160 pupils per day, exclusive of classes in physical education and applied music. The total pupil load for a teacher in the various team teaching programs, or other such organization of teaching, shall not exceed an average of 160 pupils per day per week.
- D. Early graduation. Any district claiming aid for transitional year early graduation students under chapter 521, section 7, Laws of Minnesota for 1974, shall furnish the department of education on forms prepared by the department such data on attendance and enrollment for each such student prior to and including the day of graduation and subsequent thereto as will enable the department to properly apportion the aids earned and the attributable tax levies resulting from retention of such students on the district rolls for such purposes as the legislature may prescribe.

(EDU 1956 s 5017; 1959; 961;1963;1966;1971;1975)

### Chapter Four: Vocational Education

§ 1.0060 Application for approval of departments and classes. Written application for the approval of agriculture, business and office, distributive, home economics, trade and industrial education, vocational education for health occupations and technical occupations, and industrial education departments or classes to be established by school districts in classified secondary and post secondary schools shall be made to the state board for vocational education (state board of education).

(EDU 1956 s 5018;1966;1974)

§ 1.0061 Standards for approval. Approval by the state board for vocational education of applications of school districts to establish departments and classes in the specialized fields, as stated in 5 MCAR § 1.0060, shall be conditioned on the meeting of the following standards:

### A. There shall be provided:

- 1. Sufficient and suitable facilities—laboratories, shops, classrooms, equipment, supplies, and adequate storage for the course to be offered.
- 2. Approved courses and time allotments, based on the state curriculum guide for each subject field and the standards stated in this chapter.
- 3. Curriculum guide for each department or class, one copy for the teacher, and one copy on file in the office of the superintendent or principal.
- 4. Teachers properly certificated to teach the courses in the special subject field to which assigned.
- 5. Sufficient and up-to-date reference materials and audio and visual aids for the courses offered.
- 6. Class periods at least 50 minutes in length, exclusive of the time allowed between classes for the passing of pupils, in schools maintaining a seven-period daily schedule and not less than 55 minutes in length, exclusive of passing time, in schools maintaining a six-period daily schedule.
- 7. Class size conducive to efficient teaching and not exceeding the number which the space and equipment will accommodate effectively.
- 8. Records on file and accessible to the teacher which indicate department inventory of equipment, equipment and supplies needed, budget allowance, expenditures, texts, reference materials, course outlines, teaching plans, pupil data, and copies of vocational agreements and other required reports.

- B. Credits for courses in approved departments or classes shall be allowed as for other secondary subjects.
  - C. Procedure for withholding approval of a department.
- 1. After a department has been officially visited or checked by other means and subsequently by a state department of education supervisor, a written report is submitted to the school authorities enumerating deficiencies or matters in need of correction.
- 2. A reasonable time shall be proposed to make the corrections. This time may be the current year or it may extend beyond the current year.
- 3. If the corrections are not made within the allotted time, a recommendation will be submitted to the state board of education at its annual meeting that the approval of the department shall be withdrawn.
- 4. If this recommendation is approved by the state board of education, the approval of the department shall be withdrawn forthwith.
- D. Reapplication for approval. Whenever a school loses its approval of a department, the local board of education must make application and meet the same requirements as for a new department.

(EDU 1956 s 5019;1965;1966;1970;1975)

(EDU 62) § 1.0062 Vocational education reimbursed programs. Repealed.

- § 1.0063 Itinerant teacher (field) program.
- A. Application. When a school district or districts desire but cannot provide vocational instruction for the related training required by apprentices and other learners in the trade and industrial and in the distributive fields, such district or districts may request itinerant teacher services. Application shall be made to the state board for vocational education.
  - B. Requirements.
- 1. Itinerant teachers shall be under the direction and supervision of the chief supervisor of the vocational field in which the instruction is to be given.
- 2. The course or courses to be offered shall be a bona fide vocational course recognized by the Minnesota state plan for vocational education.
- 3. The course or courses to be offered shall not supplant a local course or courses.

(EDU 1956 s 5021)

- § 1.0064 Business education (nonreimbursed).
  - A. Requirements for approved program, classified secondary school.

- 1. Courses in vocational business education shall be offered in the 10th, 11th, and 12th grades.
  - 2. Basic Business shall be offered as an elective.
- 3. If instruction in one year of Shorthand is given, instruction in Transcription, the advanced course, must also be offered if the school wishes to have an approved department.
- 4. All courses in vocational business education shall be given at least five periods per week throughout the school year.
- 5. The number of pupils per teacher per class in Office Practice shall not exceed 20.

(EDU 1956 s 5022;1959 s 5022.1)

- § 1.0065 General agriculture education (nonreimbursed).
- A: Requirements for approved programs when offered in classified secondary schools.
- 1. When General Agriculture is offered below the ninth school year, it shall be given under one of the following plans:
- a. Plan A. Seventh or eighth school year, five periods per week throughout the year.
- b. Plan B. Seventh school year, five periods per week for one semester. Eighth school year, five periods per week for one semester.
- 2. General Agriculture instruction in the ninth school year shall be scheduled at least five periods per week throughout the year.
- 3. General Agriculture instruction at the senior secondary school level shall be scheduled at least five periods per week throughout the year. General Agriculture classes at the senior secondary school level may combine pupils from the 10th and 11th, or 11th and 12th years.

(EDU 1959 s 5022.2;1975)

- § 1.0066 Home economics (nonvocational and nonreimbursed).
  - A. Requirements, classified secondary schools.
- 1. At least two full years of home economics instruction shall be maintained in a department in a junior secondary school, at least one full school year in a department in a senior secondary school, and at least three full school years in a home economics department in any other type of secondary school. It shall be given in the seventh or eighth, 9th and 10th, 11th or 12th years.

- 2. Home economics shall be required for all seventh, eighth, or ninth grade pupils with the exception that any pupil may be excused who has completed or who will complete a program in industrial education pursuant to 5 MCAR § 1.0067 or for reason of ill health or physical disability.
- 3. Home economics instruction below the ninth school year shall be offered under one of the following plans:
- a. Plan A. Seventh or eighth school year, five periods per week throughout the year.
- b. Plan B. Seventh school year, five periods per week for one semester. Eighth school year, five periods per week for one semester.
- 4. Home economics instruction in the ninth school year shall be offered at least five periods per week throughout the school year.
- 5. All courses in home economics which are maintained at the senior secondary school level shall be scheduled five periods per week, throughout the year.

(EDU 1956 s 5023;1959 s 5022.3;1961;1974;1975)

### § 1.0067 Industrial education.

#### A. Requirements for an approved program.

- 1. At least two full years of industrial education instruction shall be maintained in a department in a junior secondary school, at least one full school year in a department in a senior secondary school, and at least three full school years in an industrial education department in any other type of secondary school.
- 2. Industrial education shall be required for all seventh and eighth grade pupils in an approved department with the exception that any pupil may be excused who has completed or who will complete a program in home economics instruction pursuant to 5 MCAR § 1.0066 or for reason of health or physical disability.
- 3. Additional courses in industrial education in an approved department shall be offered in the ninth, 10th, 11th, and 12th years.
- 4. In the smaller school, when the total number of pupils electing senior secondary school industrial education is not sufficient to make separate classes for years 10, 11, and 12, pupils from these years may be combined into one class. The instruction must be planned so that the pupil will not repeat the same instructional units in two successive years.
- 5. All pupils of a given seventh, eighth, or ninth year class, under one teacher, and for a given period, shall receive instruction in the same media, or shop area such as woodwork, at the same time.

- 6. Time allotments, junior secondary school.
- a. Industrial education instruction in the ninth year shall be offered at least five periods per week throughout the school year.
- 7. Time allotments, senior secondary school. All courses in industrial education which are maintained at the senior secondary school level shall be scheduled for a minimum of five periods per week throughout the school year.

(EDU 1956 s 5024; 1959 s 5022.4;1961;1966;1970;1974;1975)

§ 1.0068 Reciprocity among states for vocational education. Renumbered as EDU 110 (5 MCAR § 1.0110), 1975.

(EDU 69) 5 MCAR § 1.0069 Adult vocational education. Repealed.

## Chapter Four-A: General Rules for Vocational-Technical Education

- § 1.0070 Definitions. For the purpose of this chapter, the words, phrases and terms defined in this section shall have the meanings respectively ascribed to them.
- A. Adult vocational education—Vocational education for persons who have completed or left high school which prepares them to enter, re-enter, or to progress in paid or unpaid employment.
- B. Authorized local administrator—The licensed vocational administrator who has major responsibility for vocational education at the secondary, post-secondary and/or adult level for a district, center or AVTI. The superintendent may act as the authorized local administrator in the absence of a vocational administrator.
- C. Bona fide sale—The competitive sale of unneeded property which results in the highest possible investment return.
- D. Career education—The process of helping individuals acquire and use those attitudes, skills and knowledge needed to develop and manage a reasoned, socially purposeful, and personally-valued life pattern in relation to work of whatever kind.
  - E. Center—A vocational or cooperative center.
- 1. Cooperative center—Two or more districts meeting all provisions of Minnesota statutes, which provide expanded educational options by sharing vocational programs which have been approved by the state board for vocational education.
- 2. Vocational center—Two or more senior high schools in a single district that share secondary vocational programs that meet rules relating to vocational centers and have been approved by the state board for vocational education.
- F. Classroom instruction—An in-school instructional method involving discussion, lecture, and other forms of communication.
- G. Competencies—Skills, knowledge, or attitudes necessary for functioning in a specific occupation.
- II. Component—A unit of instruction that contributes to the accomplishment of the program objectives.
- I. Employment related community-based education (coop experience)— Instruction enabling students to prepare for their tentative career objectives or develop general employability skills through the coordination of voca-

tionally related in-school instruction and supervised part-time on-the-job training.

- J. Entrepreneurship—A school supervised business venture undertaken to teach the free enterprise system, including the functions of organizing and managing the factors of production or a distribution of goods or services.
- K. Entry level skills—Those basic occupational competencies which enable a person to enter initial employment.
- L. Essential licensed personnel—Staff assigned to approved vocational education programs who meet criteria for vocational education licensure set forth by the Minnesota state board for vocational education and who have been issued a license.
- M. Exploratory work experience—A school supervised program designed to provide students with paid or unpaid on-the-job work experience in a variety of occupations, to help the students identify job traits in relation to their abilities and characteristics and to assist them in making realistic and appropriate occupational choices.
- N. Extended employment—Paid time when staff is employed beyond the regular school calendar, which is necessary for job placement and coordination, development of training plans and training agreements, equipment maintenance, supply procurement, inventory and storage, laboratory organizations, etc.
- O. Extended time student—A student who is in attendance more than six hours but less than nine hours per day.
- P. Full-time adult vocational enrollee—A person who is enrolled in a program of adult vocational education in which instruction is available on a daily basis throughout the school year.
- Q. Instructional site—A facility or location where students have an opportunity to achieve educational goals and individual program objectives.
- R. Internship—A training program involving class instruction followed by a supervised, full-time or part-time position at an approved training station.
- S. Laboratory instruction—An in-school instructional method involving the practice of skills with appropriate equipment and supplies used within the occupation.
- T. Local education agency—A public educational agency, at the local level, which exists primarily to operate schools or to contract for educational services.
- U. Necessary equipment—Items of equipment that meet the criteria as defined in the uniform financial accounting and reporting system (UFARS),

and are identified by the local school district as essential to support the teaching of occupational competencies in approved vocational programs.

- V. Nonexpendable personal property—Tangible personal property having a useful life of more than one year and an acquisition cost of \$300.00 or more, per unit.
- W. Occupation—Paid or unpaid employment including, but not limited to, salaried jobs, self-employment and homemaking.
- X. Occupational relations—Learning experiences including work adjustment concepts, interpersonal skills involving relationships with other workers and supervisors, understandings and attitudes common to all work stations, and specific instruction as identified in a training plan.
- Y. Post-secondary part-time student—Any student attending a post-secondary program fewer than six hours per day or 30 hours per week.
- Z. Post-secondary vocational education—Vocational education for persons who have completed or left high school and who are enrolled in organized programs of study.
- AA. Pre-vocational education—Programs, services, or activities designed to provide youth and adults with orientation, guidance, exploration and instruction to assist them in making meaningful career decisions.
- BB. Secondary vocational course—One or more components of a secondary vocational instructional program.
- CC. Secondary vocational education—Programs for grades 10-12 that meet the requirements of § 1.00811 B. 1., 2., 3., and work experience/career exploration programs.
- DD. Simulation—An in-school instructional method involving the application of skills with a realistic flow of work and in a realistic setting for the occupation.
- EE. Student full-time equivalent (FTE)—A student enrolled full-time in an approved educational program, six hours per day for 175 days per year or its equivalent.
- FF. Student-staff ratio—The relationship between the number of FTE students and the number of FTE teachers in each approved vocational program.
- GG. Students with special needs-Students who are handicapped or disadvantaged.
- 1. Students identified as handicapped are defined in Minn. Stat. § 120.03 and cannot succeed in regular vocational programs.

- 2. Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified programs or supportive services to assist them in succeeding in a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematic skills, perform below grade level, the family income is at or below national poverty level, the student or his/her parent(s) or guardian is unemployed, the student of his/her parent(s) is a recipient of public assistance, or the student is institutionalized or under the state's guardianship.
- HH. Support service—Noninstructional activities, services and functions carried out to aid and improve the quality of vocational education programs.
- II. Teacher full-time equivalent—A certified vocational instructor who teaches the equivalent of six hours per day for 175 days per year or its equivalent.
- JJ. Third party appraisal—Establishing a price for nonexpendable personal property by an independent appraiser who is free from any conflicting interests.
- KK. Training agreement—An agreement signed by the employer, the student, the parent or guardian (when student is below 18), and the instructor-coordinator, which defines their respective responsibilities, and includes pertinent information regarding supervision of the student at the training station.
- LL. Training plan—A written plan developed by the instructor-coordinator, the employer and/or supervisor, and the student that indicates what is to be learned by that student and whether it is to be learned in the classroom or at the training station after a careful analysis of the student's career objective and the learning opportunities available at the training station.
- MM. Training station—That site at which a student acquires actual work experience.
- NN. Vocational administrator—A person who holds a vocational administration license appropriate to the level being served (secondary, post-secondary and adult) and is assigned to provide management and leadership in vocational education.
- OO. Vocational aid—Categorical, state and federal funding for secondary, post-secondary and adult vocational programs meeting criteria set forth in rules.
- PP. Vocational education—Organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring technical skills other than a baccalaureate or advanced degree.
  - QQ. Vocational instructional program—An educational activity or a series

of instructional components designed to meet the program objectives for the period of instruction.

- RR. Vocational program advisory committee—A group of persons with competence or interests in an occupational field related to the program being served, selected for the purpose of offering advice to instructors and/or administrators regarding vocational education. At least 50 percent of the members shall be representatives of a directly related business, labor and industry.
- SS. Vocational student organization—Organizations of vocational students which provide the opportunity for the development of leadership abilities, personal improvement of individual members and aid in their transition from school to career.

- § 1.0071 Standards for program approval. Written application for the approval of vocational programs by local education agencies shall be made to the commissioner of education. The commissioner's approval to establish vocational programs shall be conditioned on meeting the following minimum standards:
- A. All programs shall be assigned vocationally licensed instructional staff as specified in the state plan for vocational-technical education.
- B. Sufficient and suitable facilities including laboratories, shops, classrooms, equipment, supplies and adequate storage for the course to be offered shall be provided.
- C. Class size conducive to efficient teaching and not exceeding the number which the space and equipment will accommodate effectively shall be maintained.
- D. Programs shall comply with federal and/or state civil rights laws, labor laws and wage and hour statutes where applicable.
- E. School districts and centers shall maintain accounting and reporting records according to a uniform financial accounting and reporting system (UFARS) and all such records shall be available to the department of education.
- F. A student shall not be denied access to vocational education programs because of handicapped or disadvantaged status. A person with special needs shall be defined as handicapped or disadvantaged to be eligible for enrollment in special needs vocational programs. Special needs vocational programs shall be eligible for aid assistance.
- G. The authorized local administrator shall be responsible for coordinating vocational education programs with comprehensive employment training act prime sponsors.

H. Programs shall also meet appropriate level (secondary, post-secondary or adult) criteria designated by these rules.

(EDU 1978)

§ 1.0072 Opportunity to appeal.

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

- § 1.0073 Evaluation by state board for vocational education. The division of vocational-technical education will evaluate, in quantitative terms, the effectiveness of each formally organized program or project supported by federal, state and local funds. The local education agency shall supply, upon request, the data necessary to make the evaluations. These evaluations shall be in terms of:
  - A. Planning and operational processes, such as:
    - 1. Quality and availability of instructional offerings;
    - 2. Guidance, counseling and placement and follow-up services;
    - 3. Capacity and condition of facilities and equipment;
- 4. Employer participation in cooperative programs of vocational education;
  - 5. Teacher/pupil ratios; and
  - 6. Teacher qualifications.
  - B. Results of student achievement as measured, for example, by:
    - 1. Standard occupational proficiency measures;
    - 2. Criterion referenced tests; and
- 3. Other examinations of student's skills, knowledge, attitudes and readiness for entering employment successfully.

- C. Results of student employment success as measured, for example, by:
  - 1. Rates of employment and unemployment;
  - 2. Wage rates;
  - 3. Duration of employment; and
- 4. Employer satisfaction with performance of vocational education students as compared with performance of persons who have not had vocational education.
  - D. Other results as measured by services to special populations, such as:
    - 1. Women;
    - 2. Members of minority groups;
    - 3. Handicapped persons; and
    - 4. Disadvantaged persons. (EDU 1978)

## § 1.0075 Local advisory committee.

- A. Establishment of local advisory committee.
- 1. Each eligible recipient (local education agency or post-secondary educational institution) which receives federal assistance shall establish a local advisory committee on vocational education.
- 2. The local advisory committee may be established for schools, the community or the region in which the eligible recipient is located.
- 3. The local advisory committee shall be composed of representatives of the general public including representatives of directly related business, industry and labor.
- 4. Representatives from several program committees, or representatives of several school committees within a local education agency, having the requisite representation in paragraph three, may join together to form a general local advisory committee.
  - B. Duties of local advisory committee.
- 1. The local advisory committee shall advise the eligible recipient on the current job needs and the relevance of programs (courses) being offered by the local education agency or post-secondary educational institution in meeting current job needs.
- 2. The local advisory committee shall assist the eligible recipient in developing its application to the state board for vocational education. (EDU 1978)
- § 1.0076 Center approval. State board for vocational education approval is necessary if a vocational center is to be eligible for secondary or adult vocational aid or other aid available to approved vocational centers. The superintendent representing a district school board or a center governing board may submit a request to the commissioner of education for approval by the state board for vocational education when the following criteria have been met:
  - A. Vocational programs shall be shared by one of the following methods:
- 1. Two or more Minnesota school districts operating a cooperative center having met provisions of applicable Minnesota state statutes, OR
- 2. Intermediate school districts established by the legislature to serve two or more independent school districts. OR
- 3. A school district sharing secondary vocational education among two or more senior high schools.

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

(EDU 1978)

- § 1.0077 Local applications for aid.
- A. To be eligible for aids, the local education agency shall submit the following to the commissioner of education:
- 1. Assurances of compliances, signed by the authorized local administrator and the local state board representative.
- 2. Local labor market information on employee demand which is supplemental to data available from the state.
- 3. An approved evaluation document which reports secondary and post-secondary program output by completion and by entry into an occupation.
  - 4. Information concerning enrollments.
- a. Enrollments and costs of current programs in the fiscal year indicating the expansion of present programs and new program plans.
  - b. Enrollments and costs for services to special needs programs.
- B. Any income derived from the sale of products or services derived from the operation of a vocational program shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.
- C. When instructional and support services and facilities are funded by other sources, except adult vocational tuition, the funded amount shall be included in the budget and shall reduce the state's obligation in the request for aids.

- § 1.0078 Allotment availability of federal funds.
- A. When federal funds are not available to all applicants, the state board for vocational education shall use the following criteria in determining the allocation of federal funds:
- 1. Priority shall be determined based upon economic, social and demographic factors relating to need for programs among target groups and areas of the state.
- 2. Distribution to local education agency shall be determined by the ability to provide resources and the concentration of low income families.
- 3. Distribution to other eligible recipients shall be determined by the financial ability to provide resources and the concentration of students served

whose education imposes a higher than average cost, such as those from low income families and those with English as a second language.

- 4. Federally funded programs shall be assessed annually to be eligible for continued allocation of federal funds.
- B. Local education agencies and teacher education institutions shall submit annual reports in accordance with these rules indicating expenditures and enrollments for which aid is requested. The commissioner of education may require other statistical and descriptive reports as required for federal reporting.
- C. Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be submitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education for approval by the state board for vocational education.
- D. In apportioning funds among local education agencies, the state board for vocational education shall assure that no local education agency which is making a reasonable tax effort shall be denied funds for establishing new vocational programs solely because it is unable to pay the non-federal share of the cost of such programs.

- § 1.0079 Property management standards.
- A. A uniform property management system shall be utilized by the districts and centers to:
- 1. Maintain individual item control for continuing verification on nonexpendable personal property in which the state board for vocational education has provided state and/or federal funds.
- 2. Maintain a source of information for future purchasing and capital budgeting for nonexpendable personal property, long-term capital financing and program cost computing.
- B. Standards and procedures governing ownership, use and disposition of nonexpendable personal property purchased whole or in part with state funds and in which there are no federal funds are set forth below:
- 1. Title will not be taken by the state board for vocational education, but shall be vested in the local education agency subject to the following restrictions on use and disposition of the property:
- a. Nonexpendable personal property with an acquisition cost of less than \$500 and used four years or more: the local education agency may

divert the property to any approved vocational program, vocational administration or support service or sell the property and retain the proceeds for vocational education programs.

- b. All other nonexpendable personal property with an acquisition cost of \$1,000 or less: the local education agency may use the property for its intended vocational-technical purpose. If approved vocational-technical use of the property is discontinued or the property is sold or diverted in some other manner, the state board for vocational education is to be credited with its proportionate share of the current fair market value of the property. The current fair market value shall be determined by the sale price in the case of a bona fide sale or by a third party appraisal in the case of some other diversion. The state board for vocational education's proportionate share of the property shall be computed by applying the percentage of state funding participation in the property to the current fair market value of the property.
- c. Nonexpendable personal property with an acquisition cost of over \$1,000: if the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within 120 days, the local education agency may dispose of the property at their discretion.
- 2. A physical inventory of nonexpendable personal property shall be taken by the local education agency and the results reconciled with the local education agency property records at least once every two years to verify the existence, current utilization, and continued need for the property.
- 3. Property records shall be retained for three years after final disposition of the property.
- 4. The commissioner of education or his authorized representative shall have access to any pertinent property records for the purpose of making examinations.
- C. In addition, when personal property is purchased whole or in part with federal funds furnished by the state board for vocational education, the local education agency shall comply with the appropriate federal regulations regarding standards and procedures governing ownership, use and disposition of personal property.

(EDU 1978)

§ 1.00791 Student eligibility. All students shall be eligible for enrollment in vocational education programs regardless of race, color, creed, religion, sex, national origin, marital status, age, or status with regard to public assistance or disability providing that no federal or state statute or rule specifically provides for valid exclusions for such things as health conditions, age or certain physical conditions.

(EDU 1978)

§ 1.00792 These rules shall become effective on July 1, 1978. (EDU 1978)

## Chapter Five-A: Secondary Vocational Education

§ 1.00801 Scope.

- A. To be eligible for aid, local education agencies shall meet the rules in this chapter.
- B. Approval requests shall be submitted annually by the local education agency to the commissioner of education. Only approved programs shall be eligible for vocational aid.
- C. Local education agencies submitting new program approval or alteration requests shall be notified in writing regarding approval, disapproval, recommended alteration or delay of action within 20 working days after receipt of the request. When the program is disapproved or recommended for alteration, the notification shall include reasons for denial or changes. When applicable, the notice shall outline corrective actions for the program to qualify for approval upon resubmission.
- D. Approved programs and administrative services shall be supervised by the authorized local administrator. When programs are jointly funded by vocational and special education, appropriately licensed special education administrators and supervisors shall be involved in the supervision of the program.
- E. The local education agency shall resubmit each approved program for evaluation by the state board for vocational education at least once every five years.

- § 1.00811 Instructional program approval. The commissioner of education shall approve programs on the following basis:
- A. Approval shall be on the basis of a complete program as defined in Section D.
- B. The local education agency shall provide evidence that its curriculum is designed to meet vocational objectives which shall include:
- 1. In-depth exploration of occupations to assist in the career planning process, and
- 2. Development of occupational competencies designed to be recognized for advanced placement in post-secondary programs, and
- 3. Development of occupational competencies necessary to enter an occupation.

- C. Each program shall have a vocational advisory committee to advise the instructor(s), the local authorized administrator, and the local board; the advisory committee shall meet at least two times a year.
- D. Program components and time standards. All program components must be addressed in order to qualify for approval, however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee. Daily time requirements may be converted to weekly equivalents.
  - 1. Agriculture/agribusiness and natural resources occupations.
- a. Programs. Instruction in safety, leadership, communications, personal development, decision making, job seeking skills, good work attitudes and habits shall be an integral part of an approved program.
- (1) Agricultural mechanics occupations. Learning experiences concerned with the application of mechanical competencies to agriculture. Program components include: agricultural power; hydraulics; welding; machinery maintenance; electrification; mechanics shop; material handling; buildings and conveniences; soil and water management, irrigation; livestock and crop production; farm and business management and entrepreneurship as related to mechanics.
- (2) Agricultural products, processing and marketing occupations. Learning experiences concerned with the application of processing and marketing principles, agricultural products. Program components include: evaluation, processing and marketing of dairy, livestock, poultry products, cereal grains and specialty crops; agricultural business management and entrepreneurship; agricultural mechanics principles.
- (3) Agricultural supplies and service occupations. Learning experiences concerned with the provision of consumable supplies and services used in agriculture. Program components include: animal and crop production; soils and soil fertility; animal nutrition and health; chemicals, fertilizers and pesticides; mechanics shop; agribusiness organization; management; entrepreneurship; marketing; power, machinery.
- (4) Forestry occupations. Learning experiences concerned with the growing, managing, protecting, harvesting, utilizing and marketing of trees. Program components include: tree production, harvesting, management, protection, measurement and marketing; operation and maintenance of forestry equipment; agribusiness management; intensive laboratory occupational experience.
- (5) Horticultural occupations. Learning experiences concerned with the culture of plants used for ornamental, aesthetic and food purposes. Program components include; greenhouse and nursery management; turf, fruit and vegetable production; floral production; landscape design; construc-

tion; equipment operation, repair and maintenance; garden center materials; plant and soil sciences; agribusiness management; entrepreneurship.

- (6) Natural resources occupations. Learning experiences concerned with the principles and processes involved in the preservation and/or improvement of natural resources such as air, forests, soil, water, fish and wildlife. Program components include: water, air; quantity analysis resources; fish; wildlife; animal waste; soil and water management; pollution control; guiding and park management; resort and recreation operation; mechanics shop; entrepreneurship.
- (7) Production agriculture occupations. Learning experiences concerned with the principles and processes involved in the economic use of land, labor, capital and management. Program components include: crop, livestock and poultry production; power, hydraulics, welding machinery maintenance and electrification; building and conveniences; mechanics shop; materials handling; irrigation, soil and soil fertility and soil and water management; marketing; finance, recordkeeping, entrepreneurship and farm management.
- (8) Other agriculture/agribusiness, natural resources occupations. Programs not otherwise defined which meet the vocational program criteria in 5 MCAR § 1.00811 B., may be approved.
- b. Implementation. When offering a vocational agriculture/agribusiness, natural resources program, the following considerations apply.
- (1) Component emphasis shall be consistent with program objectives.
- (2) The program shall include one of the following experience application options by the 1980-81 school year.
- (a) Forestry occupations program shall include an intensive supervised laboratory experience of at least 280 hours, or
- (b) Production agriculture occupations programs shall have a coop placement in a production agriculture operation either wage paying or entrepreneurship.
- (c) All other programs in agriculture/agribusiness shall have an intensive supervised laboratory experience or a coop placement in a related agricultural business or industry either wage paying or entrepreneurship. An agriculture instructor-coordinator may supervise students in any vocational agriculture/agribusiness and natural resources occupations program.
- (3) Various program components which meet approval criteria may be combined to develop a program to meet the needs of the local educational agency, including placement in a coop experience.
  - (4) Each program shall include one of the following options:

- (a) The program shall consist of a minimum of 140 hours for the regular school year, with classes available to students in grades 10, 11, 12. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or
- (b) The program shall consist of a minimum of two 140 hour classes and one 280 hour class for the regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or
- (c) The program shall consist of a minimum of two 280 hour classes for one regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience; internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) or
- (d) Approved programs currently operating on a 280 hour intensive laboratory experience method of instruction, for the regular school year and 1, 2, or 3-280 hour classes per year shall develop, by the 1980-81 school year, a comprehensive program. Summer components such as internship and classroom instructional program are strongly encouraged to support the coop component. (see community-based rules in 5 MCAR § 1.00811 G.) or
- (e) Any expansion of currently approved programs must meet agriculture/agribusiness and natural resources options b, 2a, b and/or c in the year for which approval is sought, or
- (f) New program requests shall comply with an agriculture/ agribusiness and natural resources option b, 4a, b, and c by the third year of operation.
- 2. Business and office occupations. Instruction in human relations, leadership and organizational competencies, public relations, personal development, self-concept, work attitudes and job seeking skills shall be an integral part of instruction in each program.

#### a. Programs.

(1) General office typist occupations. Learning experiences concerned with the performance of a variety of office duties, including maintenance of the system and generation of reports. Program components include: typewritten communications; records filing and management; recordkeeping (numerical data); machine transcription; office functions including supplies

control, telephone techniques, mail handling reprographics services, machine maintenance and operation.

- (2) Secretarial occupations. Learning experiences concerned with coordination of office responsibilities, generation of communication and facilitation of office functions. Program components include: all in general office typist plus: business composition; meeting and travel arrangements; transcription from shorthand notes or machine (shorthand optional); word processing concepts; clerical accounting.
- (3) Accounting/data processing occupations. Learning experiences concerned with systematizing information about financial transactions and quantitative records in a traditional or automated setting. Program components include: accounting for receivables, payables; payroll; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; machine operation; business mathematics; records management; programming fundamentals; computer applications.
- (4) Banking and finance occupations. Learning experiences concerned with banking or financial institutions services, the handling of money and negotiable instruments. Program components include: accounting for receivables; payables; billing/invoicing; inventory; purchasing; cash receipts and disbursements; communications; electronic computing; business mathematics; teller functions; finance and credit; decision making; data entry; records management.
- (5) Supervisory/management occupations. Learning experiences concerned with managerial skills in planning, organizing, supervising, coordinating, determining work procedures and assigning duties. Program components include: accounting for receivables, payables, billing/invoicing, inventory, purchasing; cash receipts and disbursements; communications; electronic computing; management principles; business ownership; business law; economics; public enterprise systems; personnel management.
- (6) Other business and office occupations. Programs not otherwise defined which meet the vocational program criteria in 5 MCAR § 1.00811 B., may be approved.
- b. Implementation. In offering a vocational business and office program, the following considerations apply:
- (1) Component emphasis shall be consistent with the program objectives.
- (2) The program shall include prior or concurrent classroom instruction in the occupational area plus one of the following application experience options:
- (a) In school: model office—a minimum of 100 minutes per day for one school year. (Primarily for use with general office typist and secretarial occupations; see model office brochure for details.)

- (b) In school: intensified laboratory—a minimum of 100 minutes per day for one semester; plus related instruction to comprise a minimum of 280 hours in one fiscal year.
- (c) Employment related community-based education: See community-based rules in 5 MCAR § 1.00811 G. A business and office instructor-coordinator can supervise students in any vocational business and office occupations program.

#### 3. Health and environmental occupations.

- a. Programs. Instruction in safety, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.
- (1) Environmental occupations. Learning experiences concerned with identification, prevention and control of environmental hazards, environmental aspects of populations and society, natural resources, health and physical implications, technology involved in protecting and restoring the quality of modern environment, and exploring careers in environmental areas. Program components include: environmental services; industrial hygiene related to environmental hazards and toxicants; safety, minimizing accident hazards and promoting safe work habits in plants, mines, industrial, agricultural areas; interpretation and enforcement of environmental laws; environmental technology aspects including performing tests and making samples; option of treatment equipment; societal responsibilities concerned with energy; providing and maintaining safe water, foods, air.
- (2) Health care occupations. Learning experiences concerned with health concepts related to the providers and consumers of health care, preventative health care, and the utilization of materials, instruments and equipment in the health care area. Program components include: health occupations orientation; preparation of health consumer records; laboratory procedures concerned with tests to provide data; performance of routine clinical laboratory procedures; direct care services; procedures designed to introduce concepts related to rehabilitation of people with physical or mental emotional disabilities; communications between health providers and consumers of health services; applied anatomy and physiology.
- (3) Other health and environmental occupations. Programs not otherwise defined which meet the vocational program criteria may be approved.
- b. Implementation. In offering a vocational health and scientific occupations program, the following considerations apply:
- (1) Component emphasis shall be consistent with program objectives.

- (2) The program shall include one of the following application experience options:
- (a) In school: the program shall be offered for a minimum of 280 hours within one fiscal year.
- (b) Employment related community-based education: see community-based rules in 5 MCAR § 1.00811 G. A health occupations instructor-coordinator can supervise students in any vocational health and scientific occupations program.

### 4. Homemaking occupations.

- a. Programs. Instruction in health and safety, multiple roles of both sexes, use of energy in the home and by families, development of self-concept, human relations, and leadership skills shall be an integral part of an approved program.
- (1) Consumer-homemaking occupations. Learning experiences concerned with the work in one's own home environment including relating to family members and managing resources. Program components shall include: child development and parenting; individual and family life; home and family resource management and consumerism; consumer (individual and family) housing; consumer (individual and family) foods and nutrition; consumer (individual and family) clothing and textiles.
- (2) Home and individual/family resource management occupations. Learning experiences concerned with the work in one's own home environment with emphasis on multiple roles of family members, managing resources, purchasing, using products and services. Program components shall include: family financial, time, energy, and human talent management; consumer buying; community resources; multiple roles of family members; housekeeping management skills; family decision making and goal setting.
- (3) Individual/family life and parenting occupations. Learning experiences concerned with the work in one's own home environment with the emphasis on relationships, communication among family members; human growth and development and parenting. Program components shall include: relationships; marriage; family financial management and consumerism; human sexuality; alternate life styles, family throughout the life cycle; pregnancy and birth; growth and development; parent-child relationships; community services; family decision making and goal setting.
- (4) Other homemaking occupations. Programs not otherwise defined which meet the vocational programs criteria may be approved.
- b. Implementation. When offering a vocational homemaking occupations program, the following considerations apply:
- (1) Component emphasis shall be consistent with program objectives.

- (2) The following are in-school options which a district or center shall use to deliver homemaking occupations programs:
- (a) For a consumer-homemaking program, simulation or laboratory and classroom methods shall be a minimum of 280 hours within two consecutive fiscal years. Each component shall be one or more separate courses. Each of the components shall constitute a minimum of 40 hours of instruction, or
- (b) For a home and individual/family resource management or individual/family life and parenting program,
- (i) simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year, or
- (ii) simulation and classroom methods shall be a single course for a minimum of 140 hours within one fiscal year.

#### 5. Industrial occupations.

- a. Programs. Instruction in safety, tool usage, self-concept, work attitudes and habits, leadership skills, and job-seeking skills shall be an integral part of all instruction.
- (1) Auto body repair occupations. Learning experiences concerned with the repair of automotive bodies, fenders, and frames. Program components include: metal straightening by hammering or machine; smoothing areas by filing, grinding, or sanding; concealment of imperfections; replacement of body components including trim; arc and gas welding; refinishing; glass replacement service; new and used vehicle preparation.
- (2) Auto mechanics occupations. Learning experiences concerned with the inspection, diagnosis and repair of motor vehicle components. Program components include: engine tune-up; emission systems; lubrication and maintenance; power transmission; steering and suspension; brakes; electrical systems; diagnostic and testing equipment; parts; fuel and emission systems; cooling and heating systems; technical manuals.
- (3) Communication/media technology occupations. Learning experiences concerned with the production and use of electronics and other media materials and equipment. Program components include audio-visual equipment and related production techniques; black/white photography; audio production, including equipment and recording; television equipment; television studio production; production distribution.
- (4) Construction occupations—general. Learning experiences concerned with all major phases of residential construction from financing to finishing. A minimum of five of the following program components shall be included: finance; planning site development; masonry; carpentry; mechanical trades; pipe trades; finishing trades. If a residential unit is to be constructed

as a learning experience in this program, it shall not exceed 1,200 square feet. An exception to the square footage maximum may be granted by the commissioner of education when there is a conflict with bona fide local ordinances. A program shall build no more than one unit per year and the unit shall be owned by the school district or center.

- (5) Construction occupations planning and management. Learning experiences concerned with all business, planning and preparation essential to begin erection of a project. Program components include: real estate financing, appraising and insurance; small business management, sole proprietorship, limited partnership, corporate management; land surveying; civil technology; landscaping; heavy equipment operation; environmental enrichment; architectural drafting; construction drafting; codes and ordinances; soil testing and permits; equipment and materials; energy conservation factors.
- (6) Carpentry occupations and finishing trades. Learning experiences concerned with rough carpentry and residential interior finishing. Program components include: material and fastening devices; form work; scaffolds, ladders and riggings; framing principles, roof framing, stair framing; exterior finish; insulation and dry wall; floor covering; paper hanging, painting and decorating. No residential unit shall be built in this program.
- (7) Construction occupations mechanical trades. Learning experiences concerned with the trade areas dealing with heating, lighting, air exchange, and water. Program components include: air conditioning and heating; ventilation; sheet metal; construction electricity; plumbing; pipe fitting; mechanical blueprint reading.
- (8) Construction occupations masonry trades. Learning experiences concerned with concrete and masonry areas. Program components include: brick laying; block laying; stone masonry; cement finishing; concrete technology.
- (9) Electricity/electronics occupations. Learning experiences concerned with the design, construction, maintenance, and repair of electronic equipment. Program components include: basic electricity; residential/commercial wiring; motor controls; AC-DC electronics; digital electronics; industrial electronics; active devices (tubes and semiconductors); communications.
- (10) Graphic arts occupations. Learning experiences concerned with the design, preparation, printing, and assembly of printed materials. Program components include: Layout and design; copy preparation; line photography; halftone photography; continuous tone photography; cold type composition; stripping; plate making; offset presswork; printing inks; paper; bindery; screen printing; letterpress.
- (11) Machine shop occupations. Learning experiences concerned with metal properties, machining, and heat treating. Program components include: bench work; grinding principles; blueprint reading; set up and rigid-

ity; machining principles; use of machinery handbook; cutting tools; feed speeds; drill press; horizontal cut of saw; lathe; horizontal and vertical milling; surface and cylindrical grinding; basic metalurgy, alloys, annealing, hardening, drawing, case hardening and foundry.

- (12) Mechanical drafting occupations. Learning experiences concerned with visual communications skills to convey ideas and specifications necessary to manufacture or reproduce mechanical items. Program components include: equipment/instrument usage; sketching; geometric figures; multiview drawing; dimensioning; auxiliary views; pictorial drawing; sectional views; detail and assembly views.
- (13) Recreational vehicle repair occupations. Learning experiences concerned with the maintenance and repair of recreational equipment such as snowmobiles, motorcycles, and marine engines. Program components include: principles of internal combustion engine operation; diagnostic and testing equipment and tools; snowmobiles; marine products; motorcycles; welding; machine tooling; parts; principles of power transmission; technical manuals.
- (14) Service station occupations. Learning experiences concerned with the inspection service, maintenance, and minor repair of automobiles. Program components include: principles of internal combustion engine operation; engine tune-up; lubrication service; exhaust system service; cooling and heating system service; suspension system service; fuel system service; brake system service; diagnostic testing equipment; technical manuals.
- (15) Small engine repair occupations. Learning experiences concerned with maintaining and repairing small engines used on portable power equipment. Program components include: two-cycle fundamentals; four-cycle fundamentals; rotary engine fundamentals; carburetion; ignition; cooling; lubrication; diagnostic testing equipment and tools; welding; machine tooling; parts; technical manuals.
- (16) Welding occupations. Learning experiences concerned with the fusion or separation of metals for fabrication or repair purposes. Program components include: blue-print reading; rough grinding; electrode selection; identification of metals; arc welding (flat, horizontal, vertical down, and vertical up); oxyacetylene cutting; oxyacetylene welding; brazing and fabrication.
- (17) Other industrial occupations. Programs not otherwise defined which meet the vocational program criteria in 5 MCAR § 1.00811 B., may be approved.
- b. Implementation. In offering a vocational industrial occupations program, the following considerations apply:
- (1) Component emphasis shall be consistent with program objectives.

- (2) The following are in-school options which a district or center shall choose when offering a vocational industrial education program:
- (a) Summer program of 120 hours for programs 5, 6, 7, 8, 12, 14 and 16.
- (b) 140 hours within one school year for programs 5, 6, 7, 8, 12, 14 and 16.
  - (c) 220 hours within one semester for all programs.
  - (d) 280 hours within one school year for all programs.
- (e) 280 hours within two school years for programs 2, 3, 9, 10, 12, 13, 14, 15 and 16.
- (f) Programs 13 and 15 can be combined to meet the 280 hour minimum requirement.
- (3) Employment related community-based education: see community-based rules in 5 MCAR § 1.00811 G. An industrial instructor-coordinator can supervise students in any vocational industrial occupations program.
  - 6. Marketing and distribution occupations.
- a. Programs. Instruction in marketing and distribution approved programs shall be composed of the following components as related to the occupational area: advertising, communications, display, human relations, mathematics, merchandising, operations/management, product/service technology, selling, and job-researching skills, work attitudes and behavior.
- (1) General merchandise retailing occupations. Learning experiences concerned with various marketing functions and tasks performed by retail employees and management in retail stores.
- (2) General marketing occupations. Learning experiences concerned with the general application of marketing functions, principles, practices, and procedures without particular emphasis on the kind of environment in which the marketing functions are performed or the kind of products or services involved. The basic knowledge, skills and attitudes developed in this instructional program are applicable in a variety of industries. For example: advertising and display services; apparel and accessories marketing; automotive, recreational, and agricultural vehicles and accessories marketing; finance and credit services; floristry, farm, and garden supplies marketing; food marketing; food services marketing; hardware and building materials marketing; home furnishings marketing; hotel, motel, and lodging services; industrial and institutional marketing; insurance; personal services marketing; petroleum marketing; recreational marketing; real estate marketing; transportation and travel marketing; business services marketing; business ownership.

- (3) Other marketing and distribution occupations. Instructional programs involving learning experiences which emphasize marketing functions and tasks performed by employees, including management personnel, not otherwise defined which meet the vocational program criteria may be approved.
- b. Implementation. In offering a vocational marketing and distribution program, the following considerations apply:
- (1) Component emphasis shall be consistent with the program objectives.
- (2) The program shall include prior or concurrent classroom instruction in the occupational area plus a minimum of one of the following application experience options:
- (a) In school: a minimum of 280 hours of simulated occupational experience in a one or two year period.
- (b) Employment related community-based education: see regular cooperative rules. A marketing and distribution instructor-coordinator can supervise students in any vocational marketing and distribution program.
- (c) Other options: must meet all program approval criteria in 5 MCAR § 1.00811 B.

#### 7. Service occupations.

- a. Programs. Instruction in safety, decisions in the use of energy, equipment utilization, self-concept, work attitudes and behavior, leadership and job researching skills shall be an integral part of an approved program.
- (1) Child care/guidance and education occupations. Learning experiences concerned with human development in personal care institutions and agencies. Program components include: growth and development; interpersonal relationships of children and care-givers; supervision and guidance; health; nutrition and feeding; day care; nursery school; family day care; management/organization, guidance skills; care of persons with exceptional needs; implications of health and welfare agencies on child care services.
- (2) Community service occupations. Learning experiences concerned with social and economic services, resource management, rural, urban and community development, public safety, corrections and judicial services, and public transportation operation/management. Program components include: community and public services; service to people as individuals; preserving, managing and restoring natural and artificial environments within the public domain; chart and map preparation; land use studies; preparation of community relations materials; planning of water, sewer line, and transportation layouts; schools/playgrounds; protection of human rights; health, safety and welfare; property rights; exploration of community service careers.

- (3) Fashion/apparel/textile occupations. Learning experiences concerned with use of equipment, textile design and production, methods of construction necessary for the production, maintenance, and alterations of clothing and/or industrial household goods. Program components include: clothing production; textiles; alterations; fashion design; selection and coordination; laundry; dry cleaning; accessories; tailoring; management skills.
- (4) Food occupations. Learning experiences concerned with planning, preparing, and serving food on a quantity basis. Program components include: sanitation; commercial foods; institutional foods; food procurement; meal planning and nutrition; interpersonal relationships; front and back house operations; management skills.
- (5) Grooming services occupations. Learning experiences concerned with services in the areas of personal appearance, skin and hair care. Program components include: Introduction to barbering; introduction to cosmetology; domestic animal grooming; introduction to death-related occupations; interpersonal relationships; management skills.
- (6) Housing occupations. Learning experiences concerned with services in the areas of design, care and management of single family and multiple dwellings, commercial and institutional buildings. Program components include: housekeeping/management skills; cleaning/sanitation skills; interpersonal relationships; housing services; interior design/decorating; building/apartment management; city planning/zoning; health and safety in building design and maintenance; elements and principles of design; housing and environment; careers in the housing industry.
- (7) Tourism occupations. Learning experiences designed to provide instruction involving the operation of lodging facilities and travel services. Program components include: Planning and providing travel conveniences, recreation activities and leisure time activities; introduction to planning and operating a tourism enterprise; management skills; hospitality and service; tourism enterprise; conventions; interpersonal relationships; careers in the tourism industry.
- (8) Other service occupations not otherwise defined which meet the vocational program criteria in 5 MCAR § 1.00811 G., may be approved.
- b. Implementation. When offering vocational service occupations programs, the following considerations apply:
- (1) Component emphasis shall be consistent with program objectives.
- (2) The program shall include a minimum of one of the following application experience options:
- (a) In school: For all programs in service occupations except grooming services and community service occupations, a minimum of 220

hours in laboratory or simulation and classroom instruction shall be offered within one semester.

- (b) In school: For tourism occupations programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within two school years.
- (c) In school: For grooming services, simulation and classroom methods shall be a series of courses for a minimum of 140 hours in one fiscal year.
- (d) In school: For child care/guidance and education occupations programs, fashion/apparel/textile occupations programs, food occupations programs, housing occupations programs and community service programs, a minimum of 280 hours of laboratory or simulation and classroom instruction offered within one school year.
- (e) Employment related community-based education: See regular cooperative rules. A hospitality/recreation personal service instructor-coordinator can supervise students in any vocational service occupations program. This program shall include prior or concurrent classroom instruction in the occupational area.
- E. To be eligible for aid, the minimum student-instructor staff ratio for each program shall be ten students to instructor or instructor-coordinator. When more than one program section is in operation, enrollment shall average ten or more students per section. An exception to the minimum student/staff ratio may be granted by the commissioner of education for a maximum of one year to permit students to complete a sequential program, or during the first year of a new program.
- F. A student shall be allowed to enter or withdraw from the program without completing all courses or components.
- G. Community-based education. When a vocational program includes a segment in which students are placed on a paid or unpaid experience outside the vocational class or laboratory for more than 40 hours during the program, the local education agency shall meet the rules for the community-based education option of a program as stated below:
  - 1. Single vocational area coop—regular coop.
- a. The authorized local administrator shall assign coordination time for the instructor-coordinator in blocks of time large enough for efficiency, such that the staff can contact the employer during hours when the student is working. Preparation time for the instructor-coordinator shall be assigned separately from coordination time.
- b. Training stations shall be available to at least half of the coop students prior to the commencement of the program.

- c. The student shall be on the job a minimum of one hour per day, averaging no less than 10 hours per week during the school session. An exception for this rule may be granted by the commissioner of education for handicapped persons whose physical or emotional disability prevents them from working a two hour day.
- d. The local education agency shall have a training agreement and training plan for each student on the job. The agreement and plan shall be signed by the student/parent or guardian (when the student is under 18), employer and instructor-coordinator, and shall remain on file locally for at least six months after the student completes the cooperative component of the program.
- e. The coop experience shall include occupational relations, an employability seminar, or a related seminar which shall consist of a minimum of 50 minutes per day or 250 minutes per week. When the seminar convenes two or fewer times per week, a minimum of 200 minutes is required.
- f. The coop experience shall include prior or concurrent classroom instruction in the occupational area except work experience for special needs students.
- g. Age certificates shall be submitted to the Minnesota state department of labor and industry.
- 2. Multiple vocational area coop-diversified occupations/interrelated coop.
  - a. 5 MCAR § 1.00811 G. 1. rules shall be met.
- b. Diversified occupations/interrelated coop shall serve students from more than one vocational program area.
- c. A student shall possess, or acquire concurrently, skill competencies related to his/her stated career objective(s) as stated in the component section of the vocational program area which relates to that stated objective.
  - 3. Special needs coop—community-based education designed specifically to develop employability competencies for special needs students.
    - a. All programs shall meet the following criteria:
      - (1) 5 MCAR § 1.00811 G. 1. rules shall be met.
  - (2) Students selected for these programs shall meet the definition of handicapped or disadvantaged. A committee consisting of teachers involved in general and vocational education, counselors and administrators shall participate in the identification of disadvantaged students. Handicapped students shall be identified through the special education child study process

outlined in the state board of education rules and shall be limited to students who cannot succeed in regular vocational programs.

- (3) Proof that all students enrolled in the program have been identified as handicapped or disadvantaged shall be kept on file locally for five years.
  - b. Work experience/career exploration.
    - (1) 5 MCAR § 1.00811 G. 3. a. rules shall be met.
- (2) Students who have reached age 14 and have not reached 16 are eligible for the work experience/career exploration. When students become 16 while enrolled, they may remain enrolled until the end of the school year.
- (3) The maximum number of students enrolled in work experience/career exploration shall conform with federal regulations.
- (4) The training agreement, not including the training plan, shall be submitted to the commissioner of education upon placement of the student.
- (5) Employment certificates shall be submitted to the Minnesota department of labor and industry.
  - c. Work experience disadvantaged.
    - (1) 5 MCAR § 1.00811 G. 3. a. rules shall be met.
  - d. Work experience handicapped.
    - (1) 5 MCAR § 1.00811 G. 3. a. rules shall be met.
- (2) The maximum number of students enrolled in the work experience handicapped coop shall be 23 students when the instructor-coordinator is responsible only for the vocational area of instruction. When the instructor-coordinator is responsible for the nonvocational areas of special education as well as the work experience coop, the maximum shall be 15 students as identified in the state board of education rules.
- (3) The training agreement and training plan shall be in accordance with the special education individual educational plan in the state board of education rules EDU 120 A. 3. (5 MCAR § 1.0120 A. 3.)
- (4) The instructor-coordinator shall possess a valid special education license appropriate for the type of handicapped students being served if the instructor-coordinator is responsible for the nonvocational areas of special education instruction.

#### § 1.00821 Administrative services.

- A. Vocational administrative services shall be designed to assist students to meet vocational objectives.
- B. When a local education agency provides vocational administrative services, students in vocational programs shall be provided administrative services which are available to all students in the district(s) in addition to the vocational administrative services.
- C. A local education agency shall be eligible for aid for one licensed vocational administrator at a ratio of one full-time equivalent administrator per 15 vocational instructional staff in approved programs or one half-time administrator per ten vocational instructional staff. Aid shall be prorated for administrative salaries when the administrative position is between one half-time equivalent and full-time equivalent. Administrative time involved in general education is not eligible for vocational aid.
- D. No proration occurs between 0 and 8 and 16 and 20, however, when instructional staff in approved programs exceeds 20, a local educational agency shall be eligible for aid for additional licensed vocational administrative salaries at a ratio of 20 staff to one full-time equivalent administrator.
- E. Vocational centers eligible for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service may apply to the commissioner of education for an exception to the rule. An exception will be granted on the basis of the following criteria:
- 1. During the first fiscal year following state board of education approval; or
- 2. In those instances where the demography of the area served by the center cannot reasonable support 10 vocational instructional staff.

  (EDU 1978)

#### § 1.00831 Support services.

- A. Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:
- 1. One full-time equivalent support service manager to 60 full-time equivalent students.
  - 2. One full-time equivalent technical tutor to 10 full-time equivalent students.

- 3. One full-time equivalent orientation and mobility specialist to one full-time student or more as appropriate.
- 4. One full-time equivalent interpreter to one full-time equivalent student or more as appropriate.
- 5. One full-time vocational evaluator to five full-time equivalent students enrolled in vocational evaluation programs.

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

- B. A minimum of one half-time authorized local administrator shall exist prior to implementation of a placement program. A district or center shall be eligible for aid for licensed vocational placement specialist personnel at the minimum ratio of one full-time equivalent placement specialist per 20 vocational instructional staff or one-half time equivalent placement specialist per ten vocational instructional staff. Two or more districts or centers may combine the number of instructional staff to be eligible when the services are provided under the direction of one vocational administrator acting on behalf of the group of boards. Proration is not allowable.
- C. In offering an approved child care and guidance occupational program, a local education agency may be eligible for up to one full-time equivalent licensed aide or licensed preschool teacher per full-time equivalent vocational instructor, when licensure of the facility is required by an outside agency or when necessary for the protection and safety of preschool children. Aid is available for those sections when the preschool is used as a laboratory for at least 15 secondary students, and the aide or preschool teacher is responsible only for the educational program of the preschool children.

(EDU 1978)

- § 1.0084 Vocational aid. State payments shall be based upon the estimated budget for approved programs operated in accordance with these rules. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, travel and equipment shall be based on the estimated budget. Final payment of aids for such categories shall be based on actual expenditures.
- A. Salaries. A local education agency shall be eligible for aid at a rate of up to 50 percent for the salaries of essential licensed personnel assigned to approved programs.
- 1. A district or center shall be eligible for vocational aid for extended employment at a maximum rate of:

FTE instructor 6 days
FTE instructor-coordinator 4 weeks

2. A district or center shall be eligible for aid for salary expenditures for preparation time on the following basis:

## Maximum Vocational Preparation Time Eligible for Aid

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

- 3. A district or center shall be eligible for vocational aid for substitute staff holding vocational licensure appropriate for responsibility when aid is not being requested for salary for regular staff for the same time as the substitute.
- B. Travel. A district or center shall be eligible for aid at a rate up to 50 percent for travel expenditures for essential licensed personnel traveling to and from school sites and cooperative training stations where students are located or to arrange job sites, and for the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. Student transportation is not eligible for vocational aid.
- C. Equipment. A local education agency shall be eligible for aid at a rate up to 50 percent for expenditures to lease or purchase equipment to develop occupational competencies in an approved instructional program. Equipment request shall be preapproved by the commissioner of education to be eligible for aid.

#### D. Aid limitations.

- 1. Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid. Work experience handicapped (5 MCAR § 1.00811 G. 3. d.) is not eligible for vocational categorical aid.
- 2. When a district or center sells products or services produced in an approved program, the revenue from sales shall be recognized. This revenue

may be used for expenditures not eligible for vocational aid which are directly related to the products or services sold. If the revenue from sale of products or services exceeds the costs to produce those products or services in any fiscal year, the excess revenue shall reduce the state's obligation for such program by the amount of income in excess of the cost of production.

- 3. When ineligible students (students not meeting student eligibility rules) are served in approved programs, aid requests shall be prorated on the basis of the percentage of eligible students compared to total students served. (EDU 1978)
- § 1.0085 Vocational aid application procedure. The authorized local administrator shall be responsible for submitting annual program budget, program budget amendments and annual report.
- A. To be eligible for vocational aid, annual program budget shall be submitted by February 1 prior to the fiscal year for which aid is requested. Districts or centers shall be notified of program budget approval or disapproval in writing by April 30. Notification shall include the estimated rate of vocational aid in the case of approval or if disapproved the reasons shall be stated.
- 1. To be eligible for vocational aid, annual program budgets must be approved by the commissioner of education.
- 2. When personnel are assigned nonvocational or general supervisory responsibilities, the salary request shall be prorated on the program budget.
- 3. An authorized local administrator, a group of districts and centers, or the commissioner of education may request a hearing. Such hearings shall be scheduled between February 1 and May 15 and shall discuss the rationale for program and planned revenue and expenditures.
- a. District or centers whose vocational budgets have been disapproved by the commissioner of education may appeal in writing to the commissioner of education for submission to the state board for their review.
- b. The results of the review shall be transmitted to the local board of education in writing.
- B. Program budget amendments or late program budget requests may be submitted after February 1. To be eligible for aid, amendments or requests shall be approved by the commissioner of education prior to changing the state obligation. Amendments are necessary when:
- 1. The total requested budget varies plus or minus more than 10 percent from the approved program budget, or
- 2. The change in budget between programs, administrative or support services exceeds 20 percent.

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

C. Annual report. Districts and centers shall maintain records of revenue and disbursements for programs, administrative and support services for which vocational aid is requested in accordance with the uniform financial accounting and reporting system. Final report data shall be submitted to the commissioner of education by August 15 of each year.

(EDU 1978)

### § 1.0086 Student eligibility.

- A. A student who is eligible to attend a Minnesota senior secondary public school is eligible to enroll in the vocational programs of the school. A student enrolled in a work experience/career exploration (WE/CEP) program is expected from this student eligibility requirement.
- B. Students from other states or provinces may be served. When nonresidents of Minnesota are provided approved instructional programs, administrative and support services in Minnesota districts or centers, aid requests shall be prorated to reflect only the percentage of Minnesota students being served. (EDU 1978)
- § 1.0087 These rules shall become effective on July 1, 1978. (EDU 1978)
- § 1.0088 Contracts with public or private agencies for vocational programs.
- A. When a school district or cooperative center contracts with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education services, a legally binding contract must exist.
- B. Secondary vocational education programs offered by the contracting public or private agency shall comply with all rules governing vocational education except for teacher-student ratios in order to be eligible for aid.
- C. A district or cooperative center shall receive aid as provided in Laws of 1978, ch. 764, § 71.
- D. Contracts with public or private agencies for secondary vocational education programs shall be submitted by the school district or cooperative center to the commissioner of education for approval at the time of submission of the budget for the following school year. (February 1.)

(EDU 1979)

# Chapter Six: Post-Secondary Vocational-Technical Education 5 MCAR § § 1.0100-1.01101

5 MCAR § 1.0100 Application. A school district desiring to be designated as an area vocational-technical institute district shall make written application to the state board for vocational education (state board of education).

(EDU 1956 s 5029; 1959; 1976; 1978)

5 MCAR § 1.0101 Basis for approval. The state board for vocational education in considering a request for designation of a school district as an area vocational-technical institute district shall consider such a request based on the following criteria: geographic location; population density; and whether such school district possesses sufficient financial resources to establish, operate, and maintain the proposed area vocational-technical institute. Districts designated by the state board for vocational education shall be eligible to receive post-secondary vocational-technical aids. Assignments of publication or production rights shall be determined cooperatively between the area vocational-technical institute district and the state of Minnesota.

(EDU 1956 s 5030; 1959; 1976; 1978; 1980)

- 5 MCAR § 1.0102 Program approval. The following requirements will apply to all requests for initial and annual program approval. Only approved programs can be a part of the district's budget request.
- A. Appropriate work stations for each student shall be provided in all post-secondary supervised cooperative education or internship programs.
- 1. Training agreements and training plans shall be used by all supervised cooperative education and internship programs and shall be on file in the area vocational-technical institute.
- 2. Training assignments and work stations shall be evaluated by the students, the employers and the staff and these evaluations shall be in writing. All programs, including cooperative and internships, shall be supervised by the appropriate area vocational-technical institute instructional staff.
- 3. Length of internship shall be established by the local board after receiving the recommendation of the program advisory committee and approved by the commissioner of education, except when the internship program is regulated by the accrediting agencies related to that program.
- B. A program's advisory committee shall include membership of persons employed in that occupation or at a supervisory level of that occupation and shall be appointed by the local board.
- 1. The program advisory committee shall choose from its membership a chairperson and other officers as it deems necessary.

- 2. Each program advisory committee shall meet at least once a year and more often if deemed necessary by the advisory committee or the director.
- 3. The program advisory committee shall review annually the following appropriate criteria and make recommendations to the local board and the administration:
  - a. Curriculum;
  - b. Facility and equipment;
  - c. Staff recruitment;
  - d. Student recruitment;
  - e. Student placement;
  - f. Job availability;
  - g. Training stations.
- 4. Each program advisory committee membership list and minutes of each committee meeting shall be on file at the area vocational-technical institute and available for review by the commissioner of education.
- C. All major program redirections shall be reviewed and approved by the commissioner of education prior to implementation.
- D. The commissioner of education shall review and approve program title, length, and curriculum modifications.
- E. The cost of the program shall be related to the benefits to students and business and industry.
- F. Instructional programs shall have an enrollment of ten or more average daily memberships (ADM) per each full-time equivalency (FTE) staff. When more than one program section is in operation an average may be used. Exemptions shall be given where licensure requirements are specifically established or on recommendation of other state industry groups. Exemption may be granted by the commissioner of education when adequately justified. Programs not meeting the minimum student requirement shall be placed on one-year probation during which enrollment must meet the ten student criteria in order to receive subsequent approval.
  - G. Post-secondary instruction shall be provided on either a full-time or part-time basis by the local district.
  - 1. Full-time student day means six-clock hours per day or a total of 30 hours per week in laboratory and shop subjects, technical subjects, related subjects, and supervised on-the-job work experience of cooperative or internship programs.

- 2. An extended time student/program shall have a maximum duration of nine hours per day or 45 hours per week.
- 3. Part-time instruction means less than six hours per day, based on the needs of the student and the occupation being served. Provision for part-time students shall be at the discretion of the local district subject to the program approval process with the state board for vocational education.
- 4. A part-time student/program shall have a minimum duration of five hours per week with a minimum of one hour in any one day.
- 5. Part-time student instructional hours shall be accumulative and computed to equal no less than six hours of instruction for one average daily membership equivalent for funding purposes. Foundation aid shall be paid on all part-time students with their hourly enrollment converted to average daily membership.
- 6. Part-time students shall be dropped from aid eligibility records when they have been absent all scheduled days of attendance in a 15 day period of full time operation.
- 7. A part-time program shall have the same objectives and run in the same sequence as a full-time program.
- 8. AVTI's shall notify the commissioner of education in writing of the intent to begin a part-time offering of a program at least 30 days prior to commencing instruction in the program.
- H. Annual student placement shall be 51 percent or greater of students who have completed their educational objectives and are available for employment. However, special needs students may be exempt from the placement criteria. Placement and enrollment reports shall be submitted to the commissioner of education upon request.
- I. The state board for vocational education may exempt students of certain programs from the 51 percent criteria if economic conditions, deemed to be temporary in character, are influencing placement.
- J. The local district shall be responsive to current and projected manpower needs and the population groups to be served in the various geographic areas and communities of the state.
- K. Each director of an area vocational-technical institute shall conduct an evaluation each calendar year based on the goals and objectives of the vocational-technical programs as approved by the state board for vocational education for that local district. Those institutes with programs subject to review by national or state accrediting bodies shall 30 days prior to that review provide the date of the review and copies of all information required by the review body to the commissioner of education.

L. Evaluation visits shall be made by the commissioner of education at the rate of seven area vocational-technical institutes per year, or more, for the purposes of conducting on-site evaluations of the existing programs in each institute. A cycle of program evaluations by experts from business and industry will be completed every five years. On-site self-evaluations shall be submitted by the institutes to the commissioner of education in the intervening years.

(EDU 106, 1976; renumbered 1978; 1979; 1980)

- 5 MCAR § 1.0103 Administrative and support service requirements. The local board of education shall provide for:
- A. Vocationally licensed administrative and supervisory staff as per the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.
- 1. The director of an AVTI shall have an administrative advisory committee of representatives from the service area.
- 2. The total administrative/supervisory development staff shall not be more than one full-time equivalent (F.T.E.) for 12 F.T.E. instructors, except upon application for variance to the commissioner of education.
- 3. Staff whose function is business, purchasing, or personnel affairs of the school district shall not be included in the above ratios.
- 4. Upon written notification to the state board for vocational education, additional staff may be added above the instructor and administrative/supervisor ratio, if funded from sources other than the state department of education.
- 5. For those local districts who employ differentiated staffing for their operation, the total staff ratio shall not be less than 1 to 10 students or a combination of some of, or all of the following ratios:

1	-	supervisor	= '	.1
1	-	instructor	=	1.0
1	-	instructor aide	=	.7
1	-	clerical aide	=	.3
1	-	student aide	=	.3

- B. Student personnel services.
- 1. Student personnel staff employed shall meet licensure requirements in the Minnesota State Plan for Vocational-Technical Education or if superseded, by state rules for vocational-technical education.
- 2. Each institute shall have at least one student personnel staff person for each 400 average daily memberships.

- 3. The student personnel services shall provide for:
  - a. Admission counseling;
  - b. Career counseling;
  - c. Personal counseling;
  - d. Placement and follow-up program.
- 4. Student financial aid administrator shall be provided and not included in the ratio set forth in B. 2. above.
- 5. Adjustments to the student personnel ratio based on special make up of the student body in a given location may be approved by the Commissioner of Education.
  - C. Secretarial and clerical staff shall be employed.
- D. The business manager shall establish and manage a fiscal and statistical system in compliance with Minnesota statutes affecting the governance of an area vocational-technical institute for all expenditures and revenue accounts.

- A. Deductible fees shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee.
- B. No tuition shall be charged to handicapped/disadvantaged students for the additional hours of instruction received beyond the approved program length as established by Minn. Stat. § 124.562, subd. 2, as amended by Laws of 1979, ch. 334, art. V, § 10.
- C. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition shall be prorated for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individual instruction. Daily tuition shall be prorated by dividing the quarterly tuition by 60, (the standard number of days in the quarter), and rounded downward to the nearest cent. Hourly tuition shall be prorated by dividing the daily rate by 6, (the standard number of hours in a school day), and rounded downward to the nearest cent. This formula for prorating tuition shall apply to resident and nonresident tuition.
- D. Collection of tuition shall be on the basis of four periods per year as determined by the local calendar. No single period shall exceed 65 school days. Tuition may not be demanded more than 15 consecutive school days in

advance of the time period but a student may pay in advance. Tuition may be delayed only upon initial application for tuition subsidy in any given year or guaranteed receipt from an agency.

- E. A late penalty may be charged not to exceed \$10.00 per period established pursuant to D. of this rule. The penalty assessment period is the period of time between the date tuition was demanded and the commencement of classes.
- F. Each district shall have an attendance policy. Students who notify the school of their withdrawal shall be dropped from the roll upon date of notification. Students absent for 15 consecutive school days shall be classified as withdrawn.
- G: Students in continuous enrollment programs may be maintained on the roll for a vacation or a personal leave not to exceed 15 consecutive school days.
- H. Upon prior approval of the Commissioner of Education, a district may add additional hours for membership not to exceed ten percent of the approved hours of the program for disadvantaged or handicapped students. Handicapped students are those who are mentally retarded, hard of hearing, deaf, speech impaired, visually impaired, orthopedically impaired, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational educational program without special education assistance or who require a modified vocational education program. Disadvantaged students are those who have academic or economic handicaps and who require special services and assistance in order to enable them to succeed in vocational education programs.
- I. Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR § 1.0104 C. For such students the 15 day refund established by Minn. Stat. § 124.565, subd. 3, as amended by Laws of 1979, ch. 334, art. V, § 20 shall commence with the date of scheduled entry. (EDU 102, 1976; renumbered 1978; 1979; 1980; 1981)
- 5 MCAR § 1.01041 Definition. The term allocation or preliminary allocation means the level of funding recommended to the State Board for Vocational Education by the Division of Vocational-Technical Education.

(5 MCAR 1981)

5 MCAR § 1.01042 Instructional aid. Instructional aid shall be allocated to the area vocational-technical institutes in accordance with the formula prescribed in Minn. Stat. § 124.5621.

(5 MCAR 1981)

5 MCAR § 1.01043 Post-secondary vocational supply aid.

A. Post-secondary vocational supply aid shall be allocated to each AVTI for those items of expenditure enumerated in Minn. Stat. § 124.5622, subd. 4

### B. Supply aid allocation.

- 1. The Division of Vocational-Technical Education shall review each instructional and support services program budget submitted by the AVTI. The budget shall be reviewed and approved, modified or reduced giving consideration to the following factors:
- a. The historical average of per student supply costs for the program.
- b. The average per student cost of supplies for all similar programs in all AVTIs offering such programs.
  - c. Continued operation of the physical plant.
- 2. The Division of Vocational-Technical Education shall annually establish inflationary factors which will govern increases in the various categories of supplies. These inflationary factors will be a two year forecast from the base year which is the fiscal year immediately preceding the deadline for the submission of budgets to the Division of Vocational-Technical Education by the AVTIs. The Division of Vocational-Technical Education shall obtain estimates of cost for the types of items most commonly purchased by the AVTIs over the two year span of time in determining the inflationary factors from the State Economist, Department of Finance.
- a. Separate factors shall be established to determine allowable increases for petroleum related supplies and non-petroleum related supplies.
- (1) For petroleum related supplies, the following indexes shall be utilized:
  - (a) Wholesale price index-refined petroleum products.
  - (b) Wholesale price index-rubber and plastic products.
- (2) For non-petroleum related supplies, the following indexes shall be utilized:
  - (a) Wholesale price index-lumber and wood products.
  - (b) Wholesale price index-chemicals and allied products.
  - (c) Wholesale price index-metals and metal products.
- b. These inflationary factors shall be transmitted to the AVTIs not less than 90 days prior to the deadline by which the AVTIs must submit budget requests to the Division of Vocational-Technical Education.

- 3. Each school board which has established an AVTI shall implement policies to recover the cost of supplies purchased for resale to students and the public.
- a. For instructional programs in the food service area, such rates of recovery shall be established in consultation with the Division of Vocational-Technical Education. Each food service instructional program will be compared to similar programs offered in other AVTIs to annually adjust the rate of recovery by considering the following factors:
  - (1) To provide maximum instructional benefits to students.
  - (2) To minimize the net cost to the program.
- b. For all other instructional programs, the rate of cost recovery shall ensure that the total revenue from the resale of supplies shall not be less than the cost of acquisition of supplies purchased for resale.
- 4. Each AVTI that submits a program budget wherein the increased cost of supplies exceeds the two year forecast of inflationary factors established in B.2. above shall justify such increases in writing. This justification shall be submitted to the Division of Vocational-Technical Education with the budget requests to receive consideration.
- 5. In the event that the total request for supply aid for an individual AVTI does not exceed the base year expenditure plus the inflationary factors established in B.2. above, the Division of Vocational-Technical Education shall give preliminary approval to the request subject to the later necessity of prorated reductions applied to all AVTIs subject to the following:
- a. When the total requests for supply aid are equal to or less than 105 percent of the funds appropriated for this purpose, each AVTI shall have its request reduced by an equal percentage so that the allocations make maximum use of but do not exceed the funds appropriated for this purpose.
- b. When the total requests by all AVTIs for supply aid exceed 105 percent of the funds appropriated for this purpose, an AVTI which requests supply aid in excess of its base year expenditures as adjusted by the inflationary factors established in B.2. above may have its request reduced to an amount equal to the base year amount. This reduction shall be accomplished on a program by program basis by the Division of Vocational-Technical Education in consultation with the AVTI Director. In effecting such reductions, consideration shall be given to the factors enumerated in B.1.a.-c. above.

(5 MCAR 1981)

## 5 MCAR § 1.01044 Post-secondary vocational capital expenditure aid.

A. Post-secondary vocational capital expenditure aid shall be allocated to each AVTI for those items of expenditure enumerated in Minn. Stat. § 124.5624, subd. 3.

- B. Capital equipment aid allocation.
- 1. Each AVTI shall establish an order of priority for its capital aid requests. In establishing the order of priority, the AVTI shall give consideration to the enhancement of the safety of the students and staff and the replacement of technologically obsolete and/or worn out equipment.
- 2. All requests for the purchase of equipment which have a unit cost of \$1,000 or more shall be justified in writing as a part of the documentation supporting the program budget request. The Division of Vocational-Technical Education shall review such requests giving consideration to the needs of the program as compared to similar programs offered in other AVTIs.
- 3. All projected capital expenditures which have a unit cost of \$4,000 or more are subject to approval by the Commissioner of Education prior to purchase. This includes remodeling and site improvement projects with a cost of \$4,000 to \$50,000. These items shall be included in the appropriate program budget. Such approval shall be sought and given separately from the budget review in accordance with Minn. Stat. § 124.5624, subd. 5 (Supp. 1979).
- a. These requests shall have the specific authorization of the school board which governs the AVII.
- b. The Division of Vocational-Technical Education shall review and approve, modify or reduce the request giving consideration to the following factors:
- (1) The historical pattern of capital and/or equipment expenditures for that AVTI.
  - (2) A comparison with similar programs offered in other AVTIs.
- (3) Current practices for facilities or types of equipment utilized in industry.
- C. Preliminary allocations of post-secondary vocational capital expenditure aid for items not exceeding a unit cost of \$50,000.
- 1. When the total requests for capital expenditure aid are equal to or less than 105 percent of the funds appropriated for this purpose, each AVTI's request shall be reduced by an equal percentage so that the allocations make maximum use of but do not exceed the funds appropriated for this purpose.
- 2. If the total request for capital expenditure aid exceeds 105 percent of the funds appropriated for this purpose, each AVTI's budgets shall be reviewed by the Division of Vocational-Technical Education. The Division of Vocational-Technical Education shall contact the Director of the AVTI for the purpose of effecting reductions in the request giving consideration to the factors set forth in B.1.-3, above prior to the scheduled budget review with

the Division of Vocational-Technical Education. The AVTI Director shall be notified in writing as to the amount of the reduction.

- D. Remodeling and construction requests. Requests for remodeling or construction with an estimated cost in excess of \$50,000 but not exceeding \$150,000 are subject to prior approval by the State Board for Vocational Education in accordance with Minn. Stat. § 121.912 (Supp. 1979).
- 1. The State Board for Vocational Education shall review such requests giving consideration to the following factors:
- a. The specific authorization of the request by the school board which governs the AVTI.
- b. The remodeling or construction of facilities requested will provide adequate space for existing programs presently housed within district buildings or as a replacement for unsuitable rented space.
- c. Construction requests for facilities identified in b. above shall be reviewed giving consideration to:
- (1) A comparison with the facilities for similar programs offered in other AVTIs on a per student basis.
- (2) Requirement to meet Occupational Safety and Health Act standards.
- 2. The State Board for Vocational Education shall review and approve, modify or reduce any requests for remodeling or construction and shall allocate available funds to meet the most critical needs as determined through the review of the factors set forth in D.1.a.-c. above.
- 5 MCAR § 1.01046 Final allocations shall be made by the State Board for Vocational Education pursuant to Minn. Stat. § 124.561, subd. 3a (Supp. 1979).

(5 MCAR 1981)

5 MCAR § 1.01047 Local responsibility and authority for fund expenditures. Following the final approval of all budget categories, the school board governing an AVTI has the responsibility and authority for expenditure of these categorized aids within the legal constraints of the appropriate statutes.

(5 MCAR 1981)

### 5 MCAR § 1.01051 Contingency fund.

### A. Scope.

1. The contingency fund shall be utilized to promote new or expanding industry in Minnesota which creates ten or more new jobs in any consecutive six month period in one general work classification, such as production workers, office personnel or management.

- 2. For post-secondary program purposes the contingency fund shall be limited for start-up costs of new and unique programs and meet the requirement of program approval in 5 MCAR § 1.0102.
- 3. For adult vocational program purposes the contingency fund shall be limited to operational costs of programs. In addition to meeting the requirements of program approval in 5 MCAR § 1.0112 adult vocational programs utilizing the contingency fund shall also meet the criteria set forth in B. below.
- B. Criteria. The following criteria shall be met before approval will be granted:
- 1. The AVTI considering a program shall submit the proposal to the Department of Economic Development for their recommendation. The recommendation shall become part of the proposal submitted to the Division of Vocational-Technical Education.
  - 2. All training will be conducted by an AVTI.
- 3. The company requesting a training program must first recall all personnel previously employed by the company who are qualified in the area for which training is to be provided. Training shall be made available, but not limited to, nonqualified individuals not recalled by the company.
- 4. The AVTI considering a program shall consult with the Department of Economic Security to:
- a. ascertain that no trained persons are available to fill the positions requested by industry and
  - b. identify potential students for the training program.

The AVTI considering a program shall also ascertain that no current graduating AVTI students are available to fill the positions.

The above information shall be included in the proposal to the Division of Vocational-Technical Education.

- 5. CETA prime sponsors shall be included in planning to provide for the utilization of CETA funds whenever the program or trainees qualify under CETA criteria.
- 6. The AVTI developing the program shall submit the proposal to the company for whom the training is being designed for their recommendation. A signed copy of the company's recommendation shall be included with the proposal to the Division of Vocational-Technical Education.
- 7. Two or more companies which have similar training needs, with a combined training need of ten or more, are eligible applicants if they agree to a combined training program.

- C. Eligible reimbursable costs to the AVTI's:
  - 1. All instructor costs, including fringe benefits.
  - 2. Supplies needed for training.
- 3. Equipment purchase, lease or rental including cost of installation. Purchased equipment shall become property of the AVTI subject to the right of the Department of Education to transfer the property to another AVTI to further the purpose of the contingency fund. If so transferred the AVTI shall not retain any interest in the equipment. If equipment belonging to a company is installed the cost of installation shall not be eligible for reimbursement.
- 4. Building rental or lease except properties of the company for whom training is provided.
- 5. Upon prior approval of the Commissioner of Education, project coordinators may be funded when the training project can not be satisfactorily handled by the adult vocational directors of the cooperating AVTI.
  - 6. Secretarial costs directly related to the training program. (5 MCAR 1980)

## 5 MCAR § 1.0106 Construction.

- A. Expenditures for approved construction projects shall be eligible for aid to the extent allowable by law in the fiscal year in which monies are paid to retire the principal amount of bonded indebtedness relating to the projects, and monies expended from funds other than those acquired by incurring bonded indebtedness. In unusual situations in which federal funds become available without sufficient time to follow procedures set forth in the Minnesota State Plan for Vocational-Technical Education, the State Board of Education may obligate funds for construction projects, with the concurrence of the U.S. Commissioner of Education.
- B. Construction of area vocational-technical institute facilities eligible for aid from funds will be limited to eligible purposes and activities. Where an area vocational-technical institute includes construction for ineligible purposes, the cost of such ineligible facility will be determined by ascertaining the ratio that the cost of eligible facilities bears to the total cost for all facilities in the project.
- C. When area vocational-technical institute construction becomes eligible for federal financial participation under acts other than 20 U.S.C. § 1262, eligible aid will be prorated.

(EDU 1978; 1980)

5 MCAR § 1.0108 Debt service aid. Districts eligible for debt service aid shall

receive the state portion not more than 30 days nor less than 15 days prior to payment date as certified to the Commissioner of Education in the budget request.

(EDU 105, 1976; renumbered 1978; 1980)

## 5 MCAR § 1.0109 Student eligibility.

- A. The student shall be at least 16 years of age and shall have completed or terminated secondary education. Non-high school graduates less than 18 years of age shall, when possible, involve their secondary school administrators and/or counselors and parents or guardian in the application process.
- B. Resident status shall be determined at the time of each registration according to the permanent residence of the student's parents or guardian for students under 18 years of age, and according to the permanent residence of the student if he/she is 18 years of age or older. In addition:
- 1. Any student who has graduated from a Minnesota high school and has not established legal residence in any other state shall be considered a resident of Minnesota. Service in the armed forces of the United States shall not be considered a disruption of continuous residence.
- 2. Any student who has been employed full-time in Minnesota prior to the date of entrance to an area vocational-technical institute shall be granted resident status, provided all income derived from such employment was subject to taxation by the state of Minnesota and the person meets the residency requirements of a qualified voter in the state.
- 3. The spouse of a Minnesota resident shall be granted resident status provided:
  - a. That he/she is living with his/her spouse.
- b. That the couple's place of residence is within the state of Minnesota.

This rule shall apply regardless of the age of either spouse. (EDU 108, 1976; renumbered 1978)

## 5 MCAR § 1.0110 Reciprocity among states for vocational education.

- A. Reciprocity is contingent upon the execution of a reciprocal agreement as prescribed by Minn. Stat. § 136A.08.
- B. To qualify for tuition reciprocity under this section, a Minnesota student desiring to attend a vocational institute in another state shall obtain the approval, on the prescribed form, of the director or other authorized official of the Minnesota area vocational-technical institute nearest the residence of the student.

(EDU 68, 1972; renumbered 1976; 1980)

## 5 MCAR § 1.01101 Student organizations.

- A. Student professional organizations shall be an integral part of all program offerings when the organization is approved by the state board of education.
- B. Costs related to state board for vocational education approved student organizations shall be considered instructional costs for student organizations in vocational-technical education.

(EDU 109, 1976; renumbered 1978; 1980)

## Chapter Six-A: Adult Vocational-Technical Education

5 MCAR § 1.0111 Scope. Rules 5 MCAR §§ 1.0111-1.0117 govern the operation of adult vocational-technical programs offered by a school district or cooperative center for which state aids are paid.

(EDU 1978; 5 MCAR 1982)

- 5 MCAR § 1.0112 Program criteria. An adult vocational-technical program shall meet the following criteria to be approved as eligible for state aid.
- A. Enrollees. The enrollees shall have completed or terminated secondary school. They shall be at least 16 years old.
- B. Instructor licensure. For the purpose of B., instructor includes a specialist, a guest lecturer and a resource person. An instructor shall hold a valid adult vocational-technical license in the area taught. An instructor who teaches more than 500 clock hours annually shall meet full-time adult licensure requirements or post-secondary licensure requirements in the area taught if full-time adult licensure requirements do not exist. An instructor who teaches six hours or less in three consecutive months on any individual program is not required to hold a license in order to teach in that program.
- C. Administrative services. Administrative services shall be provided to administer the adult vocational-technical program needs.
- D. Advisory committee. The district or center shall have either an adult vocational-technical advisory committee or program advisory committees for each occupational area in which courses are offered. A district or center may have both types of committees. A committee shall meet at least once a year. District or center employees shall not be voting members of the advisory committees in the district or center in which they are employed but may serve as ex officio nonvoting members.
- E. Evaluation. The district or center shall conduct an annual evaluation. The evaluation shall be based on the following concepts:
  - 1. planning and development;
  - 2. needs assessment;
  - 3. diversity of offerings;
  - 4. management; and
  - 5. program operations.
- F. Review by accrediting body. If a program is subject to review by a national or state accrediting body, the district or center shall notify the

Department of Education of the review date at least 30 days before the review. The district or center shall copy all information supplied to the accrediting body and retain the copies.

(EDU 1978; 5 MCAR 1979; 1980; 1982)

- 5 MCAR § 1.0113 Course criteria, procedures and priorities. For purposes of this rule, a course includes an adult vocational course, workshop or instructional services.
- A. Course criteria. A course shall meet one or more of the following criteria to be approved as eligible for state aid.
- 1. The course is vocational in nature. Courses which train, retrain or upgrade adults for paid employment in agriculture, businesses, offices, marketing, distribution, health occupations, trades, industries, technical occupations, and service occupations are vocational in nature. Courses in which adults are pursuing avocational or leisure time activities or hobbies are not vocational in nature.
- 2. The course trains, retrains or upgrades adults who are responsible for public health and safety even if the adults are not financially compensated for the services.
- 3. The course trains, retrains or upgrades adults in occupational areas which have employment opportunities.
- 4. The course trains, retrains or upgrades adults in response to area or state businesses.
- 5. The course trains, retrains or upgrades adults to own, operate or manage a business or farm.
- 6. The course trains, retrains or upgrades adults for occupations in a particular business if the skills and knowledge taught are transferable to other businesses.
- 7. The course teaches consumer skills, resource management, nutrition, parent, individual, and family development, and the care and nurturing of children. Home crafts, home cooking and home sewing courses are not eligible.
- 8. The course trains, retrains or upgrades adults who are required to meet local, state, or federal government standards to enter or maintain an occupation.
- 9. The course has been offered in the past and has been determined by the community to be successful in meeting occupational or public service needs. The term "public service" means courses which promote public health and safety.

- 10. The course provides specialized assistance for persons with special needs who are preparing for economic self-sufficiency when those persons are also enrolled or plan to become enrolled in vocational courses. The term "persons with special needs" includes but is not limited to persons who are disadvantaged, handicapped or have limited English proficiency.
- 11. The course is economical and efficient either as calculated per student, per student per hour, per employer, per family business or when necessary specialized equipment is available at low cost or no cost through a business or school.
- 12. The course provides training in new technology or new equipment and enables adults to retain their present employment.
- B. List of approved courses. The Department of Education shall make available to districts and centers a list of course descriptions that meet the criteria in A.
- C. Prior written approval. A district or center shall not offer a course which is not on the list if it intends to claim state aid unless the district or center has obtained prior written approval for that fiscal year from the department. The department shall approve or disapprove a course within 30 days after it receives a complete, written request for approval.
- D. Course selections and priorities. When moneys available for adult vocational-technical education are insufficient to fund all the courses and services desired, the district or center shall develop and maintain a breadth of course selections. The department shall review course selections to assure that breadth is developed and maintained throughout the state. The department shall give priority to the following when it approves courses for funding:
- 1. Courses addressing needs of adults who are currently unemployed or employed in unskilled, low-paying positions and who have potential for employment in more highly skilled, higher paying positions;
- 2. Courses which are planned, coordinated, and jointly offered with other districts, public or nonpublic agencies or organizations;
  - 3. Programs mandated by the Legislature, if any; and
- 4. Courses likely to improve the economy of the community, area or state by attracting or expanding business.

The foregoing are not listed in any particular order and each is of equal weight.

(5 MCAR 1982)

- 5 MCAR § 1.0114 General and special requirements.
  - A. Applicability. The requirements of B. and C. apply only to courses

other than adult farm management and small business management. The provisions of D.-K. apply only to adult farm management and small business management. The provisions of L. apply to the variances available under C. and I.

- B. Minimum enrollment. A course shall have at least ten people enrolled for vocational purposes to be eligible for state aid. If more than one section of a course is offered, the average enrollment shall be at least ten.
- C. Variance. If the minimum enrollment is not met, the district or center shall apply to the Commissioner of Education for a variance. The commissioner shall grant a variance when:
  - 1. The course is required by law; or
- 2. Fewer than ten people need specialized training to become employed; or
- 3. Fewer than ten people need specialized services to prepare for economic self-sufficiency; or
  - 4. Equipment limitations require fewer than ten people.
- D. Full-time adult farm management instructor. A full-time adult farm management instructor shall have a minimum enrollment of cooperators representing not less than 42 farms, 30 farms of which shall be represented by cooperators who have been enrolled six years or fewer. If the minimum enrollment is not met, the district or center shall apply to the Commissioner of Education for a variance.
- E. New adult farm management. When a district or center first offers instruction in adult farm management or when a new instructor is employed, the minimum enrollment of cooperators representing 42 farms shall be reached within four years. After the first four years, the district or center shall apply to the Commissioner of Education for a variance if the minimum enrollment is not met.
- F. Part-time adult farm management instructor. An adult farm management instructor shall be employed at least 40 percent of full-time. The minimum enrollment in D. and E. shall be reduced proportionately for an instructor employed less than full-time. A fraction smaller than one-half shall be rounded down and a fraction of one-half or larger shall be rounded up to the nearest whole number.
- G. Full-time business management instructor. A full-time small business management instructor shall have a minimum enrollment of 30 adults who have been enrolled three years or fewer. If the minimum enrollment is not met, the district or center shall apply to the Commissioner of Education for a variance.
  - H. New small business management. When a district or center first offers

instruction in small business management or when a new instructor is employed, the minimum enrollment of 30 adults shall be reached within three years. After the first three years, the district or center shall apply to the Commissioner of Education for a variance if the minimum enrollment is not met.

- I. Variance for completion. The Commissioner of Education shall grant a variance from the enrollments required in D.-H. if the variance would allow enrollees to complete the instruction. The variance granted shall be only for the amount of time needed for enrollees to complete the instruction. No adults may begin instruction in adult farm management or small business management unless the number of adults beginning would be sufficient to meet the required minimum enrollments.
- J. Cooperator defined. For the purposes of D., E., F., I., the term "cooperator" means a farm family, consisting of any number of natural persons, responsible for the management of a farm business.
- K. Account analysis. Eighty percent or more of the enrolled adults who have been enrolled in adult farm management or small business management for one year or more, from July1 of any year, shall annually have an analysis of their farm or business accounts.
- L. Procedures for obtaining a variance. Any school district or center which desires to obtain a variance pursuant to C. or I. shall make a request for such a variance in writing addressed to the Commissioner of Education. The request may be in the form of a letter and shall identify the specific rule and subsection under which the variance is requested and shall state the facts which support the request. The Commissioner of Education shall issue a response in the form of a letter addressed to the school district or center not more than 15 days after the receipt of the request from the school district or center. If the request is denied, the affected school district or center may request a review by the state board as set forth in 5 MCAR § 1.0115 H.

(5 MCAR 1982)

### 5 MCAR § 1.0115 Adult vocational aid.

- A. District procedures. A district or center shall use the following procedures when requesting aid.
- 1. It shall authorize an administrator to represent it. The administrator shall hold a valid license as a superintendent, adult vocational director, AVTI director, or secondary vocational director.
- 2. It shall plan and submit the program and state aid budget request to the district school board or the center board. The board shall approve the program and the state aid budget request before submitting them to the department.
- 3. It shall submit the program and the state aid budget request by January 1 preceding the fiscal year in which aids are to be paid.

- 4. It may submit additional state aid budget requests for any moneys remaining after the initial budget approval dates designated in B.
- 5. It shall conduct the program for which aid is approved or return the aid.
- 6. It shall submit adult report forms by August 15 for the program that was conducted during the preceding state fiscal year.
- B. Department procedures. The department shall approve or disapprove the program and state aid budget request by July 1 in odd numbered calendar years or by March 1 in even numbered calendar years.
- C. Aid for personnel. The state shall pay 75 percent of salaries paid to essential licensed personnel and personnel exempt from licensure. Salaries for instructors, coordinators, administrators, specialists, guest lecturers and resource personnel as part of an approved program are eligible for aid if licensure requirements are met.
- D. Administrative staff. A district or center is eligible for aid for one fulltime equivalent adult vocational licensed administrative staff member if either of the following conditions is met.
- 1. The district or center enrolls 2,000 or more adults annually in approved programs. Adults enrolled in more than one program may be counted in each program in which they are enrolled.
- 2. The district or center provides supervision to all full-time adult instructors through the vocational administrator and maintains 2,500 instructional hours of part-time vocational education. Courses with full-time instructors may be counted as 200 instructional hours toward this requirement.
- E. Additional administrative staff. A district or center is eligible for additional full-time equivalent administrative staff when increments of D.1. or 2. are met. If a district or center has less than a complete increment of D.1. or 2., it is eligible for proportionate additional part-time administrative staff.
- F. Only the portion of time devoted to adult vocational-technical programs shall be eligible for aid.
- G. Aid for travel. The state shall pay 50 percent of the cost of necessary travel between instructional sites for essential licensed personnel.
- H. Review by the state board. If the department disapproves a proposed adult vocational education course for purposes of being eligible for state aid pursuant to 5 MCAR § 1.0113, or if the Commissioner of Education denies a variance requested pursuant to 5 MCAR § 1.0114, the affected school district or center may, within 15 days of the date of the department's or commissioner's decision, as applicable, demand and shall be given an opportunity to present its position to the State Board of Education (State Board for

Vocational Education) at the next regular meeting of the State Board of Education. For purposes of this section, the "next regular meeting of the State Board of Education" means the next regularly scheduled meeting of the State Board of Education occurring not less than 20 days after receipt by the department or commissioner of the school district or center's demand. The state board may place reasonable restrictions on the length of time for the district or center to present its position. The board may issue its decision at the meeting and shall, in any event, issue its decision no later than its next regularly scheduled board meeting.

(EDU 1978; renumbered 5 MCAR 1979; 1982)

# 5 MCAR § 1.0116 Tuition and fees.

- A. Determination. The district or center shall determine tuition and fees.
- B. Nonresidents. The district or center may charge different tuition and fees to nonresidents of the district or state.
- C. Individuals, employers and agencies. Tuition and fees may be charged to individuals, employers or agencies that sponsor enrollees.
- D. Senior citizens. Any charge made by the district or center of tuition or fees for people 62 years of age or older shall be consistent with Minn. Stat. § § 136A.80-136A.81.
- E. Special situations. An adult enrolled in a full-time adult farm management program for more than six years or a small business management program for more than three years shall be charged record analysis fees and hourly charges. The hourly charge shall be determined by dividing the total direct cost of the program by the hourly assignment of the instructor. Direct cost is the sum of instructional staff salary and travel cost between instructional sites. A full-time adult farm management or small business management instructor load shall constitute 1200 contact hours.

(EDU 1978; renumbered 5 MCAR 1979; 1982)

### 5 MCAR § 1.0117 Nursing assistant program.

- A. Curriculum, test and evaluation. A nursing assistant education program shall use the curriculum and test developed by the Commissioner of Education as reviewed and evaluated by the Board of Nursing. The program shall include an individual written or oral test and performance evaluation. The test shall be administered monthly by the department through area vocational-technical institutes or community colleges in accordance with instructions from the commissioner. The program shall be 30 hours of planned learning activities, exclusive of the evaluation. The commissioner may prescribe a fee for administration of the test not to exceed \$30.
- B. Definitions. In this rule the following terms have the meanings given them.
  - 1. "Nursing assistant" means an individual working in or employed by

a nursing home, including, but not limited to, a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse.

- 2. "Curriculum" means the aggregate of courses of study and planned learning activities developed by the Commissioner of Education.
- 3. "Successfully completed" means the attainment of 70 percent on the oral or written test and 70 percent on the performance evaluation.
- 4. "Supplemental nursing service" means an entity which recruits and employs nursing and ancillary health care personnel for temporary assignments to supplement the staff of health care institutions. It is not an employment agency but the employer of all such personnel assigned.
- C. Technical assistance. Technical assistance provided by the Department of Education may include:
  - 1. Training of instructors;
  - 2. Utilization of the curriculum; and
  - 3 Instructional materials.
- D. Instructional staff qualifications. An instructor for an approved nursing assistant education program shall be:
- 1. A registered nurse with at least 2,000 hours of experience within the last five years, at least 500 hours of which must be in a geriatric or rehabilitation nursing setting; or
- 2. A licensed practical nurse who was teaching this course in a nursing home as of January 1, 1979 who continues to teach this course in that same facility as of January 1, 1982.
- E. Exemptions. The following nursing assistants shall not be required to comply with the education requirements of Minn. Stat. §§ 144A.61 and 144A.611:
- 1. Nursing assistants who began employment in a nursing home on or before December 31, 1978, and who continue employment in the same nursing home in which they were employed on December 31, 1978;
- 2. Nursing assistants who successfully completed after January 1, 1976 a training program for nursing assistants employed in nursing homes which used a program approved by the Department of Education, unless employment has been interrupted for greater than five consecutive years;
- 3. Nursing assistants who successfully completed a state approved nursing education program which prepares an individual for licensure as a

registered nurse or licensed practical nurse if the completion occurred no more than five calendar years prior to employment;

- 4. Persons who have successfully completed the individual oral or written test and performance evaluation, even though they had not taken the course:
- 5. Registered nurses or licensed practical nurses holding current licensure in Minnesota; and
- 6. Nursing assistants who began employment in a supplemental nursing service on or before December 31, 1978 and who continue employment in that same nursing service in which they were employed on or before December 31, 1978, and who have worked a minimum of 12 hours per week for that same supplemental nursing service in a nursing home prior to December 31, 1978. Supplemental nursing services shall provide to the Department of Health by January 15, 1979, a list of all nursing assistants employed by the supplemental nursing services who have worked 12 hours in a nursing home on or before December 31, 1978.

(EDU 1978; 5 MCAR 1980; renumbered 1982)

Effective Date. Rules 5 MCAR §§ 1.0111-1.0117 are effective for programs and courses approved after July 1, 1982.

See aro35757 for new->
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Chapter Seven: Standards and Procedures for the Provision of Special Education Instruction and Services for Children and Youth Who Are Handicapped

5 MCAR §§ 1.0120-1.0129

5 MCAR § 1.0120 Policies and definitions.

Policies.

I Provision of full services. All children and youth who are handicapped and who are eligible for special education services shall have access to free appropriate public education, as that term is defined by applicable law, suited to each child's individual needs including the special education appropriate to his or her development. All school districts shall provide for such education suitable to students' individual needs regardless of the severity of the child's mental, physical or emotional disability, or other impairment or handicap. The responsibility of the school district is not diminished by the availability of nonpublic schools or other services which may be located within the district.

- 2. Least restrictive alternative. To the extent that there are no detrimental effects, children who are handicapped shall be educated with children who do not have handicaps and shall attend regular classes. A handicapped person shall be removed from a regular educational program only when the nature or severity of the handicap is such that education in a regular educational program cannot be accomplished satisfactorily. Furthermore, there must be an indication that the person will be better served outside of the regular program. The needs of the person shall determine the type and amount of services needed.
- 3. Individualized programs. All children who are handicapped must be afforded special education services based on an individual educational plan. Such programs need to include an assessment of the student's performance utilizing licensed personnel, a determination of the student's needs in a team process, an identification of appropriate goals and objectives, a selection of teaching strategies designed to enhance learning, delivery of services in an environment which is conducive to learning, and periodic review and evaluation of the performance of the student.
- 4. Procedural safeguards. When a change in the educational placement or special education service of a child is proposed, including the assessment and program planning processes, procedural safeguards must be assured by the school district. Parents and guardians, and students when appropriate, have the right to be informed of all significant educational decisions. When a child's parents or legal guardians are not available, the school district shall contact the local county welfare department and request the public welfare system intervene on behalf of the child.

- 5. Parental involvement. Parents of handicapped children have a right to be involved by the school district in the education decision making process. Only by consistent and direct involvement of parents will the school receive sufficient input to design and implement an effective program for the handicapped student. Parents and schools are encouraged to cooperate in an open and objective manner, utilizing periodic conferences when possible so that formal hearings are necessary only when substantive disagreements exist between the parties.
- 6. Accountability for instruction and services. As provided in Minn. Stat. § 120.17, subd. 2, the district of residence is responsible for maintaining an appropriate program for all eligible handicapped persons regardless of the method or location of instruction utilized. However, if the handicapped person lives outside of his district of residence under the provisions of Minn. Stat. § 120.17, subd. 6 & 7, the district where the child lives is responsible for providing an appropriate program for the child as set forth in state statutes and these rules including the notice and hearing provisions. In such cases the district of residence is responsible for assuming the cost of the educational program. If the districts do not agree on the tuition rate, either district may appeal to the commissioner as provided in Minn. Stat. § 120.17, subd. 4. The district shall not purchase special educational services for a child from a public or private agency when such service is available or can be made available and can be more appropriately provided as the least restrictive alternative within the district. Whenever it is appropriate for a district to purchase special education service for children who are handicapped and who reside in the district, it continues to be the responsibility of the school district, consistent with the provisions of Minnesota statutes and these rules, to assure and ascertain that such children and youth receive the education and related services and rights to which they are entitled.
- 7. Exclusion and expulsion from school. If it is determined in a pupil fair dismissal act proceeding (Minn. Stat. § 127.26) that the child, by reason of an emotional disturbance or a special behavior problem needs special instruction and services as defined in Minn. Stat. § 120.03, subd. 3, these rules shall apply.
- 8. Physical facilities. Physical aspects and specification of schools, classrooms, and other facilities which will be used by handicapped children, shall
  be designed to meet their special physical, educational and emotional needs.
  To this end, responsible school districts constructing, renovating, or repairing
  facilities which are intended for or are likely to be used by handicapped children, shall plan, locate, design, construct, equip, and maintain them with due
  regard for the special capabilities, handicaps, and requirements of the handicapped children to be accommodated therein.
- B. Definitions. The following terms used throughout these rules shall have the following meanings ascribed to them.
- 1. "Education" includes the terms "educational service," "educational program," "special education services," and "regular education program" as

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they are defined and used herein, and means any appropriate training, instruction, and aids and services designed to further the intellectual, academic, verbal, physical, emotional, cultural, adaptive behavior, sensory, or social development of the student.

- 2. 'Regular education program' means the normal elementary or secondary education environment, including the instruction, training, aids, and services in the classroom or other appropriate places.
- 3. "Special education services" means any specially designed instruction to meet the unique needs of a handicapped person, including classroom instruction or instruction in the home, hospital, institution, residential facility or other public or private facility providing special instruction and services pursuant to Minn. Stat. § § 120.17 and 124.32. This term includes, but not by way of limitation, the education, instruction, training, aids and services and/or ancillary or supplementary and supportive aids and services necessary for the education of handicapped persons. This term also includes, but not by way of limitation, related services such as transportation, and developmental, corrective, and other supportive services including medical and counseling services, except that such medical services shall be for diagnostic or assessment purposes only, as may be required to assist a handicapped person to benefit from special education services. For purposes of this rule the term also means and includes a "primary placement in a special education program" as that term is defined and used herein; and "special instruction and services," "supplementary services" and "special education program" as those terms are defined and used in Minn. Stat. § 120.17.
- 4. "Primary placement in a regular education program" means an educational program wherein a regular classroom teacher(s) has the primary responsibility for the student's daily program planning, for parent conferences, and for curriculum content; and where special education staff member(s) play no daily role in the education of the student or where they are providing part-time supporting instruction or services for the student.
- 5. "Primary placement in a special education program" means an educational program wherein a special education staff member(s) has the primary responsibility for the student's daily program planning, for parent conferences, and for curriculum content; and where regular classroom teacher(s) play no role in the education of the student or where they are providing parttime supporting instruction or services for the student.
- 6. "Providing school district" means a school district as that term is defined and used under Minn. Stat. § 120.02 which maintains an educational program for the handicapped person.
- 7. "Resident school district" means the district where the handicapped person's parent or guardian resides or the district designated by the commissioner as provided in Minn. Stat. § 120.17, subd. 6 and 8a.
  - 8. "Special education facility" means a school or any portion thereof,

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supplemental facility, or any other building or structure or part thereof, intended for use of or likely to be used in meeting the educational and related needs of handicapped children.

- 9. "Handicapped persons" includes the term "student," and "child" or "person" and means those "handicapped children" as defined by Minn. Stat. § 120.03 and amendments or supplements thereto. Determination of a handicapping condition shall be made by qualified personnel in accordance with recognized professional standards and consistent with the provisions of 5 MCAR § 1.0124 and 5 MCAR § 1.0125. These rules shall not apply to persons receiving home or hospital instruction unless they have a presenting handicapping condition as described above.
- 10. "School age" means the age of four to twenty-one years for all handicapped children as defined in Minn. Stat. \$ 120.03 and shall not extend beyond secondary school or its equivalent.
- 11. "Least restrictive alternative" means the principle that to the maximum extent appropriate, handicapped persons, including those in public or private institutions or other care facilities, are educated with persons who are not handicapped, and that special classes, separate schooling, or other removal of handicapped persons from the regular educational environment shall occur only when and to the extent that the nature or severity of the handicap is such that education in regular classes with the use of special education services cannot be achieved satisfactorily. Furthermore, there must be an indication that the person will be better served outside of the regular program. For the purposes set forth therein this principle shall include the following "Continuum of Placement Model."

## "Continuum of Placement Model"

- Level 1. Students in regular classrooms functioning appropriately without any special education services. This level includes assessment services, monitoring, observation and follow-up.
- Level 2. Students with handicaps functioning appropriately in the regular education program with the assistance of special education supportive services being provided to the classroom teacher.
- Level 3. Students with handicaps functioning appropriately in a primary placement in a regular education program, but needing direct service assistance from special education personnel.
- Level 4. Students with handicaps functioning appropriately with a primary placement in a special education program.
- Level/S. Students with handicaps functioning appropriately in a primary placement in a special education program at a nonresidential school for children and youth who are handicapped.

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Level 6. Students with handicaps functioning appropriately in a primary placement in a special education program at a residential facility for children and youth who are handicapped.

- 2. "Formal educational assessment," referred to in these rules also as an "assessment," is defined as an individual evaluation, conducted in accordance with recognized professional standards and the provisions of 5 MCAR § 1.0124, of a person's performance and/or development for the purpose of determining the need for initiation or change in his or her educational program including special education services.
- 13. "Patent" or "parents" include a biological mother or father, an adoptive mother or father, a legally appointed guardian, or such agency or other person appointed pursuant to 5 MCAR § 1.0123. All rights and responsibilities as provided herein belong to a person when the person is 18 years of age, unless the person is under legal guardianship.
- 14. "Recognized professional standards" means reasonable principles and concepts accepted by acknowledged experts that bear a direct relation to the particular needs of the student.
- 15. "Days" shall be construed to exclude Saturdays, Sundays, and days school is not in session when used in 5 MCAR §§ 1.0121-1.0127. "Days" shall be construed to mean calendar days when used in 5 MCAR §§ 1.0128 and 1.0129.
- 16. Nondiscrimination for purposes of this rule means the requirement that school districts shall:
- a. not discriminate in any manner in the full utilization of or benefit from any educational institution of the services rendered thereby because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability and otherwise comply with the provisions of Minn. Stat. ch. 363;
- b. provide procedures that insure that in accordance with recognized professional standards, testing and evaluation materials and procedures utilized for the purposes of identification, assessment, classification, educational program plan development, educational placement including special education services, program implementation, review and evaluation, notice and hearing are selected and administered so as not to be discriminatory including cultural discrimination. All such procedures and materials shall take into account the special limitations of handicapped persons and the racial or cultural differences presented by persons and must be justified on the basis of their usefulness in making educational program decisions which will serve the individual student.
- 17. "Proposed action" for purposes of this rule shall be construed to mean a providing school district's proposed initiation or change or refusal to initiate or change a child's educational placement or special education services

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5 MCAR § 1.0120 39

as set forth in 5 MCAR § 1.0125 E. or an educational assessment or feassessment as set forth in 5 MCAR § 1.0124 B.

- 18. "Individual educational program plan" referred to in these rules also as a "program plan," means a written statement for each handicapped person setting forth the person's educational needs and the educational program, including special education services, to be provided to such person. The program plan shall be developed in accordance with and contain the information required by 5 MCAR § 1.0125.
- 19. "Public, private or voluntary agencies" for purposes of this rule includes organizations which provide services to preschool and/or school age children. Public schools are not included in this definition.
- 20. "Initial formal assessment" means the first formal assessment of a child provided by the district.
- 21. "Initial placement and provision of service(s)" means the first special education placement and provision of special education service(s) by the district

5 Mt AR § 1.0121 Application.

- A. District special education plan. On or before September 1, 1977, each district shall submit to the commissioner the district's plan for providing special instruction and services for all handicapped pupils as required by Minn. Stat. § 120.17. The plan may represent the plan of a single district or a plan for all of the member districts of a formal special education cooperative. The plan shall be considered as part of the annual school district application for program review, but will not be required to be resubmitted annually. The plan shall include descriptions of:
- 1. the district's study procedures for the identification and assessment of handicapped pupils.
- 2. the district's method of providing the special instruction and services for the identified handicapped pupils.
- 3. the district's administration and management plan to assure effective fund efficient results of 1 and 2 above.
  - 4. procedures to assure compliance with state statutes and rules relating to the education of handicapped pupils.
  - B. On or before January 1, 1978, the commissioner shall approve or implement appropriate procedures for modification of the district plan. The commissioner may grant the district a reasonable period of time to make necessary modifications of the plan provided that the commissioner has satisfactory assurances of compliance with standards for the education of handicapped pupils.

# C. Annual application for programs and budget.

- 1. Regular school term—On or before May 1 of each year school districts shall submit to the commissioner an annual application for program and budget approval necessary for determining the special education aids during the next school year. On or before July 1 the commissioner shall approve, disapprove, or modify each application and notify each applying district of his action and the estimated level of education aid to be paid.
- 2. Summer school term—On or before March 15 districts shall submit separate applications for program and budget approval for summer school. The commissioner shall approve, disapprove, or modify each application and notify the district of his action and the estimated level of special education aid by May 1.
- 3. Amendment to applications—School districts shall apply to amend applications as needed during the school term to reflect program and budget changes necessary to meet the changing needs of handicapped pupils in the district.

D. A district may request a variance from the standards provided in 5 MCAR § 1.0122 by submitting supportive rationale in the application. The commissioner shall review this request for variance from standards in accordance with recognized professional standards and shall inform the district of the decision.

(EDU 1977; 5 MCAR) 1980)

5 MCAR § 1.0122 Facilities, staff and supervision

A. Facilities.

1. Housing space. Housing space for each class shall be adequate.

2. Equipment and materials. Each special class and group shall be supplied with the necessary special equipment and instructional materials.

### B. Staff.

- 1. Teachers. Every teacher who teaches a special class must hold a special class license appropriate to the type of handicapped children she or he is teaching.
- 2. Administrators and supervisors. Every administrator and supervisor of any special education program shall hold appropriate licensure.
- 3. Other professional or essential personnel. The qualifications of other professional or essential personnel who are not licensed teachers, administrators or supervisors shall be based upon recognized professional standards and documented by the school district in their application as provided for in 5 MCAR § 1.0121. The commissioner or his designee shall review requests for approval of such personnel assigned to programs for handicapped children.

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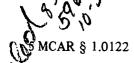
- 4. Special and vocational education. Staff responsible for vocational training of handicapped students shall meet the following criteria if the program is to qualify for special education approval.
  - a. Coordinator of special needs.
    - (1) Licensure in special education.
- (2) Licensed as a coordinator of special needs in vocational education.
  - b. Support service manager.
    - (1) Licensure in any special education disability area.
- (2) Licensed as a support service manager in vocational education.
  - c. Vocational instructor of special needs students.
- (1) Licensure in the appropriate disability area of special education or have a plan for working toward licensure.
- (2) Licensed as a vocational instructor of special needs students in vocational education.
  - d. Teacher/coordinator of work experience.
- (1) A special education license appropriate for the type of handicapped students being taught.
- (2) Licensed as an instructor/coordinator for work experience in vocational education.
  - e. Teacher/coordinator of vocational education work experience.
- (1) Must be coordinated with a special education director or coordinator/lead teacher licensed for the type of handicapped students being taught.
- (1) Must be working cooperatively with a special education licensed teacher who is responsible for the nonvocational instruction.
- (3) Licensed as an instructor/coordinator for work experience in vocational education.
  - f. Vocational evaluator.
    - (1) Licensed as a vocational evaluator in vocational education.

- (2) Working cooperatively with special education licensed personnel to insure that special consideration is related to the students handicapped condition are included in the evaluation and program plan.
  - g. Wocational technical tutor.
    - (1) Licensed as a technical tutor in vocational education.
- (2) Working cooperatively with a special education licensed teacher who is responsible for the nonvocational academic area of instruction.
  - C. Staff to student ratios.
- 1. When persons are in need of special education services in level 5 or 6 of the "Continuum of Placement" model where the primary placement is in a special education program such as a full-time class, special station, special school or residential school, the staff to student ratio shall not exceed:
- a. one teacher for each eight handicapped persons for all categories except as provided in b.
- b. one teacher for six handicapped persons who are autistic or who are deaf/blind providing that two management aides are employed to assist the teacher.
- 2. When persons are in need of special education services in level 4 of the "Continuum of Placement" model where the primary placement is in a special education program such as a resource room or part-time special class the staff to student ratio shall not exceed:
- a. one teacher for every 15 handicapped persons for all categories except as provided in b.
- b. one teacher for every eight handicapped persons who are trainable mentally retarded or visually impaired.
- 3. When persons are in need of special education services in level 3 of the "Continuum of Placement" model where the primary placement is in a regular education program, such as a resource room or special class, the staff to student ratio shall not exceed:
- a. one teacher for every 15 persons for all categories except as provided in b.

Each person must receive special education service for a minimum of one lour per day. When the needs of the student warrants such action, persons hay receive less than one hour per day during the initial or phase out stages.

b. one teacher for every 40 persons who are speech and/or language impaired.

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- 4. When persons are in need of special education services indevel 1 or 2 of the "Continuum of Placement" model where the student is full time in a regular education program and the special education teacher provides consultation and indirect service to the regular classroom teacher and/or assessment, monitoring or follow-up of the student, the staff to student ratio shall not exceed:
- a. one teacher for every 30 persons who are handicapped except as provided in b.
  - b. one teacher for every 60 persons who are speech impaired.
- 5. Whenever a professional is serving children representing a range of severity of problems, is providing more than one level of service, or is providing service at more than one site, the staff to student ratios shall be adjusted accordingly.
- 6. When persons are receiving services from vocational staff involved in 'special and vocational' programs except as provided in 5 MCAR § 1.0122 B4.d., the staff to student ratios of the "Continuum of Placement" model do not apply to that staff.
- D. Supervision. Supervision consistent with the commissioner's recommendations and meeting the following standards shall be provided for each type of special education program.

### 1. Overall supervision

- a. Full-time supervision. The school board in every district with an enrollment of 15,000 of more pupils, and in every district in which 20 or more full-time professional personnel are employed in the special education program, shall employ or designate a qualified person, under an appropriate title, to devote full-time to directing the special education program.
- b. Part-time supervision. The school board shall employ or designate a qualified person to devote part-time to directing the special education program when (a) the enrollment in the school district is 7,500 or more pupils but less than 15,000 pupils; or (b) the number of full-time personnel employed in the special education program is at least 10 but less than 20.

This position shall be reimbursable when the person directing the program on a part-time basis spends the remainder of his time in some area of special education.

School authorities of districts that are required to meet the standard for parttime supervision shall consult periodically with the special education section in regard to full-time supervision.

c. Other. School boards of districts not required to have full-time or part-time supervision as outlined above shall study the feasibility of coopera-

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tive interdistrict sharing of special education supervisory personnel or some other approach aimed at providing direction to the program. See item 4 following.

Individual program supervision.

a) For the following disability categories or areas: (1) deaf and hard of hearing (2) crippled, (3) visually impaired, (4) emotional disturbance, learning disability, or special behavior problems.

The board of every school district in which 15 or more full-time professional personnel are employed in any one of the above disability areas shall employ or designate a full-time person to supervise the program in that area.

The board of every school district in which less than 15 but 5 or more professional personnel are employed in any one of the above disability areas shall consult with the special education section and make provisions for supervision of the program in that area.

b. For the mentally retarded. The school board in every district in which 30 or more full-time professional personnel are employed in the above disability area shall employ or designate a full-time supervisor of the program in that area.

The school board in every district in which less than 30 but 10 or more professional personnel are employed in the above disability areas shall consult with the special education section and make provisions for supervision of the program.

- c. The school board in every district in which speech therapists are employed in the special education program shall submit a plan which will describe and provide appropriate amounts of time for program development, program coordination, program evaluation, in-service training, and individual supervision.
- d. For the following service areas: (1) school social work, and (2) school psychology:
- (1) The school board in every district in which level 1 personnel in either the social work or psychology program are employed for special education programs shall submit a plan which will describe and provide appropriate amounts of time for each level 1 person for individual observation, performance evaluation, consultation, and in-service training by a licensed level 2 person from the respective field.
- (2) The school board in every school district in which level 2 personnel in either the social work or psychology area are employed in the special education program shall submit a plan which will describe and provide appropriate amounts of time for program development, program coordination, program evaluation, in-service training, and individual supervision.

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- e. The school boards of two or more districts may comperatively employ and share supervisory personnel. See item 4 following.
- f. Supervision of programs in any of the affirementioned disability areas shall be provided at both the elementary and secondary level.
  - 3. Cooperative inter-district agreements
- a. Two or more school districts may enter into an agreement to provide supervision of programs for handicapped children, provided that none of the participating districts is required, as outlined in items 1 and 2 above, to employ such supervisory personnel on a full-time basis.
- b. When a group of districts enter into such cooperative agreement, one of the participating districts shall serve as the employing unit.

Each participating district shall pay to the employing district a prorata amount of the net cost of providing such supervisory services. The net cost to be prorated shall be the actual cost less state reimbursement.

State reimbursement for the cost of such services shall be paid to the employing district.

4. The school board of any district unable to comply with the above rules shall consult with the special education section.

H. School day. Deviations from the normal school day for any type of handicapped children shall be approved by the commissioner of education.

5 MCAR § 1.0123 Surregate parents. When a child is the ward of the commissioner of public welfare, when the parent or guardian is unknown or unavailable, or when parental rights have been terminated, the district shall insure that the rights of the child to a free and appropriate education are protected by contacting the local county welfare department and requesting that the public welfare system intervene on behalf of the child. The district shall suggest to the local county welfare system that a contact with the county attorneys office be made to determine whether a guardian ad litem should be appointed.

5 MCAR § 1.0124 Identification and assessment procedures.

- A. Identification of handicapped children.
- 1. School districts shall develop systems for locating all children residing within their jurisdiction who may be handicapped. Those systems shall be designed to identify:
  - a. preschool age handicapped children;

- b. handicapped persons attending school;
- c. handicapped persons of school age who are not attending any school.
- 2. The districts identification system shall be developed in accordance with the requirement of nondiscrimination.
  - B. Formal educational assessment.

#### 1. An assessment:

- a. must be conducted when because of a person's performance in the present educational placement or presenting handicapping conditions, he or she is thought by the school district to be in need of possible initiation or change in the student's educational placement or program or special education services as set forth in 5 MCAR §1.0125 E. which will provide an educational program, including special education services appropriately suited to the person's needs;
- b. must be conducted at least every two years as required by 5 MCAR § 1.0126 B.;
  - c. may be conducted if the parent requests.
  - 2. Prior to conducting an assessment the district shall:
- a. review the screening, referral or other data about the person and select licensed special education personnel and others as appropriate to conduct the assessment;
- b. include on the assessment team licensed special education personnel and others who may have the responsibility for implementing the educational program for the person;
- c. conduct the educational assessment preferably at the school which the person attends. When the district determines that the assessment or a portion of the assessment cannot be performed utilizing the personnel resources of the district, the district shall make arrangements elsewhere for that portion of the assessment and shall assume all costs for such assessment;
- d. conduct the assessment within a reasonable period of time not to exceed 30 days from (1) the date the district receives parental permission to conduct the assessment or (2) the expiration of the ten day parental response time in cases other than initial assessment, unless a conciliation conference or hearing is requested.
- 3. The assessment must reflect the person's current level of performance and shall:

- a. be appropriate to the presenting problem and may include observation, evaluation, and testing of the persons intellectual, academic, verbal, emotional, adaptive behavior, senscry, physical, and social development;
- b. include a review of the person's learning environment and learning modes. When the team determines it to be necessary because of racial, cultural, or other differences presented by the person or due to the nature of the student's presenting handicapping condition they shall make reasonable efforts to obtain information from the parents relating to the student's functioning in his or her total environment;
- c. be provided and administered in the person's primary language or mode of communication unless it clearly is not feasible to do so;
- d. be performed in accordance with recognized professional standards which include recognition of accommodation for persons whose differences or conditions cause standardized instruments to be invalid and otherwise in accordance with the requirements of nondiscrimination.

## 4. Notice before assessment:

- a. must be provided in accordance with the provisions of 5 MCAR §§ 1.0127 A. and B. prior to conducting a formal educational assessment or reassessment or when the district receives a parent's written request to conduct a formal educational assessment or reassessment. In cases where a district receives a parent's written request to conduct a formal assessment or reassessment, the district shall serve notice of its decision within ten days of their receipt of the written request;
- 5 MCAR § 1.0125 Team determination and program needs determination. Development and content of the individual education program plan.
- A. Team and program needs determination. Following the assessment, in order to determine if the person is in need of special education services, the district shall:
- 1. designate a team of persons responsible for determining the educational needs of the student which, at a minimum, shall include a school administrator or designee, the student's regular classroom teacher, appropriate special education personnel, other support personnel, the parent, and when appropriate, the student;
- 2. organize the assessment data and other relevant information and reports, including information supplied by the parents, review that data and determine the student's educational needs;

- 3. interpret the data consistent with the requirement of nondiscrimination;
- 4. upon request of the parent, determine whether it is appropriate to involve additional staff or other persons on the team including someone who is a member of the same minority or cultural background or who is knowledgeable concerning the racial, cultural, or handicapping differences of the student:
- 5. schedule the student staffing at a time and place that is mutually acceptable to the school and parents; the district shall proceed if the parents do not respond to the request to participate.
- B. Development and content of the individual education program plan. The development of the program plan must:
- 1. be prepared, in writing, by the providing district for each person in need of special education services; when the providing district is not the resident district, a copy of the program plan shall be sent to the resident district;
- 2. be developed in accordance with the requirement of nondiscrimination, the principle of the least restrictive alternative, and recognized professional standards:
- 3. be based on the assessment data and other relevant reports and information:
- 4. be prepared, in writing, by the resident district when contracting for special education services from a public, private or voluntary agency.
- C. Content of the individual educational program plan. The program plan must be based on the assessment data and other information and be consistent with the requirement of nondiscrimination and the principle of least restrictive alternative and must include:
- 1. a description of the special education service needs of the student as determined by the staffing team and the names of the persons on the team;
- 2. a statement of annual goals and periodic review objectives for the special education services including the criteria for attainment;
- 3. the plan for, location of, and frequency of periodic review of the progress in reaching the prescribed educational goals and objectives;
- 4. the reasons for the type of education placement and program including type of special education services to be provided, the location, amount of time, starting date, anticipated special education service duration, names and school telephone numbers of those personnel responsible for providing the special education services. In accordance with the principle of least restrictive alternatives, substantiate why the proposed action is the most appropriate in terms of the person's educational needs;

- 5. the changes in staffing, transportation, facilities, curriculum, methods, materials, and equipment and other educational services that will be made to permit successful accommodation and education of the student in the least restrictive alternative;
- 6. a description of the educational activities in which the student will participate in environments which include nonhandicapped students. This provision must be included in the plan only when the student's primary placement will be in a special education program.
- D. At the request of the parent, the district shall schedule an individual conference with a knowledgeable school employee for the purpose of receiving interpretations of the assessment or reassessment data or procedures or for the purpose of explaining the individual educational plan or its development.
- E. Notice to parents after completion of the program plan and prior to placement. Notice in accordance with the provisions of 5 MCAR § 1.0127 C. is required whenever the providing school district proposes to initiate or change or refuses to initiate or change the level of educational placement as defined in the Continuum of Placement Model, or proposes to initiate or significantly change or refuses to initiate or significantly change the special education services for the child. For the purposes of this rule the terms initiate or change shall be construed to include the proposals set forth in Minn. Stat. § 120.17, subd. 3b (c) (2), (3), (4), and (5). The notice shall be served prior to the initiation or change or refusal to initiate or change the educational placement or special education services for the child. The notice shall be served within ten days after completion of the program plan and/or the refusal to initiate or change.

5 MCAR § 1.0126 Periodic reviews, reassessment and follow-up.

#### A. Periodic reviews.

- 1. The providing school district shall conduct periodic reviews of the program plan and shall determine:
- a. the degree to which the periodic review objectives as identified in the educational program plan are being achieved.
- b. the appropriateness of the educational program plan as it relates to the student's current needs.
  - c. what prodifications, if any, need to be made in the program plan.
- 2. The initial review shall be made at the time specified in the program plan, but at least twice a year following placement.
  - 3. These periodic reviews shall be made by those persons directly re-

sponsible for implementing the educational program and by other school district agents as may be needed to insure an informed and adequate review.

- 4. The results of such periodic reviews shall be included in the student's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy shall inform the parents or the resident district that they may request a conference to review the student's program plant at any time and the procedure to do so.
- 5. The reviews shall be made in accordance with the requirements for nondiscrimination and recognized professional standards.
- B. Requirements for reassessment. When a student is continued in his or her primary placement in a special education program, the providing district shall conduct an educational reassessment according to the procedures specified in 5 MCAR § 1.0124 B., at least once every two years.
- C. Requirements for follow-up teview. The responsible school district shall conduct a follow-up review of the student's current performance no later than twelve calendar months after special education services are discontinued to determine if progress is satisfactory.

(EDU 1977-5 MCAR 1980)

5 MCAR § 1.0127 Formal notice to parents.

A. General notice provisions.

1. The notice shall be in writing and shall be served on the parent.

- 2. Every effort shall be made by the providing school district to assure that no person's rights are denied for lack of a parent, or surrogate parent, or duly appointed guardian.
- 3. The notice shall be written in the primary language of the home and in English, and the district shall make reasonable provisions for such notice to non-readers and non-English speaking persons necessary to insure that the information contained in the notice is understood.
- 4. For parents who are handicapped persons because of a hearing, speech, or other communication disorder, or because of the inability to speak or comprehend the English language as provided in Minn. Stat. § 546.42 the school district shall cause all pertinent proceedings, including but not limited to the conciliation conference, the pre-hearing review, the hearing, and any appeal to be interpreted in a language the handicapped person understands by a qualified interpreter as provided in Minn. Stat. § 546.42.

5. All notices must be sufficiently detailed and precise to constitute adequate notice for hearing of the proposed action and contain a full explanation of all of the procedural safeguards available to parents under the provision of these

rules. All notices must:

- a. inform the parents of their right to review and receive copies of all records or other written information regarding their child in the school's possession;
- b. inform the parents of their right and the procedure and time for them to participate as a team member in developing and determining their child's educational program, including special education services and/or to provide information relative to his or her assessment and the development of the program plan;
- c. inform the parents of their right and the procedure and time to receive interpretations of assessment or reassessment procedures, instruments and data or results and of the program plan from a knowledgeable school employee and for that conference to be held in private;
- d. inform the parents of their right and the procedure and time to have included on the team that interprets the assessment data and/or develops the individual program plans, such person(s) described in 5 MCAR § 1.0125 A. including a person who is a member of the same minority or cultural background or who is knowledgeable concerning the racial, cultural, or handicapping differences of the student;
  - e. inform the parents that they may:
- (1) obtain an independent assessment at their own expense;
- (2) request from the district information about where an independent assessment may be obtained;
- (3) obtain an independent assessment at public expense if the parent disagrees with an assessment obtained by the public agency. However, a district may initiate a due process hearing to show that its assessment is appropriate after at least one conciliation conference. If the final decision is that its assessment is appropriate, the parents still have the right to an independent assessment but not at public expense. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.
  - f. inform the parents that the district will not proceed with proposed actions defined in 5 MCAR §§ 1.0120 B. 20 and 21 without prior written consent;
  - gi inform the parents that if they object to the proposed action in writing a conciliation conference will be held at a mutually convenient time and place, but that if the parents refuse to attend the conference and the proposed action is not an initial action as defined in 5 MCAR §§ 1.0120 B. 20 and 21, the school district will proceed with the proposed action;
  - h. inform the parents that if they still object to the proposed action at anytime after the first conciliation conference is convened, they have a right to voice that objection at an impartial due process hearing;

- i. inform the parents that they have the right to be represented by counsel or another person of their choosing at the conciliation conference or the impartial due process hearing;
- i. a statement assuring that their child's educational program will not be changed as long as the parent objects to the proposed action, in the manner prescribed by these rules;
- k. include a "response form" on which the parent may indicate their approval of or objection to the proposed action and identify the district employee to whom the "response form" should be mailed or given and to whom questions may be directed;
- 1. inform the parents of their right to be represented in preparation of and at the hearing by legal counsel or other representative of their choice;
- m. inform the parents of their right, in accordance with laws relating to confidentiality, to examine and receive copies of the child's school records before the hearing, including tests, assessments, reports, or other information concerning the educational assessment or reassessment upon which the proposed action may be based;
- n. inform the parents of their right to call their own witnesses and to present evidence, including expera medical, psychological, and educational testimony and relevant records, tests, assessments, reports, or other information:
- o. inform the parents of their right to request the attendance of any official or employee of the providing or resident school district or any other person, who may have evidence relating to the proposed action and the manner and time in which to do so:
- p. inform the parents of their right to present evidence and cross examine any employee of the school district(s) or other persons who present evidence at the hearing;
- q. inform the parents of any free or low coshlegal services available in the area;
- r. inform the parents of their right to have the child who is the subject of the hearing present at the hearing;
- s. inform the parents that the hearing shall be closed unless the parents request an open hearing;
- t. inform the parents that they have a right to obtain a record of the hearing including the written findings of fact and decisions whether or not they appeal.
- 6. The resident school district, if different from the providing school district, shall receive notice of and may be a party to any hearings or appeals provided herein if the district notifies the parent and the providing school district of its intention to a party within seven days of receipt of notice of the hearing from the providing school district.

- B. Prior to the performance of or refusal to perform a formal educational assessment or reassessment as provided for in 5 MCAR § 1.0124 B. the providing school district shall prepare and serve a notice which shall meet the requirements of 5 MCAR § 1.0127 A. The portion of the notice which is specific to assessment or reassessment shall:
- 1. include the reasons for assessment or the refusal to assess and how the results may be used;
  - 2. include a general description of the procedures to be used;
  - 3. state where and by whom the assessment will be conducted;
- 4. inform the parents that the district will not proceed with the initial formal assessment as defined in 5 MCAR \$1.0120 B., without prior written consent of the child's parents;
- 5. inform the parents that except for the initial formal assessment, the district shall proceed with the proposed assessment unless the parent objects on the enclosed "response form" or otherwise in writing within ten days after receipt of the notice.
- C. Prior to the initiation of change or the refusal to initiate or change a child's educational placement or special education services, as set forth in 5 MCAR § 1.0125 E. the providing school district shall prepare and serve a notice which shall meet the requirements of 5 MCAR § 1.0127 A. The portion of the notice which is specific to the educational placement and provision of services shall.
- 1. include a copy of the individual educational program plan as described in 5 MCAR § 1.0125 C.;
- 2. inform the parents that the school district will not proceed with the initial placement and provision of service(s) as defined in 5 MCAR § 1.0120 B. without prior written consent of the child's parents;
- 3. inform the parents that except for the initial placement and provision of service(s), the district will proceed with the proposed placement and provision of service(s) unless the parents object in writing on the enclosed "response form" or otherwise in writing within ten days after the receipt of the notice.

(EDU 1977; 5 MCAR 1980)

#### 5 MCAR § 1.0128 Conciliation conference.

- A. When a conciliation conference must occur:
- 1. If the parent does not object in writing, to a proposed action as set forth in 5 MCAR § 1.0124 B. or 5 MCAR § 1.0125 E., within 14 days after receipt of the notice, and the proposed action is not an initial action as de-

fined in 5 MCAR § 1.0120 B. 20 and 21, the proposed action shall take place. If such written objection is made, the providing school district shall arrange for a conference with the parent for the purpose of reviewing the reasons for the proposed action and conciliating the matter. The conference shall be held at a time and place mutually convenient to the parent and the school district representatives and shall be held within ten days after receipt of the written objection. There may be more than one such conference and the parent or district may request a hearing under 5 MCAR § 1.0129 A. at anytime after the first conciliation conference is convened.

- 2. If the parent refuses to provide prior written consent as set forth in 5 MCAR § 1.0127 B.4. and 5 MCAR § 1.0127 C.2. within ten days after the receipt of the notice and response form, the providing school district shall arrange for a conference with the parent for the purposes of reviewing the reasons for the proposed action, reviewing the parent's suggestions and concerns and conciliating the matter. Each conference shall be held at a time and place mutually convenient to the parent and school district representatives and the initial conference shall be held within ten days after the expiration of the ten day period for parent response. In cases where the parent fails to attend the initial conciliation conference, the district may choose to schedule additional conciliation conferences.
- B. Memorandum. Within seven days of the final conciliation conference the providing district shall serve the parent with a written memorandum which shall inform the parent:
  - 1. of the school districts proposed action following the conference;
- 2. that if they continue to object to the proposed action they have a right to object to the proposed action at an impartial due process hearing and the procedure and time in which to do so, including a "request form" on which the parent may request the hearing, and the identification of the district employee to whom the written request form or other written request for hearing should be mailed, and to whom questions and legal documents or requests relating to the hearing may be directed;
- 3. that if they do not request a hearing on the written "request form" or otherwise in writing pursuant to 5 MCAR § 1.0129 A. within seven days after receipt of the notice, the district will proceed with the proposed action; unless the proposed action is an initial action as defined in 5 MCAR § 1.0120 B. 20 and 21. In cases of such proposed initial actions, when a parent continues to refuse to provide written permission, the district shall schedule a hearing within seven days after the expiration of the seven days allowed for parent response;
- 4. that if a hearing is scheduled the district shall send a notice describing the rights and procedures available to the parents relative to the hearing. (EDU 1977; 5 MCAR 1980)

5 MCAR § 1.0129 The hearing.

## A. When a hearing must be held.

- 1. A hearing regarding a proposed action as set forth in 5 MCAR § 1.0124 B., or 5 MCAR § 1.0125 E. shall be held whenever the providing district receives the parents' request for a hearing. This request must be in writing and must be made within seven days after the parents' receipt of the written memorandum pursuant to 5 MCAR § 1.0128 B. Provided however, that no parent shall have a right to request a hearing unless at least one conciliation conference has been convened pursuant to 5 MCAR § 1.0128 A.
- 2. A district shall conduct a hearing whenever a parent refuses to provide written permission for the initial formal assessment or the initial placement and provision of special education services, provided the district has made at least one attempt to obtain this written consent through at least one conciliation conference.

#### B. Notice.

- 1. Written notice of the time, date and place of all hearings shall be given to all parties by the providing district at least ten days in advance of such hearings; and the hearing shall be held at a time, date, and place mutually convenient to all parties.
- 2. Within five days of receipt of the parent's written request for a hearing the providing school district shall serve the parent with a written notice of rights and procedures relative to the hearing which shall inform the parent:
- a. that the hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parent. If the school board and parent are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer;
- b. that they will receive notice of the time, date and place of the hearing at least ten days in advance of the hearing which will be held within 30 days after the written request;
  - c. inform the parents of the following rights and responsibilities:
- (1) of their right to receive a list of persons who will testify on behalf of the district concerning the proposed action within five days of the date the district receives their written request for the list of persons testifying;
- (2) of their responsibility, within five days after written request by the school district(s), to provide to the district(s) a list of persons who will testify on the parent's behalf concerning the proposed action;
- (3) of their right, at least five days prior to the hearing, to receive from the providing or resident school district, a brief resume of "additional material allegations" referring to conduct, situations, or conditions

which are discovered to be relevant and which were not contained in the original notice or memorandum; and that if such material allegations are not so disclosed, it shall be left to the discretion of the person conducting the hearing to determine if those material allegations may be introduced or considered.

- d. that at the hearing the burden of proof is on the school district to show that the proposed action is justified on the basis of the child's educational needs or his or her current educational performance, or presenting handicapping conditions taking into account the presumption that placement in a regular public school class with special education services is preferable to removal from the regular classroom;
- e. that the hearing officer will make a written decision based only on evidence received and introduced into the record at the hearing not more than 45 days from the receipt of the request for the hearing and that the proposed action will be upheld only upon showing by the school district by a preponderance of the evidence. A proposed action that would result in the child being removed from regular education program may be sustained only when, and to the extent the nature or severity of the handicap is such that a regular education program would not be satisfactory and the child would be better served in an alternative program. Consideration of alternative educational programs must also be given;
- f. that the decision of the hearing officer is binding on all parties unless appealed to the commissioner by the parent or the providing district;
- g. that unless the district and parents agree otherwise, the student shall not be denied initial admission to school and that the student's education program shall not be changed, as long as the parents object to the proposed action in the manner prescribed by these rules.

#### C. Hearing officers.

- 1. The hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parents.
- 2. If the school board and the parent are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer.
- 3. The hearing officer shall not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer.
  - 4. If a hearing officer requests an independent educational assessment

of a child, the cost of the assessment shall be at district expense. All expenses of the hearing, except for the parents' and resident school district's attorney's fees or other expenses incidental to the parent or resident school district participation in the hearing, shall be paid by the providing school district.

- D. Prehearing review by the hearing officer.
- 1. Five days prior to the hearing, the person(s) conducting the hearing shall receive copies of:
- a. the providing school district's notice(s) and memorandum prepared pursuant to 5 MCAR § 1.0128 B. to the parents;
- b. written information concerning the providing school district's educational assessment or reassessment and copies of any parties' tests, evaluations, or other admissible reports or written information relating to such assessment or reassessment, or the proposed action;
- c. a copy of the student's current and proposed individual educational program plan; and
- d. such other information from the school district(s) or parent as the hearing officer may have requested at a prior date provided that a copy of such information is provided to all parties, and further provided that such information is made a part of the hearing record.
- e. the provisions of b. and c. need not apply when the hearing concerns a proposed action as set forth in 5 MCAR § 1.0124 B.
- 2. Upon receipt of the information set forth in 1. above, the hearing officer:
  - a. shall review the same for compliance with these rules;
- b. may at his or her discretion, meet with the parties together prior to the hearing;
- c. may require the providing school district to perform an additional educational assessment or reassessment;
- d. may require the providing school district to propose an alternative individual educational program plan;
- e. may require the providing school district to send additional notice to the parents;
- f. may do such additional things necessary to achieve compliance with these rules;
- g. may postpone the hearing for up to 15 days to achieve the purposes of this paragraph;

- h. may grant specific extensions of time beyond the 45 day period established in 5 MCAR § 1.0129 B.2.e. at the request of either party.
  - E. Hearing rights of the respective parties.
- 1. The hearing shall be closed unless the parents request an open hearing.
- 2. The parties shall have the right to representatives of their own choosing, including legal counsel.
- 3. At a reasonable time prior to the hearing, the parent or their representative(s), as the case may be, shall be given access to all of the providing and resident school districts' records and such other records pertaining to the child that are authorized by law to be disclosed, including but not limited to all tests, evaluations, assessments, reports, and other written information concerning the educational assessment or reassessment, conducted pursuant to 5 MCAR § 1.0124 B. upon which the proposed action may be based.
- 4. At least five days prior to the hearing the parents shall receive from the school districts, who are parties of the hearing, a brief resume of "additional material allegations" referring to conduct, situations or conditions which are discovered and found to be relevant to the issues to be contested at the hearing and which are not contained in the original notice or memorandum provided pursuant to 5 MCAR § 1.0127 A., B. or C. or 5 MCAR § 1.0128 B. If such material allegation or information relating thereto are not so disclosed, it shall be left to the person conducting the hearing to determine if those material allegations may be introduced or considered.
- 5. Within five days after the written request is received, any party shall receive from the other parties a list of witnesses who may be called to testify at the hearing. Such list must be filed with the person(s) conducting the hearing. Such lists may be modified at any time but each party should be notified immediately if possible.
- 6. All parties or their representatives, as the case may be, shall have the right to request the attendance of any employee of the school district(s), or any other person who may have evidence relating to the proposed action, and to confront, and to cross examine any such witness. Any such request must be made to the appropriate school district or to the person whose attendance is requested at least five days in advance of the hearing. Such written requests shall also be filed with the person(s) conducting the hearing at the time of hearing.
- 7. If the person conducting the hearing determines at the conclusion of the hearing that there remain disputes of fact which, in the interest of fairness and the child's educational needs, require the testimony of additional witnesses, or if the hearing officer concludes that alternative educational programs and opportunities have not been sufficiently considered, he or she may continue the hearing for not more than ten days, for the purpose of obtaining

the attendance of such witnesses or considering such alternative programs and opportunities. The parties' right to cross examination and confrontation and other applicable rights and procedures set forth herein shall continue and be given full force and effect.

#### F. Hearing procedures.

- 1. The hearing officer shall preside over and conduct the hearing and shall rule on procedural and evidentiary matters, and his or her decision shall be based solely upon the evidence introduced and received into the record.
- 2. The school district(s) shall bear the burden of proof as to all facts and as to grounds for the proposed action.
- 3. One purpose of the hearing is to develop evidence of specific facts concerning the educational needs, current educational performance, or presenting handicapping conditions of the person as it relates to the need for the proposed action. Consistent with the rights and procedures set forth herein, nothing in these rules shall limit the right of the hearing officer to question witnesses or request information.
- 4. A tape recording, stenographic record, or other record of the hearing shall be made, and if an appeal is filed pursuant to 5 MCAR § 1.0129 H., the hearing shall be transcribed by the providing school district and shall be accessible to the parties involved within five days of the filing of the appeal.
- G. The decision of the hearing officer. Not more than 45 days from the receipt of the request for a hearing, the hearing officer shall prepare a written decision based on evidence received and introduced into the record at the hearing. Such decision shall address itself to the following:
  - 1. Decisions regarding assessment or reassessment.
- a. The hearing officer may sustain a proposed assessment or reassessment of the person as set forth in 5 MCAR § 1.0124 B. upon a showing by the school district(s) by a preponderance of the evidence which demonstrates that there are facts, relating to the person's performance in his or her present education placement or presenting handicapping conditions, which indicate reasonable grounds to believe that the educational assessment or reassessment procedures are justified, as a step toward the possible initiation of or change in the person's educational placement or program, including special education services, which will provide an educational program, including special education services, appropriately suited to the person's needs.
- b. Consistent with the standards, requirements, and principles set forth in statute and these rules, the hearing officer shall have the authority, based on all the evidence received at the hearing, to modify the proposed assessment or reassessment instruments or procedures in order to insure compliance with the requirement of nondiscrimination.
  - 2. Decisions regarding educational placement.

- a. Based on an application of the standards, requirements and principles set forth in Minn. Stat. § 120.17, subd. 3a, and in these rules, the proposed action regarding the person's educational placement or special education services as set forth in 5 MCAR § 1.0125 C. shall be sustained in whole or in part by the hearing officer only upon a showing of need by the school district(s) by a preponderance of the evidence.
- b. In deciding if the proposed action is to be sustained, in whole or part, the educational needs of the child shall be determinative. However, there shall be a presumption that among alternative programs of education, that to the maximum extent appropriate, a primary placement in a regular public school class and program with appropriate special education services, is preferable to removal from the regular classroom.
- c. The hearing officer may sustain a proposed action that would result in the child being removed from a regular education program only when, and to the extent that the nature or severity of the handicap is such that education in the program with the use of special education services cannot be accomplished satisfactorily, and there is indication that the child will be better served with an alternative program or services. This decision shall be made in accordance with the principle of least restrictive alternatives.
- d. The hearing officer shall also determine whether the school district(s) sufficiently considered alternative educational programs including special education services and opportunities and at the hearing, may receive any additional evidence presented by any interested party or person as to the availability and suitability of reasonable and viable educational alternatives. If the hearing officer concludes that there are no reasonable or viable educational alternatives the findings shall so state.

#### 3. All local decisions shall:

- a. contain written findings of fact, and conclusions of law, including a statement of the controlling facts upon which the decision is made in sufficient detail to appraise the parties and the commissioner of the basis and reason for the decision;
  - b. state whether the special education services appropriate to the child's needs can be reasonably provided within the resources available to the providing district;
  - c. state the amount and source of any additional district expenditures necessary to implement the decision; and
  - d. be based on the standards and principles set forth in Minn. Stat. § 120.17, subd. 3a, and 5 MCAR § 1.0129 G.1. and 2.
  - 4. All decisions shall be filed with the commissioner of education and shall be sent by mail to the parties. The decision(s) shall also include information detailing the right to appeal the decision, the procedure and time in

which to do so, and an appeal form on which to indicate the desire to appeal as set forth in 5 MCAR § 1.0129 H.2.

#### H. Effective date of the action and appeals.

- 1. The decision of the hearing officer shall be binding on all parties unless appealed to the commissioner by the parent or the school board where the child resides; and shall become effective 15 days after service of the decision unless the decision is appealed.
- 2. The hearing officer's decision issued pursuant to 5 MCAR § 1.0129 G.1., 2., or 3., may be appealed by the parent or the school board where the child resides to the commissioner of education within 15 days of receipt of that written decision(s) in the following manner:
- a. The appeal decision shall be based on a review of the local decision(s) and the entire record;
- b. All notices of appeal shall be on the appeal form or otherwise in writing and shall be sent by mail to all parties to the hearing at the time the appeal is filed.
- 3. The school board shall be a party to any appeal. The commissioner shall issue a final decision based on a review of the local decision(s) and the entire records within 30 calendar days after the filing of the appeal. A written transcript of the hearing shall be made by the district; the transcript and entire record shall be accessible to the parties and provided to the commissioner within five calendar days after the filing of the appeal. If the transcript and record is not provided to the commissioner within five days of the filing of the appeal, the district shall request an extension of the time beyond the 30 day period equal to the number of days which exceeded the five day period for filing the transcript and entire record. The commissioner shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument; provided any hearing held to seek additional evidence shall be impartial due process hearing but shall be deemed not to be a contested case hearing. The commissioner may grant specific extensions of time beyond the 30 day period at the request of any party.
  - 4. The commissioner's final decision shall:
    - a. be in writing:
    - b. include findings and conclusions; and
- c. be based on the standards set forth in Minn. Stat. § 120.17, subd. 3a and the standards, requirements, and principles set forth in 5 MCAR § 1.0129 G.1. and 2. and these rules.
- 5. The decision of the commissioner shall be final unless appealed by the parent or the school board to the district court of the county in which

the providing school districts, in whole or part, is located. The scope of judicial review shall be as provided in chapter 15.

6. If the providing school district fails to implement the hearing officer's decision, the parent shall have the right to bring such failure to the attention of the commissioner. In accordance with the provisions of Minn. Stat. § 124.15, the state board of education may impose such sanctions necessary to correct any such failure.

(EDU 1977; 5 MCAR 1980)

Chapter Seven-A: Requirements and Procedures for Student Admission to, Program and Evaluation During Attendance at, and Transfer from the State Residential Schools for Deaf, Blind, and Multiply Handicapped Sensory Impaired Students

## 5 MCAR §§ 1.0133-1.0138

- 5 MCAR § 1.0133 Definitions. The following terms used throughout these rules shall have the following meanings ascribed to them.
- A. The definitions of these terms shall be as stated in EDU 120 B. (5 MCAR § 1.0120 B.)
  - 1. Special education services;
  - 2. Handicapped persons;
  - 3. Least restrictive alternatives;
  - 4. Recognized professional standards;
  - 5. Proposed action;
  - 6. Nondiscrimination;
  - 7. Formal educational assessment; and
  - 8. Individual educational program plan.
- B. In addition, these terms shall have the following meanings ascribed to them.
- 1. "State residential schools" as used in these rules shall mean either or both the Minnesota school for the deaf and the Minnesota braille and sight saving school, which are operated by the state board of education pursuant to Minn. Stat. ch. 128A.
- 2. "Residential schools' administrator" shall mean the administrator of the Minnesota state residential schools as defined in Minn. Stat. § 128A.02., subd. 3., or his/her designee.
- 3. "Resident school district," also referred to as "district", shall mean the district where the handicapped student's parent or legal guardian resides or the district designated by the commissioner as provided in Minn. Stat. § 120.17, subd. 6., 7.a., and 8.a. The cost of transporting the student to and from the state residential school shall be borne by the student's resident district as provided in Minn. Stat. § 128A.07.
  - 4. "Admit" shall mean the action taken by the state residential schools

in accepting the placement of a student and agreeing to provide appropriate educational services to the student.

- 5. "Transfer" shall mean the action taken by the state residential schools in dismissing a student from placement and the termination of the responsibility for providing the appropriate educational services to the student.
- 6. "Periodic review" as used in these rules shall mean a review which shall be conducted by the state residential schools, at least twice a year, to determine the appropriateness of a student's individual education plan and if appropriate, revise its provisions.
- 7. "Annual review" as used in these rules shall mean a review which shall be conducted by the state residential schools and reviewed at a formal meeting. The review shall be held at least once a year to examine a student's individual education program and if appropriate, revise its provisions. This may be counted as one of the required periodic reviews during the year in which it is conducted.
- 8. "Admission and transfer team" as referred to in these rules shall mean the individuals who are required to participate in a formal meeting to develop, review or revise a handicapped student's individual education program and/or to determine whether to admit or transfer the student to or from the state residential schools.
- 9. "Formal notice" as used in these rules shall mean a written statement served upon the student's parent or guardian so as to fulfill the requirements of procedural safeguards.
- 10. "Serve" or "service" as used in these rules shall mean the in hand delivery or the first class mailing to the last known address of a written notice. Service by mail is complete upon mailing.
- 11. "Parent" shall mean a parent, a guardian, a person acting as a parent of a child, or a legally appointed guardian. The term does not include the state if the child is a ward of the state.
- 12. "Days" shall mean calendar days between the official beginning and ending dates of the school year at the state residential schools. All procedures relating to but not limited to assessments, reassessments, individual education program plans, periodic reviews, conciliation conferences and hearings that are initiated for a student in placement at the state residential schools before the end of the school year, must be completed within the required time period, even if that time period extends beyond the end of the official school year. In addition, applications for admission shall be processed in accordance with 5 MCAR § 1.0134 at any time during the year, even if these procedures extend beyond the end of the official school year.

(5 MCAR 1980)

## 5 MCAR § 1.0134 Admission procedures.

#### A. Referral and application.

- 1. Application for admission shall be made by the resident school district, hereinafter also referred to as the district, to the state residential schools' administrator on the appropriate forms provided by the commissioner and may be made at any time during the calendar year.
- 2. Prior to application for admission, the district shall have completed for each student for whom admission is sought, the following procedures as established by EDU 124-129 (5 MCAR § § 1.0124-1.0129):
- a. a formal educational assessment consistent with the provisions of EDU 124 (5 MCAR § 1.0124) shall have been conducted and the special education needs of the pupil determined;
- b. a student staffing consistent with the provisions of EDU 125 (5 MCAR § 1.0125) shall have been conducted;
- c. a review of the student's current level of performance and the determination of the special education service needs shall have been made and the district shall have developed a statement of annual goals and objectives for the student. The district shall have reviewed the programs and services available to the district and shall have stated reasons why an appropriate education in the least restrictive alternative cannot be provided or reasonably made available by the district; and

#### d. the parent and the district shall:

- (1) have agreed that the district is unable to provide an appropriate program and that a referral for placement at the state residential schools is appropriate; or
- (2) if the parent and district do not agree that a referral to the state residential schools is appropriate, a local due process hearing pursuant to EDU 129 (5 MCAR § 1.0129) shall have been held. Before the state residential schools shall consider the student for admission, the decision, resulting from the hearing process must be that the resident school district is unable to provide an appropriate program and that a referral for admission to the state residential schools is appropriate.

#### B. Referral, review and admission meeting.

- 1. Within seven days of receipt of a referral for admission, the residential schools' administrator shall:
- a. review the referral information and determine whether additional assessment or other information is needed.

b. request in writing from the district any additional information that is needed.

#### 2. The residential schools' administrator shall:

- a. schedule the team meeting which shall be conducted within 30 days of receipt of complete referral information pursuant to 5 MCAR § 1.0134 A.2. and at a time that is mutually acceptable to the state residential schools and the parent; and,
- b. serve a written notice of the team meeting to the parent and the district in accordance with the provisions of 5 MCAR § 1.0136 prior to conducting the admission meeting.
- 3. To determine whether an appropriate individual educational program plan can be developed by the state residential schools to appropriately meet the educational needs of the student in the least restrictive alternative, the state residential schools' administrator shall:
- a. appoint participants from the state residential schools' staff to serve on the admission and transfer team. The team shall include at a minimum an administrator of the appropriate education program or his/her designee, an administrator of the appropriate residential program or his/her designee, one appropriate teaching staff person, and other related services staff persons as deemed appropriate by the state residential schools' administrator.
- b. schedule an admission and transfer team meeting which shall include the state residential schools' required participants, the parent, the student if appropriate, and other persons as deemed appropriate by the residential schools' administrator and may include a representative of the resident school district if the district chooses to participate.
- c. upon request of the parent, determine whether it is appropriate to involve additional state schools' staff on the admission and transfer team; and whether it is appropriate to include someone who is a member of the same minority, or cultural background or who is knowledgeable concerning the racial, cultural or handicapping differences of the student. This statement shall not be read to limit the parent's right to include participants, other than the schools' employees, of his/her own choosing at the scheduled meeting.

## 4. If the parent cannot attend the admission meeting:

- a. the state residential schools' administrator shall use and document other methods to ensure parent participation including individual or conference telephone calls; and
- b. an admission meeting shall be conducted without a parent in attendance if the residential schools' administrator is unable to convince the parent to attend.

- 5. The admission and transfer team shall determine whether placement at the state residential schools will appropriately meet the educational needs of the student in the least restrictive alternative. This determination shall be based on:
  - a. the complete referral information;
  - b. any additional information supplied by the parent;
  - c. other relevant information and reports;
- d. the record of the decision of the student's resident school district pursuant to Minn. Stat. § 120.17, subd. 3 b. and Minn. Stat. § 128A.05, subd. 1 and 2:
- e. interpretation of the data in accordance with the requirements of nondiscrimination pursuant to EDU 120 B.16. (5 MCAR § 1.0120 B.16.) and recognized professional standards; and
- f. the team's development of an appropriate individual educational program plan, or the team's determination that an appropriate individual educational program plan cannot be developed by the state residential schools.
  - C. Admission procedures and development of program.
- 1. The admission and transfer team shall recommend to the state residential schools' administrator that:
- a. the state residential schools can appropriately meet the educational needs of the student in the least restrictive alternative and that the student be admitted pursuant to the parent's written approval of the team's proposed individual educational program plan; or
- b. the state residential schools cannot appropriately meet the educational needs of the student as the least restrictive alternative and that the student not be admitted to the state residential schools, based upon the team's determination that an appropriate individual educational program for the student at the state residential schools cannot be developed.
- 2. If the student is recommended to be admitted to the state residential schools, the admission and transfer team shall develop a proposed individual education program plan listing the services that the student will receive at the state residential schools.

The proposed individual educational program plan shall be prepared in writing; be based on the assessment data, the district's statement of goals and objectives, and other appropriate information; be consistent with the requirement of nondiscrimination and the principle of the least restrictive alternative; and shall include:

a. the names of the persons on the team;

- b. a description of the education service needs of the student as determined by the team;
- c. a statement of annual goals and periodic review objectives for the education services to be provided including the criteria for attainment of the objectives;
- d. the plan for, location of, and frequency of periodic review of the progress in reaching the prescribed educational objectives;
- e. the reasons for the type of education program including type of services to be provided, the location, amount of time, starting date, anticipated duration of services, and the names and school telephone numbers of those personnel responsible for providing the services. In accordance with the principle of least restrictive alternatives, the proposed action shall be substantiated as the most appropriate in terms of the students' educational needs;
- f. the changes in staffing, transportation, facilities, curriculum, methods, materials, and equipment and other services that will be made to permit successful accommodation and education of the student in the least restrictive alternative; and
- g. a description of any activities in which the student will participate in environments which include nonhandicapped students.
- 3. Based upon the recommendations of the admission and transfer team admission meeting, the state residential schools' administrator shall:
- a. admit the student to the state residential schools pursuant to the parent's written approval of the individual educational program plan; or
  - b, deny the student admission to the state residential schools; and
- c. provide formal notice to the parent and to the district of the determination to admit or to deny admission in accordance with the provisions of 5 MCAR § 1.0136. The notice shall be served within 14 days of the admission and transfer team admission meeting.
- 4. If the determination is to admit the student pursuant to the parent's written approval of the individual educational program plan, the initial notice shall include the proposed individual educational program plan and shall state that the parent shall agree in writing to this individual educational program plan.
- 5. If the parent does not give written approval to the individual educational program plan within 14 days after service of the notice, the state residential schools' administrator shall arrange for a conciliation conference pursuant to 5 MCAR § 1.0137 A.2.
  - 6. If the parent continues to object to the proposed individual educa-

tional program plan, the parent may initiate an impartial due process hearing in accordance with 5 MCAR § 1.0138.

- 7. If within 30 days after serving the formal notice which shall include the proposed individual educational program plan, no response or objection is obtained from the parent, or if agreement has not been reached in conciliation conference and no hearing is requested in accordance with 5 MCAR § 1.0138, efforts to reach the parent shall be documented, and the state residential schools' administrator shall serve the parent and the resident school district written notice stating that effective the date of the notice the student shall not be admitted to the state residential schools under the current application for admission procedure. This action shall not be interpreted to mean that application for admission of the same student cannot be made at a future date if such application is deemed appropriate by the parent and the resident school district in accordance with procedures as established by EDU 124-129 (5 MCAR § § 1.0124-1.0129).
- 8. If the determination is to deny the student admission to the state residential schools, the residential schools' administrator shall send a formal notice to the parent and the resident district which shall inform them of the decision to deny admission based upon the schools' determination that an appropriate individual educational program plan cannot be developed by the state residential schools.
- 9. If the parent objects to the action to deny admission, the state residential schools' administrator shall arrange for a conciliation conference pursuant to 5 MCAR § 1.0137 A.2.
- 10. If the parent continues to object to the action to deny admission, the parent may initiate an impartial due process hearing in accordance with 5 MCAR § 1.0138.

(5 MCAR 1980)

#### 5 MCAR § 1.0135 Periodic review, reassessment and transfer procedures.

## A. Periodic review and annual review.

- 1. The state residential schools shall conduct periodic reviews of the individual education program plan and shall determine:
- a. the degree to which the goals and objectives as identified in the educational program plan are being achieved;
- b. the appropriateness of the educational program plan as it relates to the student's current needs; and
  - c. what modifications, if any, need to be made in the program plan.
- 2. There shall be at a minimum one periodic review and one annual review each year; the initial periodic review shall be made at the time specified in the program plan.

- 3. Periodic reviews shall be made by those persons directly responsible for implementing the educational program and by other designees of the state residential schools as may be needed to insure an informed and adequate review.
- 4. The annual review shall be an admission and transfer team meeting held to review a student's individual educational program plan and if appropriate revise its provisions.
- 5. The results of periodic reviews and annual reviews shall be included in the student's school records and a copy sent to the parent and to the district. This copy shall inform the parent that he/she may request a conference to review the student's program plan at any time and the procedure to do so.
- 6. The reviews shall be conducted in accordance with the requirements for nondiscrimination pursuant to EDU 120 B. (5 MCAR § 1.0120 B.) and recognized professional standards.

#### B. Reassessment.

- 1. The state residential schools shall conduct an educational reassessment according to the procedures specified for formal educational assessments in EDU 124 B. (5 MCAR § 1.0124 B.) at least once every two years. In the year that the reassessment is conducted the meeting following the reassessment may meet the requirement for one of the two reviews required pursuant to 5 MCAR § 1.0135 A.
- 2. A reassessment shall be conducted before the state residential schools propose a transfer from the schools.
- 3. A reassessment may be conducted at parent request, unless the state residential schools determine that there has been a recent and adequate assessment or reassessment.

#### C. Transfer.

- 1. The admission and transfer team shall recommend to the state residential schools' administrator that a student be dismissed from placement at the state residential schools when it has been determined that the appropriate program for the student in the least restrictive alternative is no longer placement at the state residential schools.
- 2. This determination shall be made based upon the results of an educational reassessment.
- 3. Based upon the recommendations of the admission and transfer team staffing, the state residential schools' administrator shall:
- a. dismiss the student from placement at the state residential schools pursuant to the parent's written consent to this proposed action; and

- b. provide written notice of the determination to transfer the student from placement at the state residential schools to the parent and the resident school district in accordance with the provisions of 5 MCAR § 1.0136 within 14 days of the admission and transfer team staffing. The notice shall state that no such change shall be made without written parental consent.
- c. If the parent does not give written consent to the transfer of the student from educational placement at the state residential schools within 14 days after service of the notice, the state residential schools' administrator shall arrange for a conciliation conference pursuant to 5 MCAR § 1.0137 A.3.
- d. if the parent continues to object to the proposed action, the parent may initiate an impartial due process hearing in accordance with the provisions of 5 MCAR § 1.0138; or
- e. if the parent continues to refuse to provide written consent to the transfer, but does not initiate a due process hearing, the state residential school shall schedule a due process hearing in accordance with 5 MCAR § 1.0138.

#### D. Admission and transfer team meeting.

- 1. An admission and transfer team meeting shall include the required state residential schools participants, the parent, the student if appropriate, and may include a representative of the resident school district and other persons as deemed appropriate by the residential schools' administrator. This statement shall not be read to limit the parent's right to include participants, other than the schools' employees, of his/her own choosing at the scheduled meeting. An admission and transfer team meeting shall be conducted:
- a. to develop a recommendation regarding a student's application for admission;
- b. to develop a current individual educational program plan for each student in attendance;
- c. to review the results of the required biennial reassessment or to review the results of reassessment that may be conducted in addition to the required biennial reassessment;
- d. prior to the state residential schools proposing the transfer of a student from educational placement at the state residential schools based upon reassessment data and the determination that the appropriate program in the least restrictive alternative is not available at the state residential schools; and
- e. to review the results of a reassessment within 30 days after the expiration of the period allowed for parental response, unless the parent objects to the reassessment through the procedures provided in these rules.

- 2. Formal notice in accordance with the provisions of 5 MCAR § 1.0136 shall be provided to the parent and the district 14 days prior to conducting an admission and transfer team meeting.
- 3. If the parent cannot attend the admission and transfer team meeting:
- a. the state residential schools' administrator shall use and document other methods to ensure parent participation including individual or conference telephone calls; and
- b. an admission and transfer team meeting shall be conducted without the parent in attendance if the residential schools' administrator is unable to convince the parent to attend.

(5 MCAR 1980)

#### 5 MCAR § 1.0136 Formal notices to parents.

- A. The provisions of EDU 127 A. (5 MCAR § 1.0127 A.) shall apply to formal notices served on parents of students enrolled at the state residential schools.
- B. Prior to the admission meeting, pursuant to 5 MCAR § 1.0134 B. the state residential schools shall prepare and serve a formal notice on the parent and the resident school district which shall:
- 1. include the reasons for the meeting and the persons who have been asked to be in attendance;
- 2. inform the parent of his/her right to request and receive copies of all records or other written information that is in the state residential schools' possession regarding his/her child;
- 3. inform the parent of his/her right and the procedure and time to participate in developing his/her child's education program, and/or to provide information relative to the child's assessment and the development of the program plan;
- 4. inform the parent of his/her right and the procedure and time to request and to receive interpretations of assessment or reassessment procedures, instruments and data or results from a knowledgeable state residential schools' employee, and for that conference to be held in private;
- 5. inform the parent of his/her right and the procedure and time to include such person(s) described in EDU 125 A. (5 MCAR § 1.0125 A.), including a person who is a member of the same minority, or cultural background or who is knowledgeable concerning the racial, cultural, or handicapping differences of the student, on the team that interprets the assessment data and/or develops the individual education program plan; and

- 6. inform the parent that the state residential schools shall proceed with the admission and transfer team meeting in order to consider the student's application for admission unless the parent objects in writing on the response form within 14 days after service of the notice.
- 7. include a response form on which the parent may indicate his/her objection to the proposed admission and transfer team meeting and which identifies the designee of the state residential schools to whom the response form should be mailed or given and to whom questions may be directed.
- 8. state that if the parent objects in writing to the admission meeting, the state residential schools shall consider that the student's application for admission to the state residential schools has been withdrawn by the parent effective on the date of the signing of the objection response form; and
- 9. inform the parent that if the student's application is withdrawn, the decision regarding the placement of the student shall be determined by the parent and the resident school district in accordance with EDU 120-129 (5 MCAR §§ 1.0120-1.0129).
- C. When the state residential schools propose to admit a student pursuant to the parent's written approval of the proposed individual educational program plan, the state residential schools shall prepare and serve a formal notice which shall:
- include a copy of the student's proposed individual educational program plan as described in 5 MCAR § 1.0134 C.2.;
- 2. inform the parents of his/her right and time and procedure to request and to receive interpretation of the educational program plan from a knowledgeable school employee and for that conference to be held in private;
- 3. state that the parent's written consent shall be given to the individual educational program plan and the signed plan shall be returned to the state residential schools' administrator within 14 days of receipt of the notice if the student is to be admitted to the state residential schools;
- 4. state that the student shall be admitted to the state residential schools upon receipt by the state residential schools' administrator of the individual educational program plan with the parent's signature affixed;
- 5. inform the parent that the state residential schools shall not proceed to admit the student without the written consent of the parent to the proposed individual educational program plan;
- 6. inform the parent that if he/she objects to the proposed individual educational program plan that a conciliation conference pursuant to 5 MCAR § 1.0137 shall be held at a mutually convenient time;
  - 7. inform the parent that if he/she objects to the educational plan

during or after the initial conciliation conference, he/she has a right to initiate an impartial due process hearing in accordance with procedures set forth in 5 MCAR § 1.0138;

- 8. inform the parent that he/she has the right to be represented by counsel or another person of their choosing at the conciliation conference or the impartial due process hearing;
- 9. inform the parent that he/she may obtain an independent educational assessment at his/her own expense and that at his/her request, the results of this independent assessment shall be considered in the development of an appropriate educational program for the student.
- 10. include a response form on which the parent may indicate his/her objection to the proposed individual educational program plan and identify the designee of the state residential schools to whom the response form should be mailed or given and to whom questions should be directed.
- D. When the state residential schools deny a student admission to placement at the state residential schools based on the school's determination that an appropriate individual educational program plan cannot be developed by the state residential schools, the state residential schools shall prepare and serve a formal notice which shall:
- 1. state that based on the admission and transfer team's review of the student's complete referral information, and the school's determination that an appropriate individual program plan cannot be developed by the state residential schools, the team's recommendation is that placement at the state residential schools cannot appropriately meet the educational needs of the student in the least restrictive alternative and the student is denied admission:
- 2. inform the parent that if he/she objects to the action of the state residential schools to deny admission, a conciliation conference pursuant to 5 MCAR § 1.0137 shall be held; and
- 3. inform the parent that if he/she objects to the action to deny admission during or after the initial conciliation conference, he/she has the right to initiate an impartial due process hearing in accordance with the procedures set forth in 5 MCAR § 1.0138.
- E. Prior to conducting an assessment or reassessment, refusing to conduct an assessment or reassessment, initiating a significant change in or refusing to make a significant change in a state residential schools' student's individual educational program plan, the state residential schools shall prepare and serve a formal notice which shall:
- 1. if the proposed action pertains to assessment or reassessment, include the reasons for assessment or the refusal to assess, how the results may be used if the assessment is conducted, a general description of the procedures to be used, and where and by whom the assessment will be conducted;

- 2. include a copy of the student's current individual educational program plan;
- 3. inform the parent of his/her rights to review and receive copies of all records or other written information regarding his/her child in the state residential schools' possession;
- 4. inform the parent of his/her right and the procedure and time to request and to receive interpretations of assessment or reassessment procedures, instruments and data or results from a knowledgeable state residential schools' employee and for that conference to be held in private;
- 5. inform the parent of his/her right and the procedure and time for him/her to participate as a team member in developing and determining the child's educational program and/or to provide information relative to his/her assessment and the development of the educational program plan;
- 6. inform the parent of his/her right, the procedures, and the time within which to have included on the team that interprets the assessment data and/or develops the individual educational program plan, such person(s) as described in EDU 125 A. (5 MCAR § 1.0125 A.) including a person who is a member of the same minority, or cultural background or who is knowledgeable concerning the racial, cultural, or handicapping differences of the student;
- 7. inform the parent that he/she may obtain an independent assessment at his/her own expense and that at his/her request, the results of this independent assessment shall be considered in the development of an appropriate educational program for the student;
- 8. inform the parent that the state residential schools shall proceed with the proposed action unless the parent objects on the enclosed response form or otherwise in writing within 14 days after service of the notice;
- 9. inform the parent that if he/she objects to the proposed assessment or reassessment or proposed change in the educational program in writing, the state residential schools' administrator shall arrange for a conciliation conference pursuant to 5 MCAR § 1.0137;
- 10. inform the parent that if the parent objects to the proposed action during or after the initial conciliation conference they may have an impartial due process hearing in accordance with 5 MCAR § 1.0138;
- 11. inform the parent that he/she has the right to be represented by counsel or another person of his/her choosing at the conciliation conference or the impartial due process hearing;
- 12. include a statement assuring that the student's educational program will not be changed as long as the parent objects to the proposed action in the manner prescribed by these rules; and

- 13. include a response form on which the parent may indicate his/her approval of or objection to the proposed action and identify the state residential schools' employee to whom the response form should be sent and to whom questions may be directed.
- F. When the state residential schools propose the transfer of the student out of educational placement at the state residential schools pursuant to 5 MCAR § 1.0135 C., the state residential schools shall prepare and serve formal notice to the parent and the resident school district which shall:
- 1. state that based on reassessment of the student and the recommendations of an admission and transfer team meeting, the state residential schools propose to dismiss the student from placement at the state residential schools pursuant to the written consent of the parent to this proposed action;
- 2. inform the parent of his/her right to request and to receive copies of all records or other written information regarding his/her child in the state residential schools' possession;
- 3. inform the parent of his/her right and the procedure and time period within which to request and to receive interpretations of assessment or reassessment procedures, instruments and data on results from a knowledgeable state residential schools' employee and for that conference to be held in private;
- 4. inform the parent that he/she may obtain an independent assessment at his/her own expense and that at his/her request, the results of this independent assessment shall be considered in the development of an appropriate educational program for the student.
- 5. include a response form on which the parent may indicate his/her approval of or objection to the proposed transfer from placement at the state residential schools and which states that the form shall be returned to the state residential schools' administrator within 14 days of receipt of the notice;
- 6. inform the parent that the state residential schools shall not proceed with the proposed transfer from placement of the student without prior written consent of the parent;
- 7. inform the parent that if he/she gives written consent the student shall be dismissed from placement at the state residential schools at the time specifically stated in the proposed transfer from placement;
- 8. inform the parent that if he/she objects to the proposed transfer from placement in writing, a conciliation conference pursuant to 5 MCAR § 1.0137 shall be held;
- 9. inform the parent that if he/she objects to the proposed transfer from placement during or after the initial conciliation conference, he/she has

the right to initiate an impartial due process hearing in accordance with the procedures set forth in 5 MCAR § 1.0138; and

- 10. inform the parent that if he/she continues to refuse to provide written permission to the transfer, the state residential schools shall schedule a hearing in accordance with 5 MCAR § 1.0138.
- 11. state that the child's educational placement will not be changed as long as the parent objects to the proposed transfer from placement in the manner prescribed in these rules.
- G. The state residential schools' administrator shall notify the district of residence whenever:
- 1. the parent determines that the student's application to the state residential schools is withdrawn prior to the student being admitted;
- the student is denied admission to the state residential schools' programs;
- 3. the parent has removed the student from the state residential schools' program after he/she has been admitted; and
- 4. a student is graduated from the state residential schools or will not continue attending the school because he/she has attained the age of 21 years prior to September 1 of the next official school year.

(5 MCAR 1980)

## 5 MCAR § 1.0137 Conciliation conference.

- A. When a conciliation conference shall occur:
- 1. If the parent does not object in writing to a proposed action within 14 days after service of a notice pursuant to 5 MCAR § 1.0136 and the proposed action is not admission to or transfer from the state residential schools, the proposed action shall take place. If such written objection is made, the state residential schools' administrator shall arrange for a conference with the parent for the purpose of reviewing the reasons for the proposed action and conciliating the matter. The conference shall be held at a time mutually convenient to the parent and the state residential schools' representatives and shall be held within 14 days after receipt of the written objection. There may be more than one such conference and the parent may request a hearing under 5 MCAR § 1.0138 at any time after the first conciliation conference is held.
- 2. If the parent does not give written approval to the proposed individual educational program plan developed in accordance with 5 MCAR § 1.0134 C.2. within 14 days after the service of the notice, the residential schools' administrator shall arrange for a conference with the parent for the purpose of reviewing the plan and conciliating the matter. The conference

shall be held at a time mutually convenient to the parent and state residential schools' representatives and shall be held within 14 days after the expiration of the 14 day period for parent response.

- 3. If the parent does not give written consent to the proposed transfer of the student from placement at the state residential schools in accordance with 5 MCAR § 1.0135 C. within 14 days after service of the notice pursuant to 5 MCAR § 1.0136 F., the residential schools' administrator shall arrange for a conference with the parent for the purpose of conciliating the matter. The conference shall be held at a time mutually convenient to the parent and state residential schools' representatives and shall be held within 14 days after the expiration of the 14 day period for parent response.
- B. Memorandum. Within seven days of the final conciliation conference the state residential schools shall serve the parent with a written memorandum which shall:
- 1. inform the parent of the state residential schools' proposed action following the conference;
- 2. inform the parent that if he/she continues to object to the proposed action he/she has a right to an impartial due process hearing in accordance with the provisions of 5 MCAR § 1.0138 and state the procedure and time in which to request the hearing, including a request form on which the parent may request the hearing, and the identification of the state residential schools' employee to whom the written request form or other written request for hearing is to be mailed, and to whom questions and documents or requests relating to the hearing may be directed; and
- 3. inform the parent that if he/she does not request a hearing on the written request form or otherwise in writing pursuant to 5 MCAR § 1.0138, within seven days after receipt of the notice, the state residential schools shall proceed with the proposed action unless the proposed action is to admit the student to or to transfer the student from placement at the state residential schools; and
- 4. inform the parent that if the proposed action is to admit the student pursuant to the parent's written consent of the proposed individual educational program plan, and agreement has not been reached in conciliation conference and no hearing is requested in accordance with 5 MCAR § 1.0138, efforts to reach the parent shall be documented, and the state residential schools' administrator shall serve the parent and the resident school district written notice stating that effective the date of the notice the student shall not be admitted to the state residential schools under the current application for admission procedure;
- 5. inform the parent that if the proposed action is transfer of the student from placement at the state residential schools, when the parent continues to refuse to provide written permission, the state residential schools

shall schedule a hearing within seven days after the expiration of the seven days allowed for parent response.

(5 MCAR 1980)

## 5 MCAR § 1.0138 The hearing.

A. Initiation of the hearing. A parent or the state residential schools may initiate an impartial due process hearing when either party continues to object to a proposed action and conciliation has not been achieved through one or more conciliation conferences pursuant to 5 MCAR § 1.0137. The resident school district may be party to the hearing. The decision of the hearing officer shall be rendered not more than 45 days from the date of the receipt of the request for the hearing. The hearing officer may grant specific extensions of time beyond the 45 day period at the written request of either party.

#### B. Notice.

- 1. Written notice of the time, date and place of all hearings shall be given to all parties by the state residential schools at least 14 days in advance of such hearings; and the hearing shall be held at a time, date, and place mutually convenient to all parties.
- 2. Within seven days of receipt of the parent's written request for a hearing, the state residential schools shall serve the parties with a written notice of rights and procedures relative to the hearing which shall inform the parent:
- a. that the hearing shall take place before an impartial hearing officer appointed by the commissioner;
- b. that they will receive notice of time, date and place of the hearing 14 days in advance of the hearing which will be held within 30 days after the written request;
- c. of the hearing rights of the respective parties including the following:
- (1) The hearing shall be closed unless the parent requests an open hearing.
- (2) The parties shall have the right to representatives of their own choosing, including legal counsel in preparation of and at the hearing. The state residential schools shall inform the parent of any free or low cost legal or relevant services available in the area.
- (3) Not less than seven days prior to the hearing, the parent or his/her representative(s), as the case may be, shall be given access to all of the state residential schools' records and such other records pertaining to the child that are authorized to be disclosed, including but not limited to all tests.

evaluations, assessments, reports, and other written information concerning the educational assessment or reassessment upon which the proposed action may be based.

- (4) At least seven calendar days prior to the hearing the parent shall receive from the state residential schools a brief resume' of additional material allegations referring to conduct, situations or conditions which are discovered and found to be relevant to the issues to be contested at the hearing and which are not contained in the original notice or memorandum provided pursuant to 5 MCAR § 1.0136 or 5 MCAR § 1.0137 B. If such material allegations or information relating thereto are not so disclosed, it shall be left to the person conducting the hearing to determine if those material allegations may be introduced or considered.
- (5) Within seven days after written request any party shall receive from the other parties a list of witnesses who may be called to testify at the hearing. Such list shall be filed with the person(s) conducting the hearing. Such lists may be modified at any time but each party shall be notified if modification occurs.
- (6) All parties or their representatives, as the case may be, shall have the right to request the attendance of any employee of the state residential schools, resident school district or any other person who may have evidence relating to the proposed action, and to confront, and to cross examine any such witness. Any such request shall be made to the state residential schools, and to the person whose attendance is requested at least seven days in advance of the hearing. Such written requests shall also be filed with the hearing officer at the time of hearing.
- (7) The parent shall have the right to call his/her own witnesses and to present evidence, including expert medical, psychological, and educational testimony and relevant records, tests, assessments, reports or other information.
- (8) All parties shall have the right to confront and cross examine witnesses.
- (9) If the person conducting the hearing determines at the conclusion of the hearing that there remain disputes of fact which, in the interest of fairness and the child's educational needs, require the testimony of additional witnesses, or if the hearing officer concludes that alternative educational programs and opportunities have not been sufficiently considered, he or she may continue the hearing for not more than 14 days, for the purpose of obtaining the attendance of such witnesses or considering such alternative programs and opportunities. The parties' right to cross examination and confrontation and other applicable rights and procedures set forth herein shall continue and be given full force and effect.
- d. that at the hearing the burden of proof is on the state residential schools to show that the proposed action is justified on the basis of the

student's educational needs or his/her current educational performance, or presenting handicapping conditions taking into account the presumption that placement in a regular public school class with special education services is preferable to removal from the regular classroom;

- e. that a record shall be kept of the hearing and a copy of the transcribed record shall be available to the parent, upon request, at the cost of the copy.
- f. that the hearing officer shall make a written decision based only on evidence received and introduced into the record at the hearing. Such decisions shall be rendered not more than 45 days from the receipt of the request for the hearing. The proposed action will be upheld only upon showing by the state residential schools of a preponderance of the evidence. A proposed action that would result in the child being removed from a regular education program may be sustained only when and to the extent the nature or severity of the handicap is such that a regular education program would not be satisfactory and the child would be better served in an alternative program. Consideration of alternative regular educational programs shall also be given;
  - g. that the decision of the hearing officer is binding on all parties;
- h. that pending the decision, the student's education program shall not be changed unless the parent and the parties agree otherwise;
- i. that the parent has the right to have the child present at the hearing; and
- j. that the parent shall receive a copy of the hearing officer's written findings, conclusion and decision.

#### C. Hearing officers.

- 1. The hearing shall take place before an impartial hearing officer appointed by the commissioner.
- 2. The hearing officer shall not be a member of the state board of education, state department of education, an employee of either the student's resident school district or the state residential schools or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the state solely because the person is paid by the state department of education or the state residential schools to serve as a hearing officer.
- 3. If a hearing officer requests an independent educational assessment of a child, the cost of the assessment shall be at state residential schools' expense. All expenses of the hearing, except for the parent's and resident school district's attorney's fees; the cost of a copy of the record of the hearing if requested by the parent; or other expenses incidental to the parent's, child's, or resident school district's participation in the hearing, shall be paid by the state residential schools.

- 4. The hearing officer shall be empowered to subpoena any persons or papers he/she deems necessary for an adequate review of the appropriateness of the proposed action which is the subject of the hearing.
  - D. Prehearing review by the hearing officer.
- 1. Not less than seven days prior to the hearing, the person conducting the hearing shall be mailed copies of:
- a. notices and memoranda prepared by the state residential schools pursuant to 5 MCAR § 1.0137 sent to the parent;
- b. written information concerning the educational assessment or reassessment and copies of any parties' tests, evaluations, or other admissible reports or written information relating to such assessment or reassessment, or the proposed action;
- c. a copy of the student's current and proposed individual educational program plan; and
- d. other information from the state residential schools, or parent as the hearing officer may have requested at a prior date provided that a copy of such information is provided to all parties, and further provided that such information is made a part of the hearing record;
- e. the provisions of b. and c. do not apply when the hearing concerns a proposed action to assess or reassess.
- 2. Upon receipt of the information set forth in 1. above, the hearing officer:
  - a. shall review the same for compliance with these rules;
  - b. may meet with the parties together prior to the hearing;
- c. may require the state residential schools to perform an additional educational assessment or reassessment;
- d. may require an independent educational assessment of the student at the expense of the state residential schools;
- e. may require the state residential schools to propose an alternative individual educational program plan;
- f. may require the state residential schools to send additional notice to the parent;
- g. may do such additional things necessary to achieve compliance with these rules;

- h. may extend the hearing date for up to 15 days to achieve the purposes of this paragraph;
- i. may grant specific extension of time beyond the 45 day period at the request of either party.

#### E. Hearing procedures.

- 1. The hearing officer shall preside over and conduct the hearing and shall rule on procedural and evidentiary matters, and his or her decision shall be based solely upon the evidence introduced and received into the record.
- 2. The state residential schools shall bear the burden of proof as to all facts and as to grounds for the proposed action.
- 3. One purpose of the hearing is to develop evidence of specific facts concerning the educational needs, current educational performance, or presenting handicapping conditions of the person as they relate to the need for the proposed action. Consistent with the rights and procedures set forth herein, nothing in the rules shall limit the right of the hearing officer to question witnesses or request information.
- 4. A tape recording, stenographic record, or other record of the hearing shall be made.
- 5. As appropriate to the pending matter, the hearing officer shall consider evidence related to:
- a. the state residential schools' decision to deny admission to the student for the purpose of providing an educational program. The state residential schools shall demonstrate by a preponderance of the evidence that based upon the schools' determination an appropriate individual educational program plan cannot be developed by the state residential schools.
- b. the state residential schools' proposal to assess or reassess or refusal to assess or reassess as set forth in 5 MCAR § 1.0135 B. The state residential schools shall demonstrate by a preponderance of the evidence that the educational assessment or reassessment is justified as a step toward the possible initiation of or change in the student's educational placement or provision of services; or the state residential schools shall demonstrate by a preponderance of the evidence that refusal to assess or reassess is justified by the proximity in time, appropriateness and adequacy of the most recent assessment or reassessment.
- c. the state residential schools' proposal to initiate or refusal to initiate services as set out in the student's individual educational program plan. The state residential schools shall demonstrate by a preponderance of the evidence that the proposed action is consistent with the current educational needs of the student.

- d. the state residential schools' proposal to transfer the student. The state residential schools shall demonstrate by a preponderance of the evidence that the proposed transfer is consistent with the current educational needs and presenting handicapping conditions of the student.
- 6. The hearing officer shall sustain, modify or reject a proposed action based on consideration of all the evidence received at the hearing.
- F. The decision of the hearing officer. Not more than 45 days from the receipt of the request for a hearing, except where extensions of time have been granted and then at a time not to exceed 45 days plus the number of days added by the extensions, the hearing officer shall prepare a written decision based on evidence received and introduced into the record at the hearing. Such decision shall address itself to the following:
- 1. Decisions regarding admission. The hearing officer shall sustain the decision to deny admission of the student to the state residential schools upon a showing by the state residential schools by a preponderance of evidence that an appropriate individual educational program plan cannot be developed by the state residential schools.

### 2. Decisions regarding assessment or reassessment:

- a. the hearing officer shall sustain a proposed assessment or reassessment of the student as set forth in 5 MCAR § 1.0135 B. upon showing by the state residential schools by a preponderance of the evidence which demonstrates that there are facts, relating to the student's performance in his/her present education placement or presenting handicapping conditions, which indicate reasonable grounds to believe that the educational assessment or reassessment procedures are justified as a step toward the possible initiation of or change in the student's educational placement or program, including special education services, which will provide an educational program appropriately suited to the student's needs;
- b. the hearing officer shall sustain the refusal to assess or reassess upon a showing by the state residential schools by a preponderance of evidence which demonstrates that there are facts which indicate reasonable grounds to believe that there has been recent and adequate assessment or reassessment of the student by qualified professionals; and
- c. consistent with the standards, requirements, and principles set forth in statute and these rules, the hearing officer shall have the authority, based on all the evidence received at the hearing, to modify the proposed assessment or reassessment procedures in order to insure compliance with the requirement of nondiscrimination.

## 3. Decisions regarding individual educational program plan:

a. in deciding if the proposed action is to be sustained, in whole or part, the educational needs of the student shall be determinative. However,

there shall be a presumption that among alternative programs of education, that to the maximum extent appropriate, a primary placement in a regular public school class and program with appropriate special education services, is preferable to removal from the regular classroom;

- b. the hearing officer shall sustain the individual educational program plan of the state residential schools upon a showing by the state residential schools by a preponderance of evidence that the student's individual educational program plan represents educational services appropriate to the student's educational needs in the least restrictive alternative. This decision shall be made in accordance with the principle of least restrictive alternative; and
- 4. Decisions regarding transfer: The hearing officer shall sustain the decision to transfer the student from placement at the state residential schools upon a showing by the state residential schools by a preponderance of evidence that the appropriate program for the student in the least restrictive alternative is no longer placement at the state residential schools.
  - 5. All hearing officer decisions shall:
- a. contain written findings of fact, and conclusions of law, including a statement of the controlling facts upon which the decision is made in sufficient detail to appraise the parties on the basis and reason for the decision;
- b. state the amount and source of any additional state expenditures necessary to implement the decision;
- c. be based on the standards and principles set forth in Minn. Stat. § 120.17, subd. 3a.; and
  - d. be binding on all parties.
- 6. All decisions shall be filed with the commissioner of education and shall be sent by mail to the parties.
  - G. Effective date of the action and appeals.
- 1. The decision of the hearing officer shall be binding on all parties and shall become effective 30 days after service of the decision unless the decision is appealed in a civil action.
- 2. The hearing officer may grant specific extensions of time beyond the 45 day period set out in these rules at the request of any party provided that no extension may be granted for the filing of a civil action.

(5 MCAR 1980)

## Chapter Eight: Health and Safety Education Instruction and Training Minimum Standards for Elementary and Secondary Schools

Repealed 75R 1373

3.28.83 EDU 140 General standards, all schools.

- A. Health director. A member of each school faculty, with approved preparation, shall be designated as school health director who, under the administrative officer of the school, shall organize and coordinate the school health program.
- B. Planning the health program. The health director and staff of each school shall cooperatively plan a unified, sequential health program, based on the course or courses in health education herein prescribed.
- C. Health records. Each teacher, or other professional personnel, so assigned, shall check the health record of every pupil under her direction at the beginning of each school year so that the proper entries may be made on the permanent record card at the close of the school year. In addition, the height, weight, vision and hearing screening results, as well as the findings obtained from health inspections and examinations, shall be entered periodically on the health record of the pupil.

(EDU 1956 s 5040;1961)

# EDU 141 Elementary schools.

- A. Time allotment. At least 60 minutes per week, arranged in three to five periods, each of twelve to twenty minutes duration, shall be scheduled for health education in grades one through six in six-year elementary schools or grades one through eight in eight-year elementary schools. The time provided shall be exclusive of the daily morning inspection.
- B. Elementary school course. There shall be a written course of study on file in each elementary school, which provides the content for the K-6 physical education program and health education program.

(EDU 1956 s 50M;1976)

# EDU 142 Secondary schools.

- A. Minimum time allothent. A total of at least 144 full periods of health instruction in grades 7-12 shall be required of all pupils in every secondary school!
- B. Secondary school course. There shall be a written course of study on file in each secondary school, which includes the content of the 7-10 health education program.
- C. Driver education. Every instructor of driver education shall be a teacher who has satisfactorily completed a course of instruction in driver education for teachers.

(EDU 1956 s 5042;1959;1961;1962;1964;1966;1972;1975;1976)

#### EDU 143-159 Reserved for future use.

# Chapter Nine: Physical Education Instruction and Training, Minimum Standards for Elementary and Secondary Schools

# ERU 160 General standards for all schools.

- A. Acceptable examinations and tests shall be employed by local schools in determining pupil needs and measuring pupil progress.
- B. The program shall be differentiated and conducted so as to meet pupil needs in a satisfactory manner.

  (EDU 1956 s 5043)

# EDU 161 Elementary schools.

- A. Time requirements. Physical education shall be scheduled as follows: Grades one and two, one 10-minute period and one 25-minute period daily; grades three through six, one 30-minute period daily; and grades seven and eight in eight year elementary schools, one 30-minute period daily.
- B. Elementary school course. There shall be a written course of study on file in each elementary school, which provides the content for the K-6 physical education program.

# (EDU 1956 s 5044;1974)

# EDU 162 Secondary schools.

- A. Time requirement.
- 1. A minimum of 80 clock-hours shall be scheduled for each of grades seven, eight and nine; and 60 clock hours in grade 10.
- 2. Physical education shall be scheduled throughout the academic year for grades seven, eight, and nine.
- B. Secondary school course. There shall be a written course of study on file in each secondary school, which includes the content of the 7-10 program.
- C. Class size. An acceptable class size for instruction in physical education shall not exceed 40 pupils.
- D. No student shall be excluded from a class solely on the basis of such student's sex.

(EIDU 1956 s 5045;1959;1961;1964;1974;1975)

### EDU 163-179 Reserved for future use.

# Chapter Ten: Transportation or Board and Lodging, Standards for Aid

# EDU 180 Application and claim.

- A. A district making application for aid for transportation or board and lodging under Minn. Stat. §§ 124.222 and 124.223 shall report to the state department of education and all claims submitted shall be postmarked not later than July 31 after the close of the school term for which aid is claimed in order to qualify for final payment at the regular time.
- B. For each fiscal year ending June 30, each district shall file a report pursuant to subdivision A. This report and the year-end reports required in subdivision A shall provide the pupil counts on which the following September, December and March payments of 30 percent will be paid.

  (EDU 1956 s 5046 (a):1959:1961:1974:1975)

### EDU 181 Repealed.

EDU 182 Certification of eligible pupils. The administrative officer of the school district shall certify that every pupil for whom aid for transportation or board or lodging is claimed is eligible for aid.

(EDU 1956 s 5046 (b)

### EDU 183 Aid limitation.

- A. Transportation aid will be paid for the transportation of each eligible resident pupil for one round trip per day to the classified school attended.
- B. Transportation aid for any eligible pupils will be granted on the authority of only one clause of Minn. Stat. § 124.223, clauses (1), (2), (4), and (5).

(EDU 1956 s 5046 (d):1959:1960:1974:1975)

### EDU 184 Eligible pupils.

### A. Resident pupils.

- 1. Any elementary or secondary pupil for which a school district is entitled to transportation aid under the provisions of Minn. Stat. § 124.223 and Minn. Stat. § 124.32, subd. 6.
- a. Each eligible pupil transported pursuant to Minn. Stat. § 124.223 1, to be included for transportation aid, shall reside a walking distance of one mile or more from the school building attended or which could be attended, but in the case of a nonpublic school only to the extent permitted by Minn. Stat. §§ 123.76 to 123.79 with respect to nonpublic school pupils.

- 2. Any secondary pupil or an area vocational-technical school pupil, who is a resident of a district not maintaining a secondary school or area vocational-technical school or vocational classes and is transported to a district having a classified secondary or area vocational-technical school or vocational classes at the expense of the resident district.
- 3. Any pupil transported to and from an instructional community-based employment station which is part of an approved occupational experience secondary vocational program, subject to such budget limitations as are imposed by current legislation.
- 4. Any pupil enrolled on a shared time basis in an educational program approved by the commissioner, for which transportation is provided from one educational facility to another within the district, subject to such budget limitations as are imposed by current legislation.

### B. Full-time equivalents.

For purposes of establishing base costs per pupil and for paying transportation liabilities of the state pursuant to Minn. Stat. §§ 124.222 and 124.223, equivalent pupil units shall be computed (to the nearest .01).

- 1. For regular transportation of children pursuant to Minn. Stat. § 124.223 (1) and (2), no pupil transported less than 20 days in a school year shall be counted.
- 2. For transportation of children to a cooperative center pursuant to Minn. Stat. § 124.223 (3) and Minn. Stat. § 123.351, and the state plan for vocational technical education, each pupil transported 20 or more days shall be counted according to term of enrollment as follows:

Half-semester 1/4 full-time equivalent pupil
Quarter 1/3 full-time equivalent pupil
Semester 1/2 full-time equivalent pupil
Regular school year 1 full-time equivalent pupil

- 3. For transportation of handicapped children pursuant to Minn. Stat. § 124.223 (4) and (5), the number of full-time equivalent pupils shall be the sum of the number of days in attendance and transported for each child divided by 175 with no ratio to exceed on.
- 4. For board and lodging, pursuant to Minn. Stat. § 124.223 (2), (4) and (5), the same rule applies in sub-clause 3 above.
- 5. For summer school transportation, pursuant to Minn. Stat. § 124.223 (8), a pupil other than a handicapped child shall be counted one-sixth of a full-time equivalent pupil.
- 6. For summer school transportation of handicapped children, pursuant to Minn. Stat. § 124.223 (8), the rules in clauses 3 and 4 above will apply.
- 7. Summer school pupils are counted with the pupils in the following school year.

(EDU 1960 s 5046 (c)1.-6;1971;1974;1975)

### EDU 185 Determination of costs.

A. In determining transportation costs to be used by any district as the basis for state aids, the following shall apply:

- 1. Actual cost means the net operating cost, per eligible pupil transported or given board and lodging. Base cost is such cost in a given category for the 1973-74 year. Current cost is such cost in a given category for the year of payment. The categories of cost are the same as listed in EDU 184 B. The commissioner shall establish a base cost for any transportation category for which a district had no experience in 1973-74.
- a. For any current year, the amount of state aid to be paid to a district will be (1) the actual cost per full-time equivalent pupil or (2) the base cost per full-time equivalent pupil augmented as provided in law, whichever is smaller, reduced by the amount of one mill (.001) times adjusted assessed valuation of the district.
- b. Payments of 30 percent of transportation aid are made to a district in September, December and March based on the full-time equivalent pupils transported the previous year. The amount to be paid is the base cost per full-time equivalent pupil augmented as provided in state law. If the cost of transporting children is increasing greatly due to increased enrollment or new or expanded programs, the commissioner may authorize the payment of aids on a larger number of full-time equivalent pupils.
- c. In August following the current year, a final payment shall be made based on current year full-time equivalent pupils and costs as provided in clause A less previous payments made.
- B. In addition to the transportation costs, depreciation aid shall be paid to each eligible district. Effective with the 1975-76 fiscal year depreciation shall be calculated at 12½ percent per school year in each year of the eight following the year of purchase on each eligible school bus. Depreciation for equipment added to or installed in a school bus specifically to meet special needs of handicapped individuals shall be calculated as provided in law.

Such depreciation aids shall be paid in a lump sum in the month of September. For purposes of transportation levies, the last available depreciation amount shall be used.

- 1. Type I conventional, forward control and pusher type vehicles of more than sixteen passenger capacity which conform to the established state minimum standards are eligible to earn depreciation aid in accordance with the rules established by the state board of education.
- 2. Type II or Type III re-structured vehicles of 16 or less passenger capacity are eligible to earn depreciation aid only when, and as, approved by the commissioner of education.
- a. Definition: Re-structured. "Re-structured" means a vehicle produced by a chassis manufacturer which is converted into a school bus by a second manufacturer and upon completion shall meet or exceed the static load test code for school bus body structure. See Body, EDU 262 I.3.

EDU 185 148

3. Remounted school bus body and chassis units shall not be eligible for depreciation aid. Exceptions may be made by the commissioner of education when it is determined that the safety of the unit is not adversely affected.

- C. When two or more children from the same family residence are transported by the parent or guardian to the same school in a family vehicle, cost for state aid purposes is to be calculated on the basis of one child only.
- D. Claims for aid which involve duplication of state funds to be paid for any pupil transported will not be approved.
- E. Any district in which pupils receive transportation between school buildings within the district for instructional purposes will receive transportation aid if a plan for the program and required transportation is submitted to and approved by the commissioner of education. The amount of such aid shall be specified by the commissioner upon consideration of a proposed budget. All plans and applications must be submitted to the commissioner for approval prior to July 1 of the fiscal year in which the plan is to be placed in effect. It shall be necessary to renew the plan each year with budget and other modifications as warranted in order to continue the plan.
- F. Any district in which pupils receive transportation to and from an instructional community-based employment station which is part of an approved occupational experience secondary vocational program will receive transportation aid if a transportation application is submitted and approved by the commissioner of education. All plans and applications must be submitted to the commissioner for approval prior to July 1 of the fiscal year in which the plan is to be placed in effect. It shall be necessary to renew the plan each year with budget and other modifications as warranted in order to continue the plan.
- G. Any district in which pupils are enrolled in an approved shared time program will receive transportation aid if an application for required transportation is submitted to and approved by the commissioner of education. All plans and applications must be submitted to the commissioner for approval prior to July 1 of the fiscal year in which the plan is to be placed in effect. It shall be necessary to renew the plan each year with budget and other modifications as warranted in order to continue the plan.
- H. All extracurricular and other special trips, not involving transportation from home to school or special education facility and return or from school to a vocational center or special education facility and return and not eligible for state aids, shall be accounted for, as to the number of miles traveled, number of resident pupils involved, and total cost for such trip or trips, by the board of each school district from which such trips not authorized by Minn. Stat. § 124.223 are made during the year.
- I. Notwithstanding any rule to the contrary, handicapped children may be transported beyond school district boundaries if the district school board deems that such transportation is educationally necessary.

J. Districts which are responsible for the education of handicapped children residing in state institutions shall provide the necessary transportation and collect the transportation aids for all such pupils regardless of the district of residence pursuant to Minn. Stat. § 124.32, subd. 6.

K. In addition to all aids provided herein, aids shall be provided for handicapped children pursuant to Minn. Stat. § 124.222, subd. 2a.

(EDU 1960 s 5046 (e) (h):1961;1967;1969;1970;1971;1974;1975)

EDU 186 Transportation and board and lodging contracts. The school board shall enter into written contracts for the transportation and/or board and lodging of its resident pupils and such contracts shall be approved by the commissioner of education within ten days after the written contract is negotiated. (See EDU 188)

(EDU 5046 (d); 1960 s 5046 (f); 1975)

EDU 187 Bus rental contracts. The board of any school district which rents any of its district buses or vehicles shall submit in duplicate its written contract covering the rental arrangements to the commissioner of education within 10 days after the written contract is negotiated.

(EDU 1961 s 5046 (g))

### EDU 188 Commissioner's rules, transportation contracts.

- A. The board of any school district contracting with another district, private contract hauler, or parent for the transportation of its resident pupils shall submit its written contract(s) in duplicate to the commissioner of education within 10 days after the written contract is negotiated, but not later than the first day of the school period for which the contract is made.
- B. Transportation contracts shall include at least the following specific items:
  - The correct names of the contracting parties.
  - Date the contract begins and date the contract ends.
  - 3. Kind of transportation equipment to be used.
  - 4. Total amount to be paid during the school year or base per pupil
  - 5. When and how payments are to be made.
  - 6. Minimum number of pupils to be transported.
  - 7. Special terms to be mentioned:
    - a. Holidays, specific dates.
    - b. Vacations, beginning and ending dates.
    - c. Conditions governing bus route changes.
    - d. How new and additional pupils will be provided for.
    - e. How extracurricular and other special trips are to be provided and paid for.
    - f. How adjustments and refunds are to be handled.
    - g. Kinds and amounts of insurance to be carried and special coverage.
    - h. A statement that the local board shall approve any and all school bus routes, drivers, and alternate drivers.
    - i. How contracts may be terminated.

(EDU 1960 s 5046.1:1974)

EDU 189 150

EDU 189 Planning detail, records. The school board in making arrangements for pupil transportation to and from school shall determine and maintain supporting records of the following, when applicable:

- A. Routes of the regular and special school buses.
- B. Location of regular and special school bus loading areas.
- C. Time schedule for all school bus routes.
- D. Any changes to be made in school bus routes during the school year and the giving of adequate notice thereof.
  - E. Evidence that all bus drivers are legally qualified.
  - F. Local pupil transportation policies.
- G. The distance each pupil transported resides from the school attended or if nonpublic the district line to which transported.

  (EDU 1967.1974)

### EDU 190 Regulations relating to equal transportation.

- A. Policy statement. In accordance with Minn. Stat. §§ 123.76-123.79, it is the policy of the state board of education that school districts provide free and equal transportation for all school children of the state.
- B. Pursuant to the policy set out in EDU 190 A., the state board of education:
- 1. shall provide transportation aid in accordance with EDU 180 through EDU 199 for transportation provided by the school board for resident pupils to and from eligible schools located within the district,
- 2. shall provide transportation aid in accordance with EDU 180 through EDU 199 for transportation provided by the school district for resident pupils attending eligible schools located in another district, provided that the aid shall be for only so much of the trip as is within the district of residence and, provided further that transportation aid may only be provided for such pupils within the limits specified in EDU 190 C. This limitation is not applicable to transportation of handicapped children.
- 3. shall not provide transportation aid where a school district elects to provide transportation for nonresident pupils to a school or schools within its district.
- 4. shall not provide transportation aid where a school district elects to provide transportation for nonresident pupils through its district enroute to a school located in another district.
- C. An eligible resident pupil shall receive free and equal transportation to the appropriate school district boundary if there is no nonpublic school within the district maintaining grades or departments that are maintained in another district, or if attendance can more safely, economically, or conveniently be provided by such means.
- A nonpublic school located within the resident district shall be deemed unavailable if it does not maintain the appropriate grades or

departments. The term appropriate department shall include a department of religion.

- 2. The public school administration shall annually and as necessary consult with the appropriate nonpublic school administration on attendance areas, safety, economics, conveniences and availability of space for the pupils.
- 3. The final determination as to whether transportation shall be provided to the boundary of the resident district shall be made by the public school board pursuant to law.
- D. Where transportation is provided within the district to the boundary of the district and the school district is eligible for transportation aid for such transportation, the "within the district" limitation shall not be applied in an arbitrary manner.
- 1. Safety factors in loading or unloading buses at or near the school district boundary shall be given due consideration.
- 2. Transporting pupils a reasonable distance into the adjoining district or stopping short of the district boundary to assure safety of the pupils shall be determined by the public school board.
- E. The school board of the district of residence may make contractual arrangements with private bus operators, nonpublic schools, public transit operators, parents, and/or other school districts for the transportation of school pupils for any portion of the pupil's trip to or from school, provided that the board ascertains that it is only paying for and claiming state aid for that portion of the trip that is within the district of residence.
- 1. The resident school board's responsibility relative to such contracts shall be limited to the pro-rata cost per resident pupil based on mileage traveled within the resident district as the mileage relates to the total number of miles traveled. Equal transportation is not to be defined in terms of numbers of children transported or numbers of miles traveled or the average cost per pupil for the transportation of eligible pupils attending public schools.
- 2. Each public school board shall require the other party to such contractual arrangements to substantiate and identify all transportation costs charged to the public school district.
- 3. Each school board applying for transportation aid for nonpublic school pupils shall comply with regulations of the state board as specified in Chapters 10,11,12,13 and 14.
- 4. The resident district may transport eligible nonpublic pupils to a nonpublic school located in another district provided the nonpublic school shall pay the cost of that portion of the trip which is outside of the resident district boundary.
- F. If a school board provides transportation for public school pupils to an approved secondary vocational center, it shall also provide transportation for shared time pupils between the public secondary school and the approved secondary vocational center.

- 1. The school board of the district shall not receive state aid for transportation for shared time pupils between nonpublic and public school buildings.
- 2. A shared time pupil may be provided transportation between his residence and the public secondary school when such trip is a part of the trip to the secondary vocational center.

(EDU 1973:1974:1975)

EDU 191-199 Reserved for future use.

# Chapter Eleven: Transportation of Nonresident Pupils

EDU 200 Application for permission. Each school district wishing to transport nonresident pupils on district owned and operated buses and on privately owned and operated buses contracted for by the school board of the district shall make written application to the state board of education for permission to do so.

(EDU 1956 s 5047;1959)

- EDU 201 Standards for permission. Permission to transport nonresident pupils may be granted to school districts by the state board of education provided:
- A. That the equipment is not required for the transportation of resident pupils and that there is available seating space in the bus to accommodate nonresident pupils.
- B. That the routes are within the area of the secondary school to be served and are approved by the state board of education.

  (EDU 1956 s 5048)

EDU 202-219 Reserved for future use.

### Chapter Twelve: Qualifications for School Bus Drivers

5 MCAR § 1.0220 General requirement. Satisfactory completion of a school bus driver's examination shall be required of every person required by Minn. Stat. § 171.321 to have a school bus endorsement to operate a motor vehicle used in the transportation of children to or from public, private or parochial schools and school related activities, and owned by a government agency, a private or parochial school corporation or agency, or a private person, firm, association or corporation.

(EDU 1956 c 5049; 1973; 5 MCAR 1982)

5 MCAR § 1.0221 Tests. The test or examination required for an initial school bus driver's endorsement on a Minnesota driver's license shall include a written test and a road test.

(EDU 1956 c 5050; 1973; 5 MCAR 1982)

A. Written test. The written test shall be based on the provisions of the "Highway Traffic Regulations Act" and driver license laws and rules relating to school bus operation prescribed by the State Board of Education, and a general knowledge of the operation of school buses, including knowledge of the equipment, devices, and laws peculiar to school buses. The written test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 has been obtained, the Commissioner of Public Safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

## B. Road test.

- 1. The road test shall be given in a school bus. There are two separate classes of endorsement: one for a school bus with a capacity of 16 passengers or fewer, the other for a school bus with a capacity of over 16 passengers. An endorsement issued to an applicant taking the test in the smaller bus will be restricted to a bus of that size. An endorsement issued to an applicant taking the test in the larger bus will be unrestricted.
- 2. The road test shall be satisfactorily completed if a score of 70 is obtained. In determining whether a score of 70 has been obtained, the Commissioner of Public Safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

(EDU 1956 c 5050; 1973; 5 MCAR 1982)

### 5 MCAR § 1.0222 Physical examination.

A. Physician's certificate. An applicant for a school bus driver's endorsement shall be in good physical and mental health, be able-bodied and free from communicable disease. As evidence of his physical fitness and mental alertness, the applicant shall submit to a physical examination by a reputable physician designated by the local school authorities; and the physician's

certificate of physical fitness and mental alertness shall accompany the application for school bus driver's endorsement when presented to the Department of Public Safety.

- B. Disqualification. Any school bus driver applicant, whose physical examination discloses communicable diseases or mental or physical conditions of intermittent or continuing nature that might reasonably affect his ability to operate a school bus, shall be denied a school bus driver's endorsement. One or more of the following deficiencies will disqualify the applicant for a school bus driver's endorsement:
- 1. Eyesight. Visual acuity less than 20/40 (Snellen) in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers requiring correction by lenses shall wear properly prescribed lenses at all times when driving).
- 2. Hearing. Hearing less than 30 db (10/20) in the better ear, with or without a hearing aid.
- 3. Inebriates or users of narcotics or drugs which may impair driving ability.
- 4. Coronary disease. Any indication of coronary or heart ailment likely to interfere with safe driving. Electrocardiogram is required when other findings indicate desirability.
  - 5. Blood pressure over 160/90.
- 6. Lungs. Failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Health Department rules 7 MCAR §§ 1,327-1,328.
- 7. Any communicable disease as listed in Minnesota Health Department rules 7 MCAR § 1.316 and 7 MCAR § 1.326.
- 8. Loss of foot, leg, hand or arm, or other structural defect or limitation of movement likely to interfere with safe driving.
- 9. Any mental, nervous, organic, or functional disease likely to interfere with safe driving.
  - 10. Diabetes unless controlled by diet or oral medication only.
  - 11. Epilepsy or other episodic (Paroxysmal) periods of unconsciousness.
- 12. Use of any medication which the examining physician determines is likely to interfere with safe driving.
  - 13. Applicant not of good general health.
  - C. Form of physician's certificate. The certificate to be used by the physician

for reporting the physical condition of the applicant shall be one prescribed by the Department of Public Safety and may be obtained from that office or any driver examining station.

- D. Periodic reexamination. Each school bus driver is required to take and pass a physical examination every two years prior to his birthday in order to retain his school bus driver endorsement. The Department of Public Safety will send physical examination certificates to school bus drivers. A school bus driver shall return the certificate, completed by the examining physician, along with a \$2 processing fee, on or before his birthday to the Department of Public Safety. Failure to pass and return the physical examination shall result in cancellation of the school bus driver endorsement from the Minnesota driver license.
- E. Additional examinations. A physical examination may be required oftener upon demand of any school district from or to which such school bus driver shall be transporting school children. Such extra examination shall be paid for by the district demanding it.

(EDU 1956 s 5051; 1967; 1969; 1970; 1973; 5 MCAR 1981; 1982)

5 MCAR § 1.0224 Driver background check. Before issuing a school bus driver's endorsement the Department of Public Safety shall determine whether the applicant has been convicted of a crime involving moral turpitude and shall also conduct a background check on the applicant's driving record.

(EDU 1973: 5 MCAR 1982)

- 5 MCAR § 1.0225 Requirements, renewal of driver license and school bus endorsement.
- A. Requirements. Every four years a school bus driver applying for the renewal of his driver license and school bus endorsement shall pass a written examination containing only such material as the Commissioner of Public Safety deems necessary to determine if the licensee is entitled to retain the endorsement previously issued.
- B. Noncompliance. Failure to comply with any of the requirements of this rule shall result in the cancellation or denial of the school bus driver's endorsement.

(EDU 1973; 5 MCAR 1982)

# Chapter Thirteen: Rules, Operation of School Buses and Pupil Transportation Safety Education Program

EDU 240 Operation of Type I school buses carrying more than 16 pupil passengers. The operating rules stated in the following subdivisions shall govern the operation of Type I school buses used for the transportation of school children when owned and operated by a school district or privately owned and operated under a contract with a school district.

- A. Only pupils assigned to the school bus by the school board or designated administrative officer of the school district shall be transported at district expense.
- B. All buses shall load and unload in the right lane of the roadway, at pupils stops on bus routes approved by the administrative officer. Loading or unloading in a Designated Turn Lane or in a lane immediately adjacent to a Designated Turn Lane is prohibited.
- C. Pupils are not to be evicted from the bus along the route for a breach of discipline. All breaches of discipline shall be reported by the bus driver to the administrative officer.
- D. The entrance door shall be closed at all times when transporting pupils and the bus is in motion.
- E. The administrative officer shall see that no materials, including: guns, loaded or unloaded; gasoline cans, empty or full; animals or any other object of dangerous or objectionable nature are transported in the school bus when children are being transported.
- F. Immediate reports of all accidents, however slight, involving the school bus shall be made by the driver to the administrative officer and to such other authorities as required by law, rule, or regulation. The driver shall prepare and keep all records and reports required by the administrative officer.
- G. There shall be no pupils in the bus while the gas tank is being filled. On leaving the vehicle when pupils are in the bus, the driver shall stop the motor, remove the ignition key, set the brakes and otherwise render the bus immobile.
- H. Buses shall not be run backwards on the school grounds or at any other point if it can be avoided. If it is necessary to run a bus backwards, the driver shall have another responsible person act as a guard or flagman in back of the bus to keep other persons out of the path and to issue warnings to the drivers of approaching vehicles.

### I. The driver:

 Shall bring the bus to a full stop and disengage gears by shifting into NEUTRAL or PARK before loading and unloading pupils.

2. Shall use the pre-warning amber flashing signals, flashing red signals, and stop signal arm in accordance with Minn. Stat. § 169.44.

3. Shall stop at all railroad crossings whether carrying passengers or not in accordance with Minn. Stat. § 169.28. Eight-Lamp pre-warning alternately flashing amber signals and flashing red stop signals shall not be used at railroad crossings.

A school bus shall not be flagged across railroad grade crossings except at such railroad grade crossings as the local school administrative officer may designate.

Flagging shall be done in the following manner:

- a. The pupils shall take a position so as to have a clear view of the railroad tracks in both directions.
- b. If a train is approaching, the pupil shall not cross the track but shall face the bus and signal the bus not to proceed by holding up both hands above his head.
- c. When pupil has made certain that the track is clear and safe for crossing, he shall signal the driver to cross the tracks by a forward motion of upraised arm.
- d. The driver shall be sure that the pupil has checked for approaching trains and it is safe to cross before driving bus across the tracks.
- e. The pupil shall not re-enter the bus until the bus has crossed the tracks a safe distance.
- 4. Shall maintain at least a 50 foot interval when following another bus entering or leaving the school ground, and at least 500 feet when traveling on the highway (Minn. Stat. § 169.18, subd. 8, clause b).
- 5. Shall load or unload pupils only where the view is unobstructed to the motorist for 500 feet in either direction.
- 6. Shall be responsible for safely delivering the pupils who must cross the highway to the left side of the road by one of the following methods:
- a. The pupil shall pass around in front of the vehicle and cross the road only upon receiving word from the driver; or
- b. The pupil shall pass around in front of the bus and be conducted across the road by the school bus patrol; or
  - c. The driver shall personally conduct the pupils across the road.
- J. In case of an accident or breakdown of the bus the driver shall not leave the bus but send two of the patrol or other responsible pupils to the nearest house to summon help.
- K. No school bus shall pull any trailer when children are being transported to or from school or on extracurricular trips.
  - L. Tire requirements. (Applies to all types of vehicles.)
    - 1. Front wheels.
      - a. No recapped tires shall be used. . . Minn. Stat. § 169.44, subd. 11.

b. Tire tread depth shall not be less than 4/32 inch in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire.'

### 2. Rear wheels.

- a. Recapped tires permitted on rear wheels.
- b. Tire tread depth shall not be less than 2/32 inch in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire.'
  - 3. All wheels: Not acceptable if:
- a. Tire regrooved or recut below original groove depth when extra under-tread rubber was not provided for this purpose.'
- b. Tire has unrepaired fabric break or was repaired by use of a boot or blowout patch.'
  - c. Tire has a bump, bulge, knot or separation.1
  - d. Tire has exposed or damaged body cords.1
  - e. Tire has reinforcement repair to the cord body.'
- M. A daily pretrip inspection shall be conducted on every school bus. Any defects or deficiencies that may affect the vehicle's safe operation or result in a mechanical breakdown shall be promptly reported in writing to the administrative officer.
- N. The school board of the district may adopt such additional operating rules as deemed necessary to meand needs, providing they do not conflict with state laws and regulations.

(EDU 1956 s 5053; 1967; 1969; 1970; 1974)

- EDU 241 Operation of Type III school buses carrying 16 or less pupil passengers. (Includes automobiles, stationwagons and other vehicles designed for carrying nine or less.) The operating rules stated in the following subdivisions shall govern the operation of Type III school buses used for the transportation of school children when owned and operated by a school district or privately owned and operated under a contract with a school district.
- A. Only pupils assigned to the vehicle by the school board or designated administrative officer of the school district shall be transported at district expense.

### B. The driver:

- 1. Shall not operate vehicle as a Type I or Type II bus.
  - a. Shall not stop traffic.
- b. Shall not load or unload in a vehicular traffic lane or on the shoulder. Shall be restricted to curb, non-traffic side (normal parking

<sup>&#</sup>x27;USA Standard Inspection Procedures for Motor Vehicles, USAS D 7.1-1968, Issued by United States of America Standards Institute, 1430 Broadway, New York, N.Y. 10018

lane), off street loading areas, driveways, yard service, and other areas to avoid any hazardous conditions.

- c. Shall not load or unload in the right hand lane of the roadway, designated turn lane, or lane immediately adjacent to a designated turn lane.
- d. Shall not load or unload so that a child has to cross the road. Where not possible or impractical, the driver or aide shall personally escort the child across the road. If driver escorts, the motor must be stopped, ignition key removed, brakes set and vehicle otherwise rendered immobile.
- e. Shall not load or unload before making a complete stop and disengaging gears by shifting into neutral or park.
- 2. Shall not operate as a school bus, whether carrying pupil passengers or not, without displaying the "Vehicle Stops At RR Crossings" sign and stopping at all railroad crossings. See EDU 264, 2, b. Sign may be covered or removed when vehicle is not operating as a school bus.
- C. The school board of the district may adopt such additional operating rules as deemed necessary to meet local conditions and needs, providing they do not conflict with state laws and regulations.

  (EDU 1969;1970;1974)

# EDU 242 Transportation of handicapped students.

Under the provisions of Minn. Stat. § 120.17, school districts are required to provide special education and services for handicapped school age residents. Accordingly, free transportation services shall be provided to any such handicapped child who requires special transportation services because of his or her handicapping conditions and/or special program needs.

These regulations shall apply when the handicapping conditions of the child are such that the child cannot be safely transported on the regular school bus route and/or when the child is transported on a special route for the purpose of attending an approved special education program. These regulations shall not be applicable to parents who transport their own child under contract with a school district.

- A. The length of time a handicapped child is transported shall be appropriate to the physical, mental, and emotional well-being of the child. In general, a handicapped child should not spend more time in transit than a nonhandicapped child except as may be required because of the unique location of the child's educational program.
- B. The school district shall determine the type of vehicle used to transport handicapped students on the basis of the handicapping conditions of those students. Such vehicles shall comply with the provisions of Chapter Fourteen: EDU 260-279 of the rules of the state board of education.
- C. All vehicles used to transport handicapped students shall be equipped with a two-way communications system and/or have a responsible

aide to provide necessary assistance and supervision which cannot safely be provided by the driver. A school district may determine that neither a communication system and/or aide are required. The determination of whether a communication system and/or an aide are required shall reflect the needs of the students and be based on such factors as: handicaps of students transported, distance traveled, density of population, terrain and any other factors which may affect the safety of the pupil passengers. Exceptions to this paragraph may be made upon mutual agreement between the parents and the school district.

- D. Specially adapted seats, support and/or protective devices shall be provided for all students who require such devices to insure their safe transportation. Such devices shall be selected by the school district in consultation with the child's parents and on the basis of the specific needs of the individual handicapped child.
- E. Any school bus used to transport students in wheel chairs shall be equipped with fastening devices which will hold such wheel chairs securely in a fixed position.
- F. Each driver of a vehicle for handicapped students should be carefully selected to fulfill the unique requirements of the job. Drivers shall be assigned to each route on a regular basis whenever possible. Each aide assigned to a vehicle transporting handicapped students, or driver if no aide is assigned, or both, shall:
- 1. Have available to them in the vehicle a typewritten card indicating the student's name and address; the nature of the student's handicaps; emergency health care information; and the names and telephone numbers of the student's physician, parents, guardians and/or custodians and of some person other than the student's parents or custodians who can be contacted in case of an emergency.
- 2. Be instructed in the proper emergency health care procedures for the students under their care. In addition, within one month after the effective date of assignment, participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of those students.
- 3. Assist such children on and off the bus when necessary for their safe ingress and egress from the bus.
- 4. Insure that protective safety devices, as required in paragraph D, are in use and fastened properly.
- G. The school district may adopt such additional operating rules governing transportation of handicapped students as deemed necessary to meet local conditions and needs, providing they do not conflict with state laws and regulations.
- H. Any parent of a handicapped child who believes that the transportation services provided for that child are not in compliance with these rules may utilize the due process procedures provided for in Laws 1976, Chapter 211.
- I. Effective date: These rules shall be effective beginning with the 1976-77 school year.

(EDU 1976)

# EDU 243 Pupil transportation safety education program.

A. Each school district shall implement a program of safety education for all students who transported in school buses.

- B. This program shall provide that:
- 1. at least twice during each school year, pupils shall be instructed in safe riding practices and shall participate in emergency evacuation drills.
- 2. the instruction shall include, but need not be limited to, correct safety procedures for riding, loading, unloading, vehicle lane crossing and emergency evacuation of school buses.

(EDU 1974; coded 242,1975; recoded EDU 243,1976)

EDU 244-259 Reserved for future use.

# Chapter Fourteen: Design of School Transportation Equipment Standards

EDU 260 Design, general. The design and color of school buses, and all other vehicles used in the transportation of public school children, whether owned and operated by a school district or privately owned and operated under a contract with a school district, shall insure safe and economical transportation of pupils at all times and shall reasonably conform to the minimum standards for design of school buses as established by the state board of education and as stated in the following sections.

### A. New school buses:

1. The minimum standards shall apply to new school buses purchased for use in Minnesota after the effective date of these standards and buses complying with these standards when purchased new for use in Minnesota need not comply with any standards established by regulations adopted subsequent thereto except as specifically provided.

### B. Used school buses:

1. Any used school bus purchased for use in Minnesota shall conform to the Minnesota minimum standards that were in effect on the date that the vehicle was purchased new and, in addition thereto, any standards established by regulations adopted subsequently which are applicable to school buses purchased new for use in Minnesota as set out in EDU 260 A.

(EDU 1956 s 5054;1967;1974)

EDU 261 School bus chassis. The design of each truck chassis used in the transportation of school children shall provide for:

A. Air cleaner. Bus shall be equipped with adequate oil-bath or dry element type air cleaner mounted outside passenger compartment.

#### B. Axles.

- 1. Front axle or other type of suspension assembly shall be of sufficient capacity at ground to support such load on front axle as would be imposed by actual average gross vehicle weight.
- 2. Rear axle shall be full-floating type. Rear axle or any other type of suspension assembly shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear suspension assembly.

Exception: transit and metropolitan vehicles.

- 1. Front axle shall be wide-track, heavy-duty bus type and shall have gross weight rating at the ground equal to or exceeding that portion of total load which is supported by the front axle.
- 2. Rear axle shall be full-floating, heavy-duty bus type and shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear axle.

### C. Battery.

- 1. Storage battery, as established by manufacturer's rating, shall be of sufficient capacity to care for starting, lighting, signal devices, heating, and other electrical equipment in Minnesota.
- 2. No bus shall be equiped with a battery system of less than 150 ampere hours at 12 volts, measured at 20-hour rate. (Negative ground system only.)
- a. Option: Battery system of at least 90-ampere hours may be installed in engine compartment and shall be used only in combination with generator or alternator of at least 120 amperes. (See Chassis, EDU 261 Q. 1.)
- 3. When battery is to be mounted outside of engine compartment, it may be temporarily mounted to chassis. Body company will permanently mount battery on sliding tray located so that center line of battery is 52 inches back of cowl. One piece, one gauge battery cables shall be provided by chassis manufacturer, such cables to be at least 36 inches longer than normally required, to accommodate battery when located 52 inches to rear of cowl.

Exception: small vehicles.

- 1. Same as item C. 1. above.
- 2. No small vehicle shall be equipped with battery of less than 60-ampere hours at 12 volts, measured at 20-hour rate.
  - 3. Item C. 3. does not apply.

### D. Brakes.

- 1. Components of all brakes shall be of standard make with replacement parts available through larger automotive parts suppliers.
- a. Four wheel brakes, adequate at all times to control bus when fully loaded, shall be provided.
- b. Foot or service brakes shall, at all times, be capable of stopping complete unit (i.e., wet chassis weight, plus body weight, plus driver's weight, without pupils) from speed of 20 miles per hour in not more than 30 feet, such distance to be measured from point at which movement of service brake pedal or control begins. Tests for stopping distance shall be made on substantially level (not to exceed plus or minus 1-percent grade), dry, smooth, hard surface that is free from loose material.

# c. Auxiliary brake.

- (1) Chassis shall be equipped with auxiliary brake capable of locking rear wheels and capable of holding vehicle on any grade on which it is operated under any conditions of loading on a surface free from snow and ice. Operating controls of such auxiliary brake shall be independent of operating controls of service brakes and shall be readily accessible to driver in normal driving position.
- (2) Under test conditions outlined in item D. 1. b. above, auxiliary brake shall be capable of stopping vehicle from speed of 20 miles per hour in measured distance of 50 feet.

- d. Chassis carrying body of 36 or greater basic pupil capacity shall be equipped with full compressed-air brakes, vacuum-actuated power or assistor-type brakes, or compressed-air-over-hydraulic brakes. See table under Body, EDU 262 C.
- (1) Such installation shall be made by authorized representative of chassis or brake manufacturer and shall conform to recommendation of that manufacturer.
- (2) Hydraulic line pressure shall not exceed recommendation of chassis or brake manufacturer.
- (3) Total reservoir capacity (see item [4] [a] following) shall be at least 1,650 cubic inches for full compressed-air systems, and at least 1,000 cubic inches for vacuum-actuated systems and for compressed-air-over-hydraulic systems.
- (4) Buses having full compressed-air systems shall be equipped with:
- (a) at least two reservoirs (or one vessel divided into two compartments) connected in series.
- (b) safety valve mounted on first reservoir to protect air-brake system against excessive air pressure and check valve mounted in optional location.
- (c) air gauge mounted on instrument panel to register air pressure in air-brake system. See Chassis, EDU 261 U.
- (d) audible or visible low-pressure indicator to warn driver if air pressure in air brake system falls below 60 pounds per square inch.
- (5) Buses having vacuum-actuated or compressed-air-overhydraulic systems shall be equipped with check valve located between source of supply and reservoir.
- e. Brake system vacuum tank installed by chassis manufacturer shall be used exclusively for operation of brakes. System shall include suitable and convenient connection for installation of separate vacuum reservoir with capacity of not less than 1,000 cubic inches, furnished and installed by body manufacturer and protected by check valve, for actuation of other vacuum-powered accessories. Engine shall be protected by proper filters.
- 2. The following provisions for brakes shall supersede those shown above on all school bus chassis manufactured after January 1, 1968.
- a. Service brakes: Four-wheel brakes, adequate at all times to control bus when fully loaded, shall be provided in accordance with Federal Motor Vehicle Safety Standards.
- (1) Stopping ability of service brake system. Service brake system shall be designed and constructed so that by application of single control unit vehicle can be stopped within distances specified in (a) and (b) below. Stopping distance requirement tests shall be conducted in accordance with SAE J658 and with vehicle loaded (MGVW manufacturer's gross vehicle weight).

(a) Brakes shall be designed to have capability of developing deceleration of 14 fpsps (feet per second per second) from speed of 20 mph at pedal effort of not more than 75 pounds.

(b) Stopping distance test with brakes cold shall be conducted after proper conditioning according to SAE J880 and vehicle shall stop, from speed of 20 mph, within following distances at pedal effort of not more than 200 pounds:

 10,000 pounds GVW and under
 25 feet

 Over 10,000 pounds GVW
 35 feet

- (c) Brake balance shall be such that, when tested at speed of 20 mph under any normal condition of loading with MGVW (manufacturer's gross vehicle weight), deceleration of 12 fpsps (feet per second per second) can be achieved without locking wheels on any axle.
- (2) Energy absorption horsepower rating. Energy absorption capability of brakes, when tested in accordance with procedure established by SAE J880 or equivalent, shall be not less than

- (3) Travel reserve of air brake actuator or hydraulic brake pedal. Brake actuator travel, when measured statically at actuating force required for compliance with Item a. (1) (b) above, shall be not more than 60 percent of available travel.
- (4) Reservoirs required. Every brake system which employs air or vacuum shall include following reservoir capacity:
- (a) Air brake system shall have reservoir capacity which is equal to or greater than 12 times total volume of all brake actuators at full travel.
- (b) Vacuum brake system shall have reservoir used exclusively for brakes, with capacity of not less than 1,000 cubic inches, and shall be adequate to insure loss in pressure at full stroke application of not more than 30 percent.
- (c) Brake system shall include suitable and convenient connection for installation of separate vacuum reservoir with capacity of not less than 1,000 cubic inches, furnished and installed by body manufacturer and protected by check valve, for actuation of other vacuum-powered accessories. Engine shall be protected by proper filters.
- (5) Lines supplying power to air or vacuum system reservoirs shall be safeguarded through proper design and bracing to protect from excessive heat and vibration. Brake system reservoir shall be "so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure." Means shall be provided to establish air check valve to be in working order.
- (6) Gauges. A vehicle using air or vacuum in operation of brake system shall be equipped with illuminated gauge, accurate to within ten percent of actual reservoir pressure, which will indicate to driver, in case of

EDU 261 166

(a) air brakes: pressure in psi (pounds per square inch) which is available for operation of brakes; or

- (b) vacuum brakes: vacuum in inches of mercury which is available for operation of brakes.
- (7) Warning devices. In addition to gauges required in (6) above, vehicle shall be equipped with warning signal, readily audible or visible to driver, which will give continuous warning to driver when, in case of
- (a) air brakes: air pressure in system available for braking is 60 psi (pounds per square inch) and less; or
- (b) vacuum brakes: vacuum in system available for braking in eight inches of mercury and less.

### b. Emergency stopping system:

- (1) General. Brake system(s) shall perform emergency stopping function and be so designed and constructed that single failure anywhere in brake system which performs service brake function, excepting mechanical parts of wheel brake assemblies and brake pedal and brake pedal attachment to brake valve(s) or master cylinder(s), will not leave vehicle without operative brakes capable of stopping vehicle when loaded up to and including manufacturer's rated GVW (gross vehicle weight) at any legal speed and in accordance with requirements of (2) and (3) below.
- (2) Emergency stopping performance requirements. Following performance shall be obtained under road and test conditions outline in a. (1) above:
- (a) Vehicle, when loaded to manufacturer's GVW (gross vehicle weight) capacity, shall be brought to stop from speed of 20 mph in measured distance of 85 feet or as may be modified by the Federal Motor Vehicle Safety Standards.
- (b) Deceleration of not less than six fpsps (feet per second per second) shall be maintained throughout stop from 20 mph.
- (3) Control requirements of emergency stopping system. Control of emergency stopping system shall be designed and constructed:
- (a) to permit modulated control by driver of brake application and release; and,
- (b) to permit release of brakes by driver unless energy is available for re-application.

### c. Parking brakes:

Parking brake system shall be designed and constructed to meet the following requirements:

- (1) Parking brake shall hold vehicle stationary, or to limit of traction of braked wheels, on 20-percent grade under any condition of legal loading and on surface free from snow, ice, and loose material.
- (2) When applied, parking brake shall remain in applied position with capability set forth in c. (1) above, despite exhaustion of source of energy used for application or despite leakage of any kind.

(3) Parking brake shall be readily accessible to driver in normal driving position and shall be equipped with warning light readily visible to driver in normal driving position and be marked "BRAKE."

# E. Bumpers.

- 1. Front.
- a. Front bumper shall be furnished by chassis manufacturer as part of the chassis.
- b. Front bumper shall be not less than eight inches in width (high) and must extend to outer edges of fenders at bumper top line (to assure maximum fender protection) and to be of sufficient strength to permit pushing vehicle without permanent distortion to bumper, bumper braces, chassis, or body.

State law: The center point of such bumpers shall be not more than 20, or less than 14 inches from the ground when vehicle is unloaded. (Minn. Stat. § 169.73)

Exception: None. See Minn. Stat. § 169.73.

- 2. Rear. See Body. EDU 262 E.2.
- F. Certification. Chassis manufacturer shall certify to state department of education that their product meets minimum standard on the following items:
  - 1. Axles
  - 2. Brakes
  - 3. Exhaust system noise level
  - 4. Horn
  - 5. Power and gradeablity
  - 6. Springs
  - 7. Complete electrical system.
- G. Clutch. All chassis of 48 through 60 pupil capacity having mechanical type transmission shall be equipped with clutch of 12-inch minimum diameter. Chassis of 66 and greater pupil capacity having mechanical type transmission shall be equipped with clutch of 13-inch minimum diameter or clutch of equivalent performance.

# H. Color.

- 1. Buses now in service (Manufactured prior to June 2, 1973. See Minn. Stat. § 169.44, subd. 7.)
- a. Chassis, including wheels, front fenders and front bumper, shall be black; hood and cowl shall be in Minnesota School Bus Golden Orange, Dupont #1051 or its approved equal.
- (1) Option: Front fenders may be painted golden orange or glossy black.
  - (2) Option: The following may be other than orange or black:
    Wheel rims

Chassis grills

Mirror backs, rims and mounting brackets

Reflector housings

Window frames

Accessories and other minor trim items, See Body, EDU 262 H.

- (3) Option: The use of silver, black or yellow retroflective material may be used on front bumper for increased night visibility.
- 2. New buses: (Manufactured after June 1, 1973. See Minn. Stat. § 169.44, subd. 7.)
- a. Chassis including front bumper and wheels shall be painted glossy black, color 17038; hood and cowl shall be painted National School Bus Glossy Yellow, color 13432, except that the hood shall be either that color or lusterless black, color 37038.
- (1) Option: Front fenders may be painted glossy yellow or glossy black.
  - (2) Option: The following may be other than yellow or black:

Wheel rims
Chassis grills
Mirror backs, rims and mounting brackets
Reflector housings
Window frames

Accessories and other minor trim items, See Body, EDU 262H.

- (3) Option: The use of silver, black or yellow retroflective material may be used on front bumper for increased night visibility.
  - I. Cooling System (Fan-radiator).
- 1. The cooling system fan blade assembly shall be the heavy-duty reinforced center type.
  - 2. Thin pressed blades are not acceptable.
- 3. Fan, alternator, and water pump when driven by common belts shall be equipped with matching pulleys.
- 4. The cooling system radiator shall be of sufficient capacity to cool the water at all speeds in all gears.
- 5. Optional: Radiator shall be equipped with shutters furnished by chassis manufacturer.
- J. Drive shaft. Drive shaft shall be protected by adequate metal guard or guards to prevent it from whipping through floor or dropping to ground if broken.

Exception: small vehicles. Standard does not apply to vehicles with torque-tube drive shaft.

- K. Electrical system.
  - Battery See Chassis, EDU 261C.; and Body, EDU 262B.
  - 2. Generator or alternator See Chassis, EDU 261Q.
  - 3. Lamp and signals See Body, EDU 262V.
  - 4. Wiring See Body, EDU 262V<sub>1</sub>.
- Chassis manufacturer shall install readily accessible electrical terminal so that body and chassis electrical load can be recorded

through chassis ammeter without dismantling or disassembling chassis component. Chassis wiring system to terminal shall have minimum 100-ampere capacity. Chassis ammeter and wiring shall be compatible with generating capacity, and ammeter shall be capable of recording continuous draw of 100 amperes.

6. A complete and readible wiring diagram shall be furnished with each bus.

## L. Exhaust system.

- 1. Exhaust pipe muffler, and tailpipe shall be outside bus body and attached to chassis with adequate hangers of sufficient strength to maintain the position of the exhaust system under all normal operating conditions.
- 2. Tailpipe shall be constructed of seamless or electrically welded tubing of 16-gauge steel or equivalent and shall extend at least five inches beyond chassis frame (should not go beyond rear bumper). See Body, EDU 262 N<sub>1</sub>.
  - 3. Size of tailpipe shall not be reduced after it leaves muffler.
- 4. Exhaust system shall be properly insulated from fuel tank and tank connections by securely attached metal shield at any point where it is 12 inches or less from tank or tank connections.
- 5. Noise level shall not exceed 125 sones as measured by Beranek-Armour-ATA Equivalent Tone Method.
  - 6. Muffler shall be constructed of corrosion-resistant material.

### M. Fenders, front.

- 1. Total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straight ahead position.
- 2. Front fenders shall be properly braced and free from any body attachment.
  - 3. Chassis sheet metal shall not extend beyond rear face of cowl.

Exception: transit and metropolitan vehicles. Standard does not apply.

### N. Frame.

- 1. Frame or equivalent shall be of such design as to correspond at least to standard practice for trucks of same general load characteristics which are used for severe service.
- 2. When frame side members are used they shall be of one-piece construction. If frame side members are extended, such extension shall be designed and furnished by chassis or body manufacturer with his guarantee, and installation shall be made by either chassis or body manufacturer and guaranteed by company making installation. Extensions of frame lengths are permissible only when such alterations are behind rear hanger of rear spring and shall not be for purpose of extending wheelbase.

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3. Holes in top or bottom flanges of frame side rail shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer.

O. Frame lengths - See table under Body sizes - Body, EDU 262 C.

### P. Fuel tank

- 1. Fuel tank shall have minimum capacity of 30 gallons, be made of 16-gauge terneplate or equivalent, and be mounted directly on right side of chassis frame entirely outside body.
- 2. Flexible gasoline- and oil-proof connection shall be provided at engine end of fuel feed line.
  - 3. Tank shall be equipped with adequate baffles.
  - 4. Engine supply line shall be taken from top of tank.
- 5. Drain plug of at least 1/4-inch diameter shall be located in center of bottom of tank.
- 6. Fill-pipe cap shall be of such design as to minimize spillage of fuel when bus turns corners in either direction. If venting of fuel tank is done other than through fill-pipe cap, cap shall be nonvented type.
- 7. Fuel filter with replaceable element shall be installed between fuel tank and carburetor.
- 8. Fuel tank, fittings, or lines shall not extend above top of chassis frame rail.
- 9. If tank sizes other than 30 gallons are specified, location of front of tank and filler spouts must remain as specified below.

Note: Measurements shown below are for guidance of chassis manufacturers and serve only to prevent need for replacement of original tank. Inspectors concerned with state or local approval of vehicle need not consider them unless tank does not fit.

- a. Tank shall not extend in height above side member of chassis.
- b. Distance from center line of chassis to outside of tank shall not be more than 39 inches.
- c. Bottom of tank shall not be more than 14 inches below top of frame.
- d. Distance from cowl to front of tank shall be 42 inches minimum.
  - e. Distance from cowl to center of fill-pipe shall be 57 inches.
- f. Distance from center line of chassis to center of fill-pipe cap shall be 44 inches with plus or minus tolerance of ½ inch permitted.
- g. Center of fill-pipe cap shall be one-inch below top of frame with plus or minus tollerance of ¼ inch permitted.

Exception: small vehicles. Fuel tank shall be mounted, filled and vented outside the body.

Exception: transit and metropolitan type vehicles.

1. Fuel tank shall have minimum capacity of 30 gallons, be made of 16-gauge terneplate or equivalent, and be mounted away from left side of bus entirely outside passenger compartment.

- 2. Bottom of tank shall not be exposed below skirt of body side paneling. See Item 6 under Body, EDU 262 I.
- 3. Engine supply line shall be taken from upper portion of tank and shall be adequately protected.
- 4. Drain plug of at least 1/4-inch diameter shall be located in bottom of tank.
- 5. Fill-pipe cap shall be entirely outside passenger compartment and safety chain shall be attached to fuel tank cap.

Exception: vehicles of less than 54 passenger capacity constructed for transporting handicapped children. Fuel tank may be located behind rear wheels, inside or outside chassis frame, with fill-pipe located on right side of body.

- Q. Generator or alternator. Generator or alternator (negative ground only) with rectifier shall have output of at least 100 amperes (in accordance with Society of Automotive Engineers rating) with a minimum charging of 30 amperes at manufacturer's recommended engine idle speed (12-volt system) and shall be ventilated and voltage-controlled and, if necessary, current-controlled. Matched dual belt drive shall be used with generator or alternator. Heavy-duty full transistorized regulator with adjustable voltage shall be supplied.
- 1. Option: When battery of less than 150-ampere hours is installed in engine compartment, generator or alternator shall have an output of at least 120 amperes. (See Chassis, EDU 261 C.2.a.)

Note: If electrical load is increased through addition of heater motors, electric windshield wipers, defroster, etc., see Chart below for guidance in selecting generator or alternator of adequate capacity.

# Suggested Method for Estimating Generator or Alternator Capacity

### Constant load

Equipment	Number of Units	Current Draw (Amperes)
Ignition		2.50 (average)
Head lamps (Type 2 dual lower beams)	2	8.40
Tail lights	2	1.18
Clearance lights	4	2.36
Cluster lights	6	3.54
Body instrument panel		0.80
Primary front heater motors	2	24.00
Primary defroster motor	1	12.00

Equipment	Number of Units	Current Draw (Amperes)
Supplementary front heater motor	1	12.00
Supplementary defroster motor	1	12.00
Underseat heater motors	2	10.50
Underseat heater motor	1	8.50
Defroster fan motor	1	3.50
Windshield wipers		14.00
Fuel pump		3.00
Emergency door buzzer		1.00
Intermittent load		
Flasher motor		2.90
Alternately flashing signal lamps	2	11.60
Step-well and 6 interior dome lights		5.64
Individual additional dome lights		0.94
Stop (brake) lights	4	6.60
Turn signals	2	2.36

<sup>\*</sup>To determine the electrical load (in amperes) for a typical school bus, the following formula is recommended:

Constant load +35% of intermittent load = total load.

Exception: small vehicles. Generator or alternator with rectifier shall have output of at least 60 amperes with 12-volt system, and shall be ventilated and voltage-controlled and, if necessary, current-controlled.

R. Governor. Engine governor is permissible and where used shall be set at manufacturer's recommended maximum engine speed. When it is desired to limit road speed, roadspeed governor should be installed.

Exception: transit and metropolitan vehicles. When engine is remotely located from driver, governor shall be installed to limit engine speed to maximum revolutions per minute recommended by engine manufacturer, or tachometer shall be installed so engine speed may be known to driver.

S. Heating system, provision for: Chassis engine shall provide inlet and outlet holes in accessible locations for attachment of bus heating system water lines. Also see Body, EDU 262 Q.

### T. Horn.

- 1. Bus shall be equipped with dual horns of standard make, each horn capable of producing complex sound in band of audio-frequencies between approximately 250 and 2,000 cycles per second and each having a total sound level of 110 decibels within these frequency limits when measured at point on axis of horn three feet from exit of horn.
- 2. Sound-level measurements shall be made with meter that complies with American Standard Z24.3-1944, or current revision thereof, as promulgated by American Standards Association, Inc. Measurement shall be made with meter set to flat response (C weighting network).

3. Sound-level measurements shall be made with horn or horns installed on bus. There shall be no reflecting walls or obstacles other than ground and vehicle closer than 100 feet from horn during sound-level measurement.

- U. Instruments and instrument panel.
- 1. Chassis shall be equipped with following instruments and gauges (lights in lieu of gauges are not acceptable):
  - a. speedometer.
- b. odometer which will give accrued mileage including tenths of miles.
- c. ammeter shall be vane or shunt type with graduated charge and discharge, both ammeter and its wiring to be compatible with generating capacities and capable of handling continuous current draw of 100 amperes.
  - d. voltmeter with graduated scale (optional item).
  - e. oil-pressure gauge.
  - f. water-temperature gauge.
  - g. fuel gauge.
  - h. upper-beam headlamp indicator.
- i. air pressure or vacuum gauge, where air or vacuum brakes are used, and audible or visible low-pressure indicator to warn driver if air pressure in air-brake system falls below 600 pounds per square inch. See Chassis, EDU 261 D. 1; EDU 261 D. 2.
  - j. tachometer (optional).
- 2. All instruments shall be easily accessible for maintenance and repair.
- 3. All instruments and gauges shall be mounted on instrument panel in such manner that each is clearly visible to driver in normal driving position.
- 4. Instrument panel shall have lamps of sufficient candlepower to illuminate all instruments and gauges.
- V. Oil filter. Oil filter of replaceable element or cartridge type shall be provided and shall be connected by flexible oil lines if it is not of built-in or engine-mounted design. Oil filter shall have oil capacity of at least one quart.
- W. Openings. All openings in floorboard or firewall between chassis and passenger-carrying compartments, such as for gearshift lever and auxiliary brake lever, shall be sealed unless altered by body manufacturer. See EDU 262 I. 9.
  - X. Passenger load. New buses (Manufactured after January 1, 1975.)
- 1. Average actual GVW (gross vehicle weight) is sum of average chassis weight, plus average body weight, plus 150 pounds for driver's

weight, plus total seated pupil weight (based on 120 pounds per pupil).

- 2. Recommended chassis manufacturer's rated GVW (gross vehicle weight) is weight assigned to complete vehicle. (Weights assigned for each pupil capacity classification are shown in table for next topic. Power and gradeability.)
- 3. Manfacturer's gross vehicle weight rating shall be furnished in duplicate (unless more copies are requested by state department of education) by manufacturer to the state department of education. State department of education shall, in turn, transmit such rating to each other state agency responsible for development or enforcement of state standards for school buses.
- Y. Power and gradeability. New buses (Manufactured after January 1, 1975.)
- 1. Chassis must be so geared and powered as to be capable of surmounting 3.7 percent grade at speed of 20 miles per hour with full load (see Passenger load, above) on continuous pull in direct drive.
- 2. Following figures are based on achieving 3.7 percent grade at 20 mph in direct drive using 1.5 rolling resistance (1.2 for buses having seating capacity of 68 or more pupils), 150 pound driver, 120 pound pupil and 7.17:1 to 7.2:1 rear axle ratio. For 36 pupil capacity, rear axle ratio is 6.16:1 or higher.

NOTE: See TABLE A. Power and Gradeability Specifications.

TABLE A. Power and Gradeability Specifications

Chassis size/capacity	36	42	48	54	60	66	73
Recommended manufacturer's rated GVW	. 15,000	17,000	17,000	19,000	21,000	22,000	27,000**
a) Calculated avg. GVW (120 lbs.	10 000	1 <i>5 0</i> 00	10 700	10 000	90 100	01.000	00.500**
per pupil)	. 13,800	15,800	16,700	18,000	20,100	21,600	26,500**
b) Min. net HP required @ 20 mph at eng.		48.6	51.5	55.4	61.9	66.5	76.9
<b>RPM</b>	. 1,368	1,368	1,325	1,325	1,267	1,267	1,206
2. a) Est. part of GVW front axle*	. 3,698	5,056	4,625	4,860	5,680	5,724	8,650
b) % Est. wt., front axle	. 26.8	32	27.7	27	26.3	26.5	32.6
c) Est. part of GVW rear	10.100	*****	<b>100-</b> /				
axle*	. 10,102	10,744	12,074	13,140	14,420	15,836	17,850

	assis ize/capacity	36	42	48	54	60	66	73
C	i) % Est. wt., rear axle	73.2	68	72.3	73	73.7	73.7	67.4
	Recommended tire size							
(	w/tube) 7	7.50-20	7.50-20	8.25-20	8.25-20	9.00-20	9.00-20	10.00-20**
1	ply rating 8	or 10	8 or 10	10	10	10	10	12
£	a) Rim size (w/tube) Preferred Alternate	6.0	6.0	6.5 6.0	6.5 6.0	7.0 6.5	7.0 6.5	7.5 7.0
4.	Motor speed	7.2-1	7.2-1	7.2-1	7.2-1	7.2-1	7.2-1	7.2-1
( 2	(RPM) neces- sary to attain road speed of 55 mph with	3738	3738	3564	3564	3412	3412	3294
•	gear ratio	6.8-1	6.8-1	6.8-1	6.8-1	6.8-1	6.8-1	6.8-1
	shown	3522	3522	3516	3516	3223	3223	3110

School bus operators should follow current recommended tire inflation tables of Tire & Rim Association.

Z. Shock absorbers. Bus shall be equipped with front and rear double acting shock absorbers compatible with manufacturer's rated axle capacity.

Exception: small vehicles. Standard does not apply to small vehicles not specifically manufactured as school buses.

### A1. Springs.

- 1. Springs or suspension assemblies shall be of ample resiliency under all load conditions and of adequate strength to sustain loaded bus without evidence of overload.
- 2. Springs or suspension assemblies shall be designed to carry their proportional share of gross vehicle weight in accordance with requirements for Weight distribution as shown in EDU 261 F<sub>1</sub>.
  - 3. If rear springs are used, they shall be of the progressive type.
- 4. If leaf type front springs are used, stationary eyes shall be protected by full wrapper leaf in addition to main leaf.

Exception: small vehicles. Springs that are regular equipment on vehicle to be purchased may be used.

<sup>\*</sup>Approximate weights on axles are calculated by formula which does not provide for reserve capacity.

<sup>\*\*</sup>The calculations in this column are for the 73-pupil capacity pusher school bus, but are not intended to limit the use of a forward control transit school bus.

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### B1. Steering gear.

1. Steering gear shall be approved by chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and at maximum speed.

- 2. Steering mechanism shall provide for easy adjustment for lost motion.
- 3. No changes shall be made in steering apparatus which are not approved by chassis manufacturer.
- 4. There shall be clearance of at least three inches between steering wheel and cowl, instrument panel, windshield, or any other surface.
- 5. Power steering is permissible if approved by chassis manufacturer.

### C1. Tires and rims.

- 1. Tire sizes shall be shown in table for Power and Gradeability, EDIJ 261 Y.
- 2. Rim sizes shall be based upon current standards of Tire and Rim Association.
- 3. Total weight imposed on any tire shall not be greater than the current standard of Tire and Rim Association.
- 4. Dual rear tires or wide single equivalents shall be provided on all vehicles.
- 5. Spare tire, if required, shall be suitably mounted in accessible location outside passenger compartment.
- 6. Optional: All tires on given vehicle shall be of same size and ply rating except where wide single equivalents are used.

Exception: small vehicles. Same as above, except that dual rear tires are not required.

### D<sub>1</sub>. Transmission.

- 1. Mechanical type transmission shall be synchromesh except first and reverse gears. Its design shall provide not less than four forward and one reverse speed.
  - 2. Automatic transmissions are permissible.

Exception: small vehicles. Three speed transmissions are acceptable.

- E1. Undercoating and/or rust proofing. Chassis manufacturer shall coat undersides of front fenders with fire-resistant asphalt base, rubber base, and/or rust proofing, or other undercoating material, applied by spray method, in order to seal, to deaden sound, to insulate, and to prevent oxidation. See, also, Body, EDU 262 O1.
- F<sub>1</sub>. Weight distribution. Weight distribution of fully loaded bus on level surface shall be such that not more than 75 percent of gross vehicle weight is on rear tires and not more than 35 percent on front tires.

Exception: transit and metropolitan vehicles.

1. With engine inside front of body: If entrance door is ahead of front wheels, not more than 75 percent of gross vehicle weight shall be on rear tires not more than 50 percent on front tires. If entrance door is behind front wheels, not more than 75 percent of gross vehicle weight shall be on rear tires not more than 40 percent on front tires.

- 2. With engine in rear: Not more than 75 percent of gross vehicle weight shall be on rear tires nor more than 40 percent on front tires.
  - G1. Wheels.
    - 1. Chassis shall have single wheels in front and dual wheels in rear.\*
  - \*Note: Exception would be if single equivalent tires are used.
- 2. Wheels may be disc or cast-spoke type whichever is standard for the model.

(EDU 1956 s 5055:1967:1974:1975)

EDU 262 School bus body. The design and color of each school bus body used in the transportation of school children shall provide for:

### A. Aisle.

- 1. Minimum clearance of all aisles, including aisle (or passageway between seats) leading to emergency door, shall be 12 inches. See Body, EDU 262 K. 2.f.
- 2. Aisle supports of seat backs shall be slanted away from aisle sufficiently to give aisle clearance of 15 inches at the top of seat backs.

Exception: transit and metropolitan vehicles. With engine inside front of body: Minimum distance between stanchion at rear of entrance stepwell and engine cover shall be 14 inches measured from floor level.

- B. Battery.
- Battery is to be furnished by chassis manufacturer. (See Chassis, EDU 261 C.
- C. Body sizes. Bodies for conventional body-on-chassis type vehicles shall be limited to length shown in table following. Sizes are based on 27 inch center-to-center spacing between the rows of forward facing seats, except when fiberglass seats are used, over-all width of 96 inches, center aisle width of 12 inches, and average rump width of 13 inches for 3-3 seating plan, and 15 inches for 3-2 seating plan. Body lengths are measured from back of cowl to rear of body at floor level.

	Pupil c	apacity		Minimum measurement,	Minimum
Number of rows of seats	-	3-2 plan: rump width of 15 inches	Maximum body length (in inches)	cowl to center line of rear axle (in inches)	measurement, cowl to end of frame (in inches)
4	24	20	178	102	173
5	30	25	196	123	187
6	36	30	222	125	210
7	42	35	250	142	241
8	48	40	277	160	268
9	54	45	304	192	295
10	60	50	332	211	323
11	66	55	355	229	349
12	72	60	388	250	380

Exception: small vehicles. Small vehicles may vary in capacity up to 23 pupils, may be narrower than large vehicle and body may have been converted from one originally manufactured for other purposes.

Exception: transit and metropolitan vehicles. Measurements in preceding table do not apply.

- D. Book racks. Book racks or shelves of any type are prohibited on interior of bus body.
  - E. Bumper, See Chassis, EDU 261 E.1.
    - 1. Front.
    - 2. Rear.
- a. Rear bumper shall be of pressed steel channel at least 3/16 inch thick and eight inches wide (high) and be of sufficient strength to permit being pushed by another vehicle without permanent distortion to bumper, bumper braces, chassis or body.
- b. The center point of such bumper shall be not more than 20, nor less than 14 inches from ground when the vehicle is unloaded. (Minn. Stat. § 169.73)
- c. It shall be wrapped around back corners of the bus. It shall extend forward at least 12 inches, measured from rear-most point of body at the floor line.
- d. Bumper shall be attached to chassis frame in such manner that it may be easily removed, shall be so braced as to develop full strength of bumper section from rear or side impact, and shall be so attached as to prevent hitching of rides.
- e. Rear bumper shall extend beyond rear-most part of body surface at least one inch, measured at floor line.

Exception: small vehicles. No exception. See Minn. Stat. § 169.73.

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- F. Ceiling. See Body, EDU 262 T., U.
- G. Chains. See Body, EDU 262 Q1.
- H. Color.
- 1. Buses now in service. (Manufactured prior to June 2, 1973. See Minn. Stat. § 169.44, subd. 7.)
- a. School bus body including hood and cowl shall be painted uniform color, Minnesota School Bus Golden Orange, Dupont 1051 or its approved equal, according to specifications available from General Services Administration.
  - (1) Rub rails. A minimum of three shall be black.
- (2) Rear bumper, rear fenders (if used) and lettering shall be black.

See Body, EDU 262 R. 2 and Minn. Stat. § 169.44, subd. 3.

- (3) Option: Belt line may be orange with black lettering or may be black with orange lettering. See Body, EDU 262 R. 2 and Minn. Stat. § 169.44, subd. 3.
- (4) Option: Front fenders may be painted orange or glossy black.
  - (5) Option: The following may be other than orange or black: Wheel rims Chassis grills Mirror backs, rims and mounting brackets Reflector housings Window frames Accessories and other minor items. See Chassis, EDU 261 H.
- (6) Option: The use of silver, black, yellow or red retroflective material may be used on rear bumper for increased night visibility.
- 2. New buses (Manufactured after June 1, 1973. See Minn. Stat. § 169.44, subd. 7.)
- a. Body including hood and cowl shall be painted national school bus glossy yellow, color 13432, except that the hood shall be either that color or lusterless black, color 37038.
  - (1) Rub rails. A minimum of three shall be black.
- (2) Rear bumper, rear fenders (if used) and lettering shall be black.

See Body, EDU 262 R. 2 and Minn. Stat. § 169.44 subd. 3.

- (3) Option: Belt line may be yellow with black lettering or may be black with yellow lettering. See Body, EDU 262 R. 2 and Minn. Stat. § 169.44, subd. 3.
- (4) Option: Front fenders may be painted glossy yellow or glossy black.

(5) Option: The following may be other than yellow or black: Wheel rims Chassis grills Mirror backs, rims and mounting brackets Reflector housings Window frames Accessories and other minor trim items. See Chassis, EDU 261 H.

(6) Option: The use of silver, black, yellow or red retroflective material may be used on rear bumper for increased night visibility.

#### I. Construction.

- 1. Construction shall be of prime commercial quality steel or other metal or other material with strength at least equivalent to all-steel as certified by bus body manufacturer. All such construction materials shall be fire-resistant.
- 2. Construction shall provide reasonably dustproof and watertight unit.
- 3. Bus body, including roof bows, body posts, strainers, stringers, floor, inner and outer linings, rub rails, and other reinforcements, shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. Bus body, as unit, shall be designed and built to provide impact and penetration resistance.

As evidence that bus body meets this standard, all body manufacturers shall furnish, for each current body model, certification in duplicate (unless more copies are requested by state department of education) that bus body meets current Static Load Test Code for School Bus Body Structure. Copies of Code will be furnished by School Bus Manufacturers Institute to state department of education. State department of education will in turn transmit copies of Code and individual model certificates to individual state agencies responsible for development and/or enforcement of state standards for school buses. Details involved in testing bus body structure will remain as shown in Code; to qualify under Code, however, deflections of body structure must not exceed following measurements:

a. deflection at center of roof bow	3.00 inches
b. deflection at each side pillar at window sill level	1.00 inch
c. deflection at center of floor	0.40 inch

4. Floor shall be of prime commercial quality steel of at least 14-gauge or other metal and such metal floor shall be covered with plywood. Plywood shall be 5-ply, at least 5/8 inch thick and it shall equal or exceed properties of exterior-type Douglas fir plywood, grade C-C, as specified in standard issued by U.S. Department of Commerce. Floor shall be level from front to back and from side to side except in wheel housing, toeboard, and driver's seat platform areas.

5. Roof strainers: Two or more roof strainers or longitudinal members shall be provided to connect roof bows, to reinforce flattest portion of roof skin, and to space roof bows. These strainers may be installed between roof bows or applied externally. They shall extend from windshield header, and when combined with rear emergency door post, are to function as longitudinal members extending from windshield header to rear floor body cross member. At all points of contact between strainers or longitudinal members and other structural material, attachment shall be made by means of welding, riveting, or bolting.

After load as called for in current Static Load Test Code has been removed, none of the following defects shall be evident:

- a. Failure or separation at joints where strainers are fastened to roof bows.
- b. Appreciable difference in deflection between adjacent strainers and roof bows.
  - c. Twisting, buckling, or deformation of strainer cross section.
- 6. Side strainer(s): There shall be one or more side strainers or longitudinal members to connect vertical structural members and to provide impact and penetration resistance in event of contact with other vehicles or objects. Such strainer(s) shall be formed (not in flat strip) from metal of at least 16-gauge and three inches wide.

Side strainers shall be installed in area between bottom of window and bottom of seat frame and shall extend completely around bus body except for door openings and body cowl panel. Side strainer(s) shall be fastened to each vertical structural member in any one or any combination of following methods as long as stress continuity of member(s) is maintained:

- a. installed between vertical members:
- b. installed behind panels but attached to vertical members;
- c. installed outside external panels.

Fastening method employed shall be such that strength of strainer(s) is fully utilized.

Side strainer(s) or longitudinal member(s) may be combined with one of required rub rails, or be in form of additional rub rail, as long as separate conditions and physical requirements for rub rails are met. No portion of side strainer or longitudinal member is to occupy same vertical position as either rub rail.

7. Rear corner reinforcement: Rear corner framing of bus body between floor and window sill and between emergency door posts and last side posts shall consist of at least three structural members applied horizontally or vertically or in another combination to provide additional impact and penetration resistance equal to that provided by frame members in areas of side of body. Such structural members shall be securely attached at each end.

#### 8. Floor sills:

a. There shall be one main body sill at each side post and two intermediate body sills on approximately ten-inch centers. All sills shall be of equal height, not to exceed three inches. All sills shall extend width of body floor except where structural members or features restrict area.

- b. Main body sill shall be equivalent to or heavier than ten-gauge and each intermediate body sill shall be equivalent to or heavier than 16 gauge, or each of all body sills shall be equivalent to or greater than 14 gauge. All sills shall be permanently attached to the floor.
- c. Connections between sides and floor system shall be capable of distributing loads from vertical posts to all floor sills. As evidence that this requirement is fulfilled, none of the following conditions shall occur during or after application of load, as called for in current Static Load Test Code:
  - (1) appreciable difference in deflection between adjacent sills.
- (2) failure or separation in joints where floor, floor sills, and sides connect.
  - (3) twisting, buckling, or deformation of floor sill cross sections.
- 9. Openings. All openings between chassis and passenger-carrying compartment made due to alterations by body manufacturer must be sealed. See Chassis, EDU 261 W.

Exception: small vehicles. Items 1 through 9 do not apply to small vehicles not manufactured specifically as school buses.

Exception: transit type vehicles. Item 8 a. does not apply.

J. Defrosters. Defrosters and two all metal defroster fans with adequate guards shall be of sufficient capacity to keep windshield, window to left of driver, and glass in entrance door clear of fog, frost and snow. This may be done by taking heat directly from approved heater or auxiliary heaters.

#### K. Doors.

#### 1. Service door:

- a. Service door shall be power or manually operated, under control of driver, and so designed as to afford easy release and prevent accidental opening. When hand lever is used, no parts shall come together so as to shear or crush fingers.
- b. Service door shall be located on right side of bus opposite driver and within his direct view.
- c. Service door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 68 inches.
- d. Service door shall be of split type, sedan type, or jacknife type. If split type door is used front section shall open outward.
- e. Lower as well as upper glass panels shall be of approved safety glass. See Body, EDU 262 S<sub>1</sub>. Bottom of lower glass panel shall not

be more than 12 inches from bottom of the door. Top of upper glass panel shall not be more than six inches from top of door.

- f. Vertical closing edges shall be equipped with flexible material to protect children's fingers.
- g. There shall be no door to left of driver. (This shall not be interpreted to conflict with item 2.a. below.)
  - 2. Emergency door and emergency window:
- a. Emergency door shall be located in center of rear end of bus or in rear half of left side of bus.
- b. Emergency door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 48 inches measured from floor level.
- c. Emergency door shall be hinged on right side if in rear end of bus and on front side if on left side of bus. Door shall open outward and shall be labeled inside to indicate how it operates.
- d. Upper portion of emergency door shall be equipped with approved safety glass, exposed area of which shall be not less than 400 square inches. See EDU  $262 \, \mathrm{S}_{1}$ .
  - e. There shall be no steps leading to emergency door.
- f. No seat or other object shall be so placed in bus to restrict any part of passageway leading to either rear or left-side emergency door to opening small than rectangle of 12 inches in width and 48 inches in height, measured from floor level.
- g. Words "EMERGENCY DOOR" both inside and outside in letters at least two inches high, shall be placed directly above upper window on emergency door.
- (1) New buses purchased after September 1, 1973, words "EMERGENCY EXIT" may be substituted.
  - h. If emergency door is located on left side of bus:
- (1) Window at rear shall be designed as emergency exit and shall be no smaller than 16 inches in height and 54 inches in width on buses 80 inches or more in width; it shall be no smaller than 16 inches in height and 49 inches in width on buses less than 80 inches in width. Window shall be hinged from top and devised and operated to insure against accidental closing in emergency.
- (2) Paneling is required to cover space between top of rear divan seat and inside surface of emergency window at rear.
- i. Words "EMERGENCY EXIT" in letters at least two inches high shall be placed directly above emergency window on inside and directly below it on outside.
- j. (1) Emergency door and emergency window shall be designed to be opened from inside and outside of the bus and shall be equipped with fastening device which may be quickly released but is designed to offer protection against accidental release. Control from driver's seat shall not

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be permitted. Provision for opening from outside shall consist of nondetachable device so designed as to prevent hitching-to but to permit opening when necessary.

Emergency door shall be equipped with slide-bar cam-operated lock. Slide bar shall have minimum stroke of one inch. Emergency door lock shall be equipped with suitable electric plunger type switch connected with buzzer located in driver's compartment. Switch shall be enclosed in metal case, and wires leading from switch shall be concealed in bus body. Switch shall be so installed that plunger contacts farthest edge of slide bar in such manner that any movement of slide bar will immediately close circuit on switch and activate buzzer.

Door lock shall be equipped with interior handle that extends approximately to center of emergency door. It shall lift up to release lock.

(2) Emergency window in rear shall be equipped with latch (or latches) on inside connected with electrical buzzer located in driver's area that will actuate when latch is being released.

It shall also be equipped on outside with nondetachable fastening device so designed as to prevent hitching-to, but permit opening from the outside.

Exception: small vehicles. Substitute following standards for those above:

1. Service door shall be located to right of driver and shall be manually controlled from driver's seat by over-center control for bus type conveyance.

#### 2. Emergency door:

- a. Emergency door shall be located in center of rear end of the bus and shall be equipped with fastening device for opening from inside and outside body which may be quickly released but is designed to offer protection against accidental release. Metal guard shall be placed over door control on inside. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of device designed to prevent hitching-to, but to permit opening when necessary.
- b. Door shall open either vertically or horizontally. When verticaltype door is used, there shall be unobstructed aisle at least 12 inches wide.
- c. Emergency door shall be marked "EMERGENCY DOOR" on inside in letters at least two inches high.
- (1) New buses purchased after September 1, 1973, words "EMERGENCY EXIT" may be substituted.
  - d. There shall be no steps leading to emergency door.
- e. No seat or other object shall be placed in bus which restricts passageway to emergency door to less than 12 inches.
  - L. Emergency window. See EDU 262 K. 2.
  - M. Fire extinguishers.

- 1. Bus shall be equipped with at least one dry-chemical type fire-extinguisher of at least five pound capacity, mounted in extinguisher manufacturer's bracket of automotive type, and located in driver's compartment in full view of and readily accessible to the driver.
- 2. Fire extinguisher shall bear label of Underwriter's Laboratories, Inc., showing rating of not less than 8-B:C.
- 3. Option: One 21/2 pound of not less than 10-B:C' rating may be used

#### N. First aid kit.

- 1. Bus shall carry a removable Grade A metal dust-proof first aid kit, mounted in full view or in a labeled accessible place in driver's compartment.
- 2. Required units and required packages per unit First aid kit is to have:

Ten units for Type II and Type III vehicles of 16 or less capacity.

Twenty-four units for Type I buses with passenger capacity in excess of 16 and up to and including 42 passengers.

Thirty-six units for Type I buses of passenger capacity in excess of 42.

Unit Size Item	Required Packages			
	10 Unit	24 Unit	36 Unit	
1 Compress	Bandage, 4 inch	2	6	8
1 Compress	Bandage, 2 inch	1	3	7
1 Adhesive	Compress, 1 inch	2	2	4
	r Bandage, 40 inch with 2 safety pins		2	4
1 Gauze Bar	ndage, 4 inch	_	2	4
	t Gauze Compress		2	• 2
	mpress, 24 x 72 in		2	2
1 Padded To	ongue Blades	1	1	1
2 Adhesive	Tape, 1 inch x 2½ yards	1	1	1
	nt		2	2

- O. Floor. See Body, EDU 262 I.
- P. Floor covering.
- 1. Floor in underseat area, including tops of wheel housings, driver's compartment, and toeboard, shall be covered with fire-resistant rubber

<sup>&#</sup>x27;10B:C denotes amount of chemical needed to extinguish ten-square-foot type B fire (flammable liquid) or type C fire (electrical).

floor covering or approved equal having minimum over-all thickness of .125.

- 2. Floor covering in aisle shall be of aisle-type, fire-resistant rubber or approved equal, non-skid, wear-resistant, and ribbed. Minimum overall thickness shall be .1875 inch measured from top of ribs. Rubber floor covering shall meet Federal Specification ZZ-M-71b.
- 3. Floor covering must be permanently bonded to floor and must not crack when subjected to sudden change in temperature. Bonding or adhesive material shall be waterproof and shall be of type recommended by manufacturer of floor covering material. All seams must be sealed with waterproof sealer.

Exception: small vehicles. Floor covering on small vehicles not manufactured specifically as school buses shall be manufacturer's standard.

#### Q. Heaters.

- 1. Heaters shall be of hot-water or combustion type. If hot-water type, heater system shall be equipped with a shut-off valve readily accessible to driver.
- 2. If only one heater is used, it shall be of fresh air or combination fresh air and recirculating type.
- 3. If more than one heater is used, additional heaters may be of recirculating type. Each heater motor shall be two speed.
- 4. Hot water heaters shall bear name plate rating in accordance with current STANDARD CODE FOR TESTING AND RATING AUTOMOTIVE BUS HOT WATER HEATING AND VENTILATION EQUIPMENT, plate to be affixed by heater manufacturer. Copies of Code shall be furnished to the state department of education in duplicate, unless more are requested, by the School Bus Manufacturer's Institute. The state department of education, shall, in turn, transmit such Code to each other agency responsible for development or enforcement of state standards for school buses.
- 5. All combustion-type heaters shall be approved by Underwriter's Laboratories, Inc.
- 6. If combustion-type heaters are used, they shall be installed on new buses by body manufacturers and on buses now in operation by authorized dealers or by authorized garages.
- 7. Heaters shall be capable of maintaining inside temperature of 50 degrees Fahrenheit at average minimum January temperatures as established by U.S. Department of Commerce, Weather Bureau, for area in which heater is required.
- 8. All heater lines running to rear heaters shall be covered with metal shield.

Exception: small vehicles. Item 4 does not apply to vehicles not specifically manufactured as school buses. Also see Chassis, EDU 261 S.

#### R. Identification.

- 1. Body shall bear words "SCHOOL BUS" in black letters at least eight inches high on both front and rear of body or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Lettering shall conform to "Series B" of Standard Alphabets for Highway Signs.
- 2. Only signs and lettering approved by state law or regulation, limited to name of owner or operator and any number necessary for identification shall appear on sides of bus. See Minn. Stat. § 169.44, subd. 3.
- S. Inside height. Inside body height shall be nominal 72 inches or more, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.

Exception: small vehicles. Standard does not apply.

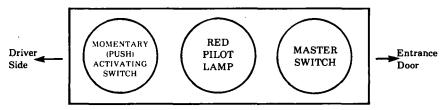
T. Insulation. Ceiling and walls shall be insulated with proper material to deaden sound and to reduce vibrations to a minimum, and shall be insulated to a minimum of one-inch fiberglass and installed in such a manner that the insulation does not compact or sag. Thermal insulation shall be of fire-resistant material of type approved by Underwriter's Laboratories, Inc.

#### U. Interior.

- 1. Interior of bus shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls.
  - 2. Ceilings over aisle shall be free of all projections.
- V. Lamps and signals. (New buses only) Factory Installation of Eight-Lamp Alternately Flashing Warning Signal System manufactured after the effective date of these regulations shall comply with the following:
- 1. All lamps on exterior of vehicle shall conform with and be installed as required by Federal Motor Vehicle Safety Standard 108; Minn. Stat. § 169.49 to § 169.70; and current Minnesota approved motor vehicle equipment (Department of Public Safety).
- 2. Interior lamps: Interior lamps shall be provided which adequately illuminate aisle and step well.
- 3. School bus alternately flashing amber and red signal lamps: Definition: School bus alternately flashing signal lamps mounted at same horizontal level, intended to identify vehicle as school bus and to inform other users of highway that such vehicle is about to stop or is stopped on roadway to take on or discharge school children.
- a. Each school bus shall be equipped with a system consisting of four red signal lamps designed to conform to SAE Standard J887. "School Bus Res Signal Lamps," and four amber signal lamps designed to that standard, except for color, and except that their candlepower shall be at least 2½ times that specified for red signal lamps. Both red and amber signal lamps shall be installed in accordance with SAE Standard, J887, except that each amber signal lamp shall be located

near each red signal lamp, at the same level, but closer to the vertical centerline of the bus.

- b. The system shall be wired so that the amber signal lamps are activated only by hand operation, and if activated, are automatically deactivated and red signal lamps are automatically activated when the bus entrance door is opened. Right and left signal lamps shall flash alternately. Each signal lamp shall flash not less than 60 nor more than 120 flashes per minute. The "on" period shall be long enough to permit bulb filament to come up to full brightness. No brake operated switch shall be permitted.
- (1) There shall be a red pilot lamp which shall go on when the respective amber or red systems are actuated. The pilot shall either go out or flash at an altered rate in the event the system is not functioning normally.
- OPTION: Mobilflash Mark IV, as modified and approved for use in Minnesota, or its approved equal. Control box panel contains switches and red OFF/ON pilot lamp located in conformance with diagram below in addition to eight indicator lights.
- (2) Signal lamp system shall include a separate closed control box. The box shall be constructed as small as practical, easily demounted or partially disassembled to provide simple access for maintenance purposes. Switches and red pilot lamp shall be located in conformance with diagram below.



CONTROL BOX PANEL

- (3) The control box shall be securely mounted to the right of the steering wheel, in the near proximity of the entrance door control, within easy unobstructed reach of the driver. Switches and pilot lamp shall be readily visible to the driver. The activating switch may be self illuminated (Glow Type). Buses equipped with an eight-lamp system prior to the effective date of these regulations shall be exempt from EDU 262 V.3.b.(1),(2) and (3).
  - c. Signal lamp system and stop arm shall operate as follows:

NOTE: Stop signal arm shall be of an automatic type. It shall automatically extend and retract in conjunction with the alternately flashing red lights and shall be activated and deactivated by the entrance door switch.

(1) With master switch on, entrance door closed, depress hand switch. Red pilot lamp and amber signals shall go on.

(2) Open entrance door. Pilot lamp and amber signal lamps shall go off, and pilot lamp and red signal lamps shall go on. Stop arm shall automatically extend.

- (3) Close entrance door. Red pilot and signal lamps shall go off and stop arm shall automatically retract.
- (4) Open entrance door without depressing hand switch. Red pilot lamp and red signal lamps shall go on. Stop arm shall automatically extend.
- (5) With master switch off, depressing hand switch shall not actuate the amber signal system, nor will opening entrance door actuate the red signal system and stop arm.

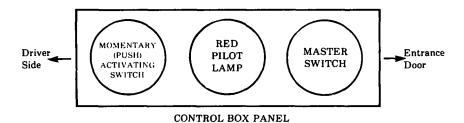
# d. Installation requirements:

- (1) Each alternately flashing signal lamp shall be mounted with its axis substantially parallel to longitudinal axis of vehicle.
- (2) Front and rear alternately flashing signal lamps shall be spaced as far apart laterally as practicable.
- (3) Alternately flashing signal lamps shall be mounted at the front on same horizontal center line and above windshield, and at the rear on the same horizontal center line so that the lower edge of lens is not lower than top line of side window.
- (4) Vertical and lateral vision of the front and rear alternately flashing warning lamps shall not be obstructed by any part of the body or lamp-house insofar as standard bus body construction will permit.
- (5) Area around lens of each alternately flashing signal lamp and extending outward approximately three inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding entire lens of lamp, circular or square band of black approximately three inches wide, immediately below and to both sides of lens, shall be painted on body or roof area against which signal lamp is seen (from distance of 500 feet along axis of vehicle).
- (6) A separate fuse or circuit breaker, adequate to prevent damage to the system in the event of a dead short, shall be provided between the power source and the master switch.
- (7) All wiring from alternately flashing signal lamps to the door switch shall be at least ten-gauge. All other wire shall be a minimum of 14 gauge.
- 4. Lamps and signals. (Buses now in service) Conversion Installation of Eight-Lamp Alternately Flashing Warning Signal System. "Effective Date: August 1, 1974."

Type I school buses (carrying more than 16 pupil passengers) which were manufactured and in service prior to the effective date of these regulations and not equipped with an Eight-Lamp system shall comply with the following:

1. School bus alternately flashing amber and red signal lamps: Definition: School bus alternately flashing signal lamps are lamps mounted at the same horizontal level, intended to identify vehicle as school bus and to inform other users of highway that such vehicle is about to stop or is stopped on roadway to take on or discharge school children.

- a. Each school bus shall be equipped with a system consisting of four red signal lamps designed to conform to SAE Standard J887, "School Bus Red Signal Lamps," July 1964, and four amber signal lamps designed to that standard, except for color, and except that their candlepower shall be at least 2½ times that specified for red signal lamps. Both red and amber signal lamps shall be installed in accordance with SAE Standard J887, except that each amber signal lamp shall be located near each red signal lamp, at or near as practicable to the same level, but closer to the vertical centerline of the bus.
- b. The system shall be wired so that the amber signal lamps are activated only by hand operation and, if activated, are automatically deactivated and red signal lamps are automatically activated when the bus entrance door is opened. The flashing mechanism shall be capable of carrying the full current load of the signal system. Right and left signal lamps shall flash alternately. Each signal lamp shall flash not less than 60 nor more than 120 flashes per minute. The "on" period shall be long enough to permit bulb filament to come up to full brightness. No brake operated switch shall be permitted.
- (1) There shall be a red pilot lamp which shall go on when the respective amber or red systems are actuated. The pilot shall either go out or flash at an altered rate in the event the system is not functioning normally.
- OPTION: Mobilflash Mark IV, as modified and approved for use in Minnesota, or its approved equal. Control box panel contains switches and red OFF/ON pilot lamp located in conformance with diagram below in addition to eight-indicator lights.
- (2) Signal lamp system shall include a separate closed control box. The box shall be constructed as small as practical, easily demounted or partially disassembled to provide simple access for maintenance purposes. Switches and red pilot lamps shall be located in conformance with diagram below.



(3) The control box shall be securely mounted to the right of the steering wheel, in the near proximity of the entrance door control, within easy unobstructed reach of the driver. Switches and pilot lamp shall be

readily visible to the driver. The activating switch may be self illuminated (Glow Type).

Buses equipped with an eight-lamp system prior to the effective date of these regulations shall be exempt from EDU 262 V. 3. b. (1), (2) and (3).

c. Signal lamps system and stop arm shall operate as follows:

Stop arms presently air or vacuum operated shall be converted to operate automatically in conjunction with the red signal lamps. Manual stop arms not required to be converted.

- (1) With master switch on, entrance door closed, depress hand switch. Red pilot lamp and amber signals shall go on.
- (2) Open entrance door. Pilot lamp and amber signal lamps shall go off and pilot lamp and red signal lamps shall go on. Stop arm, if air or vacuum, shall automatically extend.
- (3) Close entrance door. Red pilot and signal lamps shall go off and stop arm, if air or vacuum, shall retract automatically.
- (4) Open entrance door without depressing hand switch. Red pilot lamp and red signal lamps shall go on. Stop arm, if air or vacuum, shall automatically extend.
- (5) With master switch off, depressing hand switch shall not actuate the amber signal system, nor will opening entrance door actuate the red signal system and stop arm.

# d. Installation requirements:

- (1) Each flashing signal lamp shall be mounted with its axis substantially parallel to longitudinal axis of vehicle.
- (2) Front and rear alternately flashing signal lamps shall be spaced as far apart laterally as practicable.
- (3) Alternately flashing signal lamps shall be mounted at the front above the windshield and at the rear so that the lower edge of the lens is not lower than top line of the side window.
- (4) Vertical and lateral vision of the front and rear alternately flashing warning lamps shall not be obstructed by any part of the body or the body or lamphouse insofar as standard bus body construction will permit.
- (5) Area around each lamp, extending approximately three inches outward shall be painted black.
- (6) A separate fuse or circuit breaker, adequate to prevent damage to the system in the event of a dead short, shall be provided between the power source and the master switch.
- (7) All wiring from alternately flashing signal lamps to the door switch shall be at least ten-gauge. All other wire shall be a minimum of 14 gauge.
- (8) The red and amber signal lamps shall draw an equal current load. See Body, EDU 262 V.3.b.(1).

- (9) Air or vacuum operated stop arms shall automatically extend and retract in conjunction with the alternately flashing red signals and shall be activated and deactivated by entrance door switch. (Manual stop arms not required to be converted.)
- e. No wiring shall be on the exterior of the vehicle. All wiring shall be located within the body structure or within the body interior or combination thereof.
- (1) Installation within the body structure: (Removing access panels above or below side windows.)

Wiring shall be cleated at intervals for proper support.

Wire shall be additionally insulated for protection at all possible wear points.

- Whenever wires pass through body members or panels, additional protection shall be provided by the use of appropriate type of insulating inserts or grommets.
- (2) Installation within the body interior. (Use of sheet metal covering metal conduit or metal surface channel type applications.)

Installation shall not be made below side windows or along floor.

Wire shall be additionally insulated for protection at possible wear points.

Whenever wires pass through body members or panels, additional protection shall be provided by the use of appropriate type of insulating inserts or grommets.

- (3) Manufacturers shall provide detailed installation instructions, including correct method of mounting, assembly and wiring with each alternately flashing warning conversion system.
- 5. Turn signal lamps: Bus shall be equipped with Class A turn signal lamps that meet current specifications of Society of Automotive Engineers. These signals must be independent units and shall be equipped with four-way hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as vehicular traffic hazard warning.

#### 6. Flags and flares:

- a. School bus shall carry at all times at least three red, yellow or orange flags not less than 12 inches square and means for mounting for use in warning traffic in event of breakdown on the highway.
- b. Bus shall carry at least three red electric lanterns or at least three emergency reflectors, to be displayed according to state law in event of breakdown on the highway.

Fuses may also be used (not required). Liquid burning "pot type" flares not allowed.

c. Mounted reflectors. See Minn. Stat. § 169.50 and Minn. Stat. § 169.75.

#### W. Metal treatment.

1. All ferrous metal less than 12-gauge used in the construction of bus body shall be zinc or aluminum coated, mill applied. Included are such items as structural members, inside and outside panels, floor panels and floor sills; excluded are door handles, grab handles, stanchions, interior decorative parts, and other interior plated parts.

- 2. All metal parts that will be painted shall be (in addition to above requirements) chemically cleaned, etched, zinc-phosphate-coated, and zinc-chromate or epoxy-primed or conditioned by equivalent process.
- 3. In providing for these requirements, particular attention shall be given to lapped surfaces, welded connections of structural members, cut edges, punches or drilled hole areas in sheet metal, closed or box sections, unvented or undrained areas, and surfaces subjected to abrasion during vehicle operation.

Exception: small vehicles. Standard does not apply to small vehicles not specifically manufactured as school buses.

#### X. Mirrors.

- 1. Interior clear view mirror shall be at least 6 by 30 inches over-all, to afford good view of pupils and roadway to rear. If not metalbacked and framed, mirror shall be of laminated plate safety glass. It shall have rounded corners and protected edges.
- 2. Two exterior clear-view, rearview mirrors shall be provided, one to left and one to right of driver. Area of each mirror shall be not less than 50 square inches over-all. Each mirror shall be firmly supported and adjustable to give driver clear view past left rear and right rear of bus.
- 3. Option: Small convex mirrors may be used in conjunction with above.
- 4. Exterior convex mirror at least 7½ inches in diameter shall be located either on left or on right side of bus in such a manner that seated driver may observe, through its use, areas to front or side of bus where direct observation, as prescribed in Federal Standard 17, is not possible.

#### Y. Mounting.

- 1. Chassis frame shall extend to rear edge of rear body cross member. Bus body shall be attached to chassis frame in such manner as to prevent shifting or separation of body from chassis under severe operating conditions.
- 2. Body front shall be attached and sealed to chassis cowl in such manner as to prevent entry of water, dust and fumes through joint between chassis cowl and body.
- 3. Insulating material shall be placed at all contact points between body and chassis frame. Insulating material shall be ¼ inch minimum thickness, shall have quality of sidewall of automobile tire, and shall be so attached to chassis frame or body member that it will not move under severe operating conditions.

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Exception: small vehicles. Standard does not apply to vehicles not specifically manufactured as school buses.

- Z. Over-all length. Over-all length of bus shall not exceed 40 feet.
- A<sub>1</sub>. Over-all width. Over-all width of bus shall not exceed 96 inches.
- B<sub>1</sub>. Posts. See Body, EDU 262 I. and EDU 262 S<sub>1</sub>.,2.
- C1. Rub rails.
- 1. There shall be one rub rail located on each side of bus approximately at seat level which shall extend from rear side of entrance door completely around bus body (except for emergency door) to point of curvature near outside cowl on left side.
- 2. There shall be one rub rail located approximately at the floor line which shall cover same longitudinal area as upper rub rail, except at wheel housings, and shall extend only to radii of right and left rear corners.
  - 3. There shall be rub rail at base of skirt of bus.
- 4. All rub rails shall be attached at each body post and all other upright structural members.
- 5. All rub rails shall be four inches or more in width, shall be of 16-gauge steel, and shall be constructed in corrugated or ribbed fashion.
- 6. All rub rails shall be applied outside body or outside body posts.

  Pressed-in or snap-on rails do not satisfy this requirement.

Exception: small vehicles. Standard does not apply to small vehicles not manufactured specifically as school buses.

- D<sub>1</sub>. Sanders. Where required or used, sanders shall:
  - 1. Be of hopper cartridge-valve type.
- 2. Have metal hopper with all interior surfaces treated to prevent condensation of moisture.
  - 3. Be of at least 100-pound (grit) capacity.
- 4. Have cover on filler opening of hopper, which screws into place, sealing unit airtight.
- 5. Have discharge tubes extending to front of each rear wheel under fender.
- 6. Have no-clogging discharge tubes with slush-proof, non-freezing rubber nozzles.
- 7. Be operated by electric switch with telltale light mounted on instrument panel.
  - 8. Be exclusively driver controlled.
- 9. Have gauge to indicate hoppers need refilling when they are down to one-quarter full.

E<sub>1</sub>. Seat belt for driver. Seat belt for driver shall be provided, belt to comply with current specifications and recommended practices of Society of Automotive Engineers except that belt shall be fastened to bus floor immediately behind driver's seat when adjusted to rearmost position. Retractable seat belt to stop at seat level.

#### F1. Seats.

- 1. All seats shall have a minimum depth of 15 inches.
- 2. In determining seating capacity of bus, allowable rump width shall be:
  - a. 13 inches where 3-3 seating plan is used.
  - b. 15 inches where 3-2 seating plan is used.

NOTE: See table under Body, EDU 262 C.

- 3. All seats shall be forward facing and anchorage shall comply with Federal Motor Vehicle Safety Standard 207. See Body, EDU 262 A.
  - 4. No bus shall be equipped with jump seats or portable seats.
- 5. Forward-most pupil seat on right side of bus shall be located so as not to interfere with driver's vision when driver's seat is adjusted to its rearmost position.
- 6. Minimum center-to-center seat spacing shall be 27 inches. Distance between driver's seat when adjusted to its rearmost position and front face of seatback of forward-most pupil seat on left side of bus shall not be less than 24 inches measured at cushion height.
- 7. Seat and back cushions of all seats shall be designed to safely support designated number of passengers under normal road conditions encountered in school bus service. Coverings of seat cushions shall be of material having 42-ounce finished weight, 54-inch width, and finished vinyl coating of 1.06 broken twill.
- 8. Minimum distance between steering wheel and back rest of driver's seat shall be 11 inches. Driver's seat shall be strongly attached (bolted through the floor with a minimum of four steel bolts each having a tensile strength of at least 5500 psi (pounds per square inch), with lock washer and nut), shall have vertical adjustment, and shall have fore-and-aft adjustment of not less than four inches.
- 9. Minimum of 36-inch headroom for sitting position above top of undepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than seven inches from side wall at cushion height and at fore-and-aft center of cushion.
- 10. Backs of all seats of similar size shall be of same width at top and of same height from floor and shall slant at same angle with floor.
  - 11. Where grab handles on seats are used, they shall be enclosed.
- 12. Passenger seat cushion retention system shall be employed to prevent passenger seat cushions from disengaging from seat frames in event of accident. Each seat cushion retention system shall be capable of withstanding vertical static load equal to minimum of five times weight

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of cushion. System shall also be capable of withstanding forward or rearward static load equal to 20 times weight of cushion.

- 13. Fiberglass seats may be used provided they meet the following standards:
- a. Fiberglass seats must meet all foregoing provisions for seats except those concerning construction of seat cushions and backs, and shall provide at least 24% inch knee room.
- b. Fiberglass seats shall combine rigid construction of welded tubular steel with contoured matched die-formed or hand-sprayed molded plastic shall. Exposed steel shall be stainless steel or shall be finished with baked enamel.
- c. Plastic shells shall consist of good commercial grade, fireresistant, color pigmented resin reinforced with glass fibers in such manner as to avoid resin-rich sections. Shells shall be shaped to provide maximum comfort.
- d. Both metal frames and plastic shells shall have rounded corners and be free of sharp edges.

Exception: small vehicles. Substitute following standards for those above:

- 1. All seats shall be securely fastened to body of vehicle.
- 2. Seats shall be covered with fire-resistant padding material and comfortably upholstered with adequate padding. (Not applicable to fiberglass seats.)
  - 3. Jump seats or portable seats shall not be used.
- 4. Seat beside driver, if regular equipment or installed by vehicle manufacturer, may be used for pupil seating. It shall be securely fastened to body and shall be so constructed as not to interfere with pupils entering or leaving vehicle.
- 5. Allowable average rump width in determining seating capacity of bus shall be 13 inches.
  - 6. All seats shall be at least 14 inches in over-all depth.
- 7. If forward facing seats are used, they shall be so placed that distance from center to center measured at top center of backs shall be not less than 27 inches.
- 8. If longitudinal seats are used, only two shall be installed and distance between front edges of seat cushions shall be at least 20 inches.
- 9. Back rest for each longitudinal seat shall measure at least eight inches vertically and shall be so mounted that its top edge is at least 12 inches above seat.
  - G<sub>1</sub>. Stanchions and guard rails.
- 1. Vertical stanchion shall be installed at right rear corner of driver's seat in such position as neither to interfere with adjustment of driver's seat nor to obstruct 12 inch aisle. Guard rail, approximately 30

inches above floor, and so placed as not to interfere with fore-and-aft adjustment of driver's seat, shall extend from vertical stanchion to left-hand wall behind the driver's seat.

- 2. Vertical stanchion shall be installed at rear of entrance step-well from roof to floor. Placement shall not restrict passageway at any level to less than 24 inches nor aisle to less than 12 inches.
- 3. Guard rail and step-well guard panel shall be installed from step-well stanchion to right-hand wall to prevent children in front seat from being thrown into step-well in case of sudden stop. Guard rail shall be approximately 30 inches above floor and its guard panel shall not restrict entrance passageway to less than 24 inches at any level. Panel shall extend from guard rail to within two inches of floor. If panel extends over or into step-well opening, it must be flanged at the floor line so as to close any opening between panel and floor.
- 4. Clearance between step-well guard panel and first pupil seat shall be at least 24 inches measured from panel to front face of seat back at cushion height.
- 5. All stanchions and guard rails shall be a minimum of one-inch outside diameter steel or equivalent strength tubing. They shall be stainless steel clad except when padded.

Exception: small vehicles. Standard does not apply to small vehicles not specifically manufactured as school buses.

- H<sub>1</sub>. Steering wheel. See Body, EDU 262 B<sub>1</sub>., C<sub>1</sub>.
  - I<sub>1</sub>. Steps.
- 1. First step at service door shall be not less than 12 inches and not more than 17 inches from ground, based on standard chassis specifications.
- 2. Service door entrance may be equipped with two-step or threestep step-well. Risers in each case shall be approximately equal. When plywood floor is used on steel, differential may be increased by thickness of plywood used.
  - 3. Steps shall be enclosed to prevent accumulation of ice and snow.
  - 4. Steps shall not protrude beyond side body line.
- 5. Grab handle not less than ten inches in length shall be provided in unobstructed location inside doorway.
  - 6. Surface of steps shall be of non-skid material.

Exception: small vehicles. Steps (if any) on small vehicles not manufactured specifically as school buses shall be manufacturer's standard.

J<sub>1</sub>. Stirrup steps. There shall be one stirrup step and suitably located handle on each side of front of body for easy accessibility for cleaning windshield and lamps.

Exception: small vehicles. Standard does not apply to vehicles not specifically manufactured as school buses.

K<sub>1</sub>. Stop signal arm. Stop signal arm shall be installed on the left side of the bus, and shall be octagonal in shape, exclusive of brackets for mounting on arm.

New buses (Effective March 7, 1974) stop signal arm shall be of an automatic type. See Body, EDU V., 3., c.

Buses now in service (Effective August 1, 1974) air or vacuum operated stop signal arms shall be converted to automatic type. See Body, EDU 262 V., 4., c.

- 1. It shall display a stop signal on both sides; have a red background and carry the word STOP in white or silver-white letters at least one-third the height of the signal.
- 2. The stop signal shall be of the shape, size, legend, and colors specified by the "Manual on Uniform Traffic Control Devices for Streets and Highways" published by the Federal Highway Administration, or as specified by the State of Minnesota, as adopted by the Commissioner of Highways.

	Silver-White		
Div. ang.	2°	.5°	1.5°
Inc. ang.			
-4°	250.0	95.0	4.0
40°	120.0	54.0	2.0

L<sub>1</sub>. Storage compartment. Metal container of adequate strength and capacity for storage of tire chains and/or tow chains and such tools as may be necessary for minor emergency repairs while bus is enroute shall be provided. Such storage container may be located either inside or outside passenger compartment, but, if inside, it shall have cover (seat cushion may serve this purpose) and be fastened to floor in right rear portion of bus.

Option: Snow shovel bracket to securely hold snow shovel may be provided.

- $M_1$ . Sunshield. Interior, adjustable sunshield not less than 6 by 16 inches in size shall be installed above windshield, driver's side, with mounting of double bracketed type.
- $N_1$ . Tailpipe. Tailpipe shall not extend beyond rear bumper. See Chassis, EDU 261 L. 1 and 2.
- O<sub>1</sub>. Undercoating and rustproofing. Entire underside of body, including floor members and side panels below floor level shall be coated with fire-resistant, asphalt base, rubber base, or other undercoating material, applied by spray method, in order to seal, to deaden sound, to insulate, and to prevent oxidation. Undercoating shall be applied after assembly of the body has been completed.

#### Pr. Ventilation.

1. Body shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening of windows except in extremely warm weather.

2. If static-type exhause roof ventilators are desired, they shall be installed in low-pressure area of roof panel.

Exception: small vehicles. Standard does not apply to small vehicles not manufactured specifically as school buses.

#### Q1. Wheel housing.

- 1. Wheel house openings shall allow for easy tire removal and service.
- 2. Wheel housings shall be designed to support seat and passenger loads and shall be attached to floor sheets in such manner as to prevent dust or water from entering the body.
- 3. Inside height of wheel housings above floor line shall not exceed ten inches.
- 4. Wheel housings shall provide clearance for dual wheels as established by National Association of Chain Manufacturers.

Exception: small vehicles. Standard does not apply to small vehicles not manufactured specifically as school buses.

- R1. Width. See Body, EDU 262 A1.
- Sr. Windshield and windows.
- 1. All glass in windows, windshield, and doors shall be of approved safety glass, so mounted that permanent mark is visible, and of sufficient quality to prevent distortion of view in any direction.
- 2. Glass in windshield shall be heat-absorbent, laminated plate. Windshield shall be large enough to permit driver to see roadway clearly, shall be slanted to reduce glare, and shall be installed between front corner posts that are so designed and placed as to afford minimum obstruction to driver's view of roadway.
  - 3. Optional: Windshield may be of uniform tint throughout.
- 4. Optional: Windshield may have horizontal gradient band starting slightly above line of driver's vision and gradually decreasing in light transmission to 20 percent or less at top of windshield.
- 5. Glass in all side and rear windows shall be of AS-2 grade laminated safety glass as specified in American Standards Association code Z26.1. The driver's window shall be adjustable for ventilation purposes.
- 6. Each full side window shall provide unobstructed emergency opening at least nine inches high and 22 inches wide, obtained by lowering of window.
  - 7. Knockout-type, split-sash windows shall be used.
  - 8. All exposed edges of glass shall be banded.
- Tr. Windshield washers. Windshield washers shall be optional but, where required, they shall conform to body manufacturer's recommendations as to type and size for bus on which they are to be used.

U<sub>1</sub>. Windshield wipers. Bus shall be equipped with two positive-action variable-speed, heavy duty bus type, windshield wipers of air or electric type. Wiper blades shall be at least 14 inches long and shall be of the replaceable blade type.

# V<sub>1</sub>. Wiring.

1. All wiring shall conform to current standards of Society of Automotive Engineers.

#### 2. Circuits:

- a. Wiring shall be arranged in at least eight regular circuits, as follows:
  - (1) head, tail, stop (brake), and instrument panel lamps
  - (2) clearance lamps
  - (3) dome and step-well lamps
  - (4) starter motor
  - (5) ignition and emergency door signal
  - (6) turn signal lamps
  - (7) alternately flashing red signal lamps
  - (8) horn.
- b. Any of above combination circuits may be subdivided into additional independent circuits.
- c. Whenever heaters and defrosters are used, at least one additional circuit shall be installed.
- d. When installed, all other electrical functions shall be provided with independent and properly protected circuits.
- e. Each body circuit shall be individually color coded and a diagram of the circuits shall be attached to the body in a readily accessible location, preferably on cover of fuse panel.
- 3. A separate fuse or circuit breaker shall be provided for each circuit except starter motor and ignition circuits. The fuse panel shall be located next to the circuit switch panel and color coded.
- 4. All wires within body shall be insulated and protected by covering of fibrous loom or approved equal which will protect them from external damage and minimize dangers from short circuits. Whenever wires pass through body members, additional protection in the form of appropriate type of insert shall be provided.
- 5. Wires not enclosed within body shall be fastened securely at intervals of not more that 24 inches. All joints shall be soldered or joined by equally effective connectors.

Exception: small vehicles. Wiring shall be manufacturer's standard. (EDU 1956 s 5055;1964 recoded Edu 262:1967:1970:1973:1974:1975)

EDU 263 Type II school buses. Type II buses carrying 16 or less pupil passengers shall be painted National School Bus Glossy Yellow, identified as a school bus, equipped with Eight-Lamp Warning System and stop signal arm, and shall operate as a Type I bus. See Type I, Operating Rules, EDU 240.

Type II vehicles are restricted in size and SHALL NOT exceed 16 passengers (rated manufacturer's capacity).

Automobiles, stationwagons and other vehicles designed for carrying nine or less pupil passengers are Type III buses, and their use is **Prohibited** as a Type I or Type II bus.

A. No Type II vehicle used to transport school children shall be more than ten years old and every such vehicle shall provide for:

#### Color.

a. Shall be painted National School Bus Glossy Yellow (Color 13432). Use of chrome and/or black trim permitted. Type I buses. See Chassis, EDU 261, also Body, EDU 262 H.

#### 2. Construction.

a. All steel construction and shall provide reasonably dustproof and watertight unit.

#### 3. Defrosters.

a. Defrosters of sufficient capacity to keep at least 80 percent of the total windshield area clear of condensation, ice and snow.

#### 4. Doors.

- a. Doors opening from both inside and outside with no restrictive secondary locking devices of the automatic type.
  - 5. Fire extinguisher. (2½ pound, dry-chemical type.)

#### 6. First aid kit.

a. Vehicle shall carry first-aid kit (ten unit), removable and readily identifiable, mounted in full view and in an accessible place in driver's compartment. See Type I buses, Body, EDU 262 N.

#### 7. Heaters.

- a. Heaters shall be of hot-water or combustion-type.
- b. If only one heater is used, it shall be of fresh air or combination fresh air and recirculating type.
- c. If more than one heater is used, additional heaters may be of recirculating type. Each heater motor shall be at least two speed.
- d. All combustion-type shall be approved by Underwriter's Laboratories, Inc.
- e. Heaters shall be capable of maintaining inside temperature of 50 degrees Fahrenheit at average minimum January temperatures as established by U.S. Department of Commerce, Weather Bureau, for area in which heater is required.
- f. Heater lines inside the passenger compartment shall be guarded to prevent accidental contact by driver or passengers.

EDU 263 202

#### 8. Identification.

a. Body shall bear words "SCHOOL BUS" in black letters at least eight inches high on both front and rear of body or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Lettering shall conform to "Series B" of Standard Alphabets for Highway Signs.

b. Only signs and lettering approved by state law or regulations, limited to name of owner or operator and any number necessary for identification shall appear on sides of bus. See Minn. Stat. § 169.44, subd. 3.

# 9. Lamps and signals.

- a. Eight-Lamp Alternately Flashing Warning Signal System shall be installed and operate in conformance with Type I buses. See EDU 262 V.
- b. All lamps on exterior of vehicle shall conform with and be installed as required by Federal Motor Vehicle Safety Standard 108.

#### c. Flags and flares:

- (1) School bus shall carry at all times at least three red, yellow or orange flags not less than 12 inches square and means for mounting for use in warning traffic in event of breakdown on the highway.
- (2) Bus shall carry at least three red electric lanterns or at least three red emergency reflectors, to be displayed according to state law in event of breakdown on the highway.

Fuses may also be used (not required). Liquid burning "pot type" flares not allowed.

#### 10. Mirrors.

- a. Interior mirror, manufacturer's standard.
- b. Two exterior clear view mirrors, one to left and one to right of driver. Each mirror shall be firmly supported and adjustable to give driver clear view past left rear and right rear of bus.
- c. Exterior convex mirror at least 7½ inches in diameter shall be located either on left or on right side of bus in such a manner that seated driver may observe, through its use, areas to front or side of bus where direct observation, as prescribed in Federal Standard 17, is not possible.

#### 11. Seat belt for driver.

a. Seat belt for driver shall be provided, belt to comply with current specifications and recommended practices of Society of Automotive Engineers except that belt shall be fastened to bus floor immediately behind driver's seat when adjusted to rearmost position.

#### 12. Seats.

- a. Vehicle manufacturer's standard seating.
- b. If school bus type are used, they shall be installed and spaced in conformance with Type I buses (except for required headroom). See EDU 262  $F_{\rm f}$ .

#### 13. Stop signal arm.

a. Stop signal arm shall be installed and operate in conformance with Type I buses. See EDU 262  $K_1$ , EDU 262 V. 3. c., and EDU 262 V.4. c.

(EDU 1974:1975)

EDU 264 Type III school buses. Type III buses carrying 16 or less pupil passengers (including automobiles, stationwagons and other vehicles designed for carrying nine or less), SHALL NOT: be painted school bus color, bear the words "SCHOOL BUS", have the Eight-Lamp Warning System or stop signal arm, and SHALL NOT operate as a Type I or Type II bus. See Type III buses, Operating Rules, EDU 241.

Type III vehicles are restricted in size and SHALL NOT exceed 16 passengers (rated manufacturer's capacity).

A. No Type III vehicle used to transport school children shall be more than ten years old. Every Type III vehicle shall comply with the requirements for Type II buses, EDU 263, Except for the following:

#### 1. Color.

a. Shall be painted a color other than National School Bus Glossy Yellow or Minnesota Golden Orange.

Exception: Vehicles purchased prior to the effective date of this regulation.

#### 2. Identification.

- a. Shall not have the words, "School Bus" in any location on the exterior of the vehicle, or in any interior location visible to a motorist.
- b. Shall display to the rear of the vehicle a sign "VEHICLE STOPS AT RR CROSSINGS".
- (1) Lettering (except for "AT", which may be one inch smaller) shall be a minimum two inch "Series D" as specified in Standard Alphabets for Highway Signs as specified by the Federal Highway Administration.
- (2) Sign shall have provisions for being covered, or be of a removable or fold down type.
  - Lamps and signals.
- a. Installation and use of the Eight-Lamp Warning System is prohibited.
- b. All lamps on exterior of vehicle shall conform with and be installed as required by Federal Motor Vehicle Safety Standard 108.
  - 4. Stop signal arm.
    - a. Installation and use of stop signal arm is prohibited. (EDU 1956 s 5057;1969;1970;1974;1975)

EDU 265 204

EDU 265 Inspection of school transportation equipment. The owner of any vehicle used in the transportation of school children, either a school district or private operator under contract with a school district, shall submit such vehicle to inspection at any time during the school year, as may be required by the commissioner of education.

(EDU 1956 s 5058)

EDU 266-279 Reserved for future use.

# Chapter Seventeen: Certificates, Administrators and Supervisors

EDU 320	Sup	erinten	idents.	Re	pealed.
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EDU 321 Superintendents (Six-year program). Repealed.

EDU 322 Secondary school principal. Repealed.

EDU 323 Elementary school principal. Repealed.

EDU 324 Elementary and secondary school principals (Six-year program). Repealed

EDU 325 Supervisory and consultative personnel in the elementary and secondary schools. Repealed. See BT 101

EDU 326 Junior college administrator. Repealed.

# EDU 327 Area vocational-technical school administrator.

A. The director of an area vocational-technical school shall have an administrator's certificate based upon:

1. Technical and professional preparation: A graduate of an approved four-year college course with a teaching major in one of the five services including Agriculture, Business, Distributive, Homemaking, or Trade and Industrial Education.

# 2. Experience:

a. Five years of successful experience in one or more of the following capacities: vocational teacher, coordinator, supervisor or administrator, with at least one year of school administrative or school supervisory experience.

b. Three years of successful work experience in fields other than education.

(EDU 1959 s 5073.5;1961)

#### EDU 328 Repealed.

#### EDU 329 School business officers (Permissive)

A. Definition. The school business officer shall be that school district employee designated by the superintendent of schools and the board of education to administer the business affairs of the school district. He shall be directly responsible to the superintendent of schools, and through him to the school board. The duties of the school business officer may include areas such as budgeting and financial planning, board investments, audits, payroll and personnel records management, purchasing and supply management, insurance program, food service, transportation, debt service, and such other duties as may be assigned to him by the superintendent of schools.

B. The school business officer may have an administrator's certificate based on one year of preparation beyond the baccalaureate degree.

EDU 329 206

#### C. Professional certificate.

1. Scope and time validity. The professional school business officer's certificate shall qualify the holder thereof to serve as a school business officer in any school district, with duration and renewal of certificate in conformity with the conditions for all professional certificates (EDU 280).

- 2. Recommendation of institution. The professional certificate will be granted upon the recommendation of an institution that has been approved by the state board of education, such recommendation attesting to the completion of the program of preparation.
- 3. Preparation. A master's degree in accountancy, business administration, or general school administration from a recognized graduate school approved by the state department of education to include:
- a. At least six quarter hours in accounting or accounting methods including fund accounting;
- b. At least six quarter hours in public school administration, school business management, school facility planning, school finance, or similar areas of management activities;
- c. At least six quarter hours in educational philosophy, history, and curriculum; and
- d. At least three quarter hours in data processing, systems design, or similar areas.
- 4. Experience. Five years of successful experience as a teacher or business officer, at least two years of which must be in a position requiring administrative or supervisory responsibility.

#### D. Standard certificate.

1. Preparation. A bachelor's degree in accountancy, business administration, or education, granted by a college or university approved by a recognized accrediting agency.

#### 2. Basis for issuance.

- a. The standard certificate may be issued at the written request of a school business officer who has served five years in that capacity, one of which must have been within the two years immediately preceding application. This certificate may be renewed every five years and is not restricted by the time limitations in item 3 below. Application for this certificate must be made within one year of the effective date of these regulations.
- 3. Time validity. The standard school business officer's certificate described under 2a. above is valid for two years. It may be renewed for five years after 15 quarter hours of graduate credit, applicable to professional certification in school business management, have been earned. It will not be renewable at the end of the five-year period. During the seven years of its validity the requirements of a professional certificate must be met.

(EDU 1966;1975)

# Chapter Nineteen: Emergency Aid to Distressed School Districts

#### EDU 360 Application for funds.

- A. Application for emergency aid pursuant to Minn. Stat. § 124.24 may be made whenever the school board of a district determines that an emergency exists.
- B. Application forms, F29-9, for emergency aid shall be prepared in duplicate, one for the school district's file, and one to be sent to the state department of education. Accompanying the application there shall be:
  - 1. A statement justifying the reason for needing emergency aid.
- A statement of detailed estimated costs of proposed repairs, construction, or other improvements for buildings and sites when emergency aid is to be used for this purpose. The amount requested is to be based on bids or estimates prepared either by architects, contractors or commercial firms.
- 3. Form F29-9 supplement when emergency aid is to be used for the elimination of deficit cash balances.
- 4. A statement of the causes of a cash deficiency whenever emergency aid is to be used to balance a budget in a given fiscal year.
- C. The state board of education as a condition of granting emergency aid, pursuant to Minn. Stat. § 124.221, may require changes in school district management or organization that will secure efficient and economical school administration, such as closing a school or merging or consolidating the district with another district.
- D. If the assessment of the financial situation of the district would be enhanced by receipt of the year-end financial report, the state board of education may approve 60 percent of the amount of the emergency grant determined on the basis of preliminary information prior to the end of the year and may approve the balance of the emergency grant as based on final information received at year end. Each payment shall be deemed a separate grant.

(EDU 1956 s 5076;1959;1962;1974)

#### EDU 361 Criteria.

- A. Along with other information in considering an application for emergency aid, the state board of education will take into account:
- 1. Local resources (for example: income, one year's projected excess income, assets, long-term bonding, temporarily delayed receivable income, special permitted levies, potential income by referendum) to alleviate the emergency, which are available.

- 2. Whether maximum levies had been made prior to the application for emergency aid and whether maximum levies will continue to be made after application.
- 3. Whether the receipts and disbursements for operating costs of the district (general, food, transportation and auxiliary school funds) are in balance for the following fiscal year and if not, whether a plan exists for bringing disbursements down to the level of receipts.
- 4. Whether the speed-up of payment of July-August salaries to a current basis has been excluded from the grant application.
- 5. Whether salary negotiations for the current year have been finalized.
- 6. Whether all liabilities in the application have been calculated or estimated on a cash basis.
  - B. No grant application shall be considered unless:
- 1. The amount of the grant has been adjusted for the local effort possible in EDU  $361\ A.1.$
- a. No bonding effort shall be required if the levy to provide payment for the bond is for a term of five years or less or if the amount of the levy in a single year is less than \$4,500.
  - b. No refunding of debts shall be required.
- 2. The district has made maximum levies or provides a reason for not doing so which is acceptable to the state board of education.
- 3. The district has a projection or plan for being in financial balance.

(EDU 1956 s 5077;1959;1962;1966;1974)

EDU 362-379 Reserved for future use.

# Chapter Twenty: Private Business, Trade and Correspondence Schools Pursuant to Minn. Stat. §§ 141.21-141.36

#### EDU 380 School licensing.

A. Contracts by unlicensed schools. When any contract is deemed unenforceable pursuant to section 141.25, subd. 2, all monies paid by a student or prospective student shall be immediately refunded.

#### B. Application.

- 1. Changes after issuance of license. In the event that there is at any time a substantial change in any of the information required by section 141.25, subd. 3, the school shall immediately inform the commissioner of such change.
- 2. Name of school. The title or name of the school as it appears on the application for license shall be the only title or name used in all advertising, catalogs, brochures, contracts, letterheads and any other written or oral references made in Minnesota.
- 3. Schools at more than one location. Schools offering training programs at more than one location shall specify for each location separately, on forms furnished by the commissioner, all the information required under section 141.25, subd. 3. If this information is the same for each location the school shall so specify.
- 4. List of equipment. The list of equipment required under section 141.25, subd. 3, paragraph (d) shall be the major items of equipment, listed separately for each specified field of instruction.
- 5. Information to be submitted on instructor qualifications. To satisfy the requirements of Minn. Stat. § 141.25, subd. 3, clause (f) the school shall name the instructors and supervisors currently employed for each specified field of instruction and certify that each instructor and teaching supervisor has met all teacher qualification requirements of the State of Minnesota in EDU 381 C. and has been approved by the Department of Education to teach in that specified field.

(EDU 1970; 1982)

#### EDU 381 Standards.

A. Course content. When the primary purpose of the course content or curriculum is to prepare students for occupational entry or advancement, then the course content or curriculum must be designed toward specific preparation for employment; it must reflect occupational trends and meet the changing needs of job requirements; it must be based on the skills and

EDU 381 210

knowledge required in the occupations and thereby enable the majority of those available for and seeking employment after graduation to secure at least entry level positions in the occupation for which they have been trained.

#### B. School facilities and student housing,

- 1. Sanitation and safety. The premises and conditions under which students work and study and the living quarters that are owned or approved for student housing by a school shall meet the sanitation and safety requirements of all local and state regulating agencies.
- 2. Inspection reports. Copies of inspection reports by the local fire department, state fire marshal, or Minnesota industrial commission shall, if furnished to the school, be filed with the commissioner of education.

# C. Instructors.

- 1. Out of state. Any requirements, regulations or standards approved and adopted by the Minnesota state board of education, including qualifications of instructors shall apply to schools domiciled outside the state of Minnesota, as well as schools located in Minnesota.
- 2. Application form. Instructors will apply for approval on a form adopted by the state board of education, entitled "Application for Vocational Teacher's Approval".
- 3. Instructor standards. All instructors shall meet the following four requirements:
- a. Three years of trade or professional experience beyond the learner level in the trade or specialty to be taught, or successful completion of a college curriculum leading to a baccalaureate degree in that trade or specialty, or as otherwise approved by the commissioner of education, with the following exceptions:
- Exception 1. Instructors in the area of medical technique employed to teach after July 1, 1971, must have at least three years of experience beyond the learner level in a clinical laboratory, and one of the following:
- (1) a baccalaureate degree from an accredited college or university with a major in medical technology; or
- (2) a baccalaureate degree from an accredited college or university with a major in science related to the practice of laboratory medicine; or
- (3) successful completion of the following academic courses at an accredited college or university:
- (a) a minimum of 16 semester (24 quarter) hours of chemistry, including organic or biological chemistry, and
- (b) a minimum of 16 semester (24 quarter) hours of biological sciences including microbiology or bacteriology, and
  - (c) a course in mathematics at or above the level of algebra;

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(4) hours or distribution of hours, as set forth in (3) immediately preceding, in professional workshops, seminars and on-the-job training of comparable and acceptable quality. Evidence of the quality and acceptability of such training shall be submitted in writing to and approved by the commissioner of education.

Exception 2. Instructors in the area of electronic data processing (software) shall have:

- (a) a minimum of two years or 4,000 clock hours of programming (work) experience; or
- (b) successful completion of a college curriculum leading to a baccalaureate degree in this specialty and a minimum of one year of 2,000 clock hours of programming experience; or
- (c) a minimum of two years of teaching experience in this specialty and one year or 2,000 clock hours of programming experience; or
- (d) prior approval for teaching hardware, and a minimum of one year of teaching (hardware) experience, and verifiable completion of a software cross-training program filed with and approved by the commissioner of education.
- b. Recognized standing as a tradesman or specialist supported by evidence from previous employers, or the possession of a baccalaureate degree, or as otherwise approved by the commissioner of education.
- c. Acceptable general formal education as evidenced by a high school diploma.
- d. Written confirmation by the commissioner of education that the instructor has complied with EDU 381 C. 3 items a., b., and c. before assuming teaching duties.
- 4. Statement of intent. It is the intent of the standards of instructor qualifications to establish an effective level of teaching capability. However, it is not the intent to prohibit the employment of any person who by reason of unusual background, experience or talents is otherwise well qualified to instruct even though he may not comply with the specific requirements of these standards.

Therefore, any school operating under the provisions of this law and which has satisfied the minimum requirements in all other applicable areas may petition the office of the commissioner of education for special review of the credentials of such an instructor applicant by a committee of appeal. The committee of appeal shall consist of three qualified members; one each selected by the school and the office of the commissioner of education and a third selected by the first two.

The committee shall review the credentials of the applicant and make a recommendation to the commissioner.

(EDU 1970; 1971; 1982)

#### EDU 382 Catalog or brochure.

A. Supplementary pages.

EDU 382 212

1. Accommodating changes. In order to facilitate the use of the catalog or brochure in the several states to accommodate interim changes in tuition, etc., a supplement page or pages may be used as a part of the catalog or brochure, provided that these are the same size as the other pages and are fastened or secured in such a way as to become an integral part of the catalog or brochure.

- 2. Identification. The supplement page or pages shall be clearly identified as pertaining to the state of Minnesota.
- 3. Contradictory information. In the event that information on the supplementary page or pages contradicts any other information in the catalog or brochure, it shall also clearly indicate on these pages that the supplementary information supercedes that which is contained elsewhere in the catalog or brochure.

#### B. Contents.

- 1. Course outline. In the information required by section 141.25, subd. 9, paragraph (A), clause (k), it shall be clearly indicated whether the course is in the nature of a lecture or laboratory. If the course is a combination of lecture and laboratory, the approximate percentage of time for each shall be indicated.
- 2. Submitting changes. When substantial changes occur in the catalog or brochure during the license year, the revised catalog shall be submitted to the commissioner prior to the distribution thereof to any students or prospective students.
- 3. Refund policy. The catalog or brochure shall contain the refund policy printed in its entirety. The policy shall be in accordance with Minn. Stat. § 141.271. A simple statement indicating merely that the school is in compliance with Minnesota law or Minnesota refund policies will not suffice. Along with the printed policy shall be an explanation of the word "student," as defined in EDU 385.
- 4. Legibility. The contents of the catalog or brochure required by Minn. Stat. or rules of the department of education shall be clearly legible. If more than one page is used, all pages shall be of the same size and secured or fastened together.
- C. Use of more than one catalog or brochure. If a school elects to use a separate catalog or brochure consisting of one or more pages and containing all information required by section 141.25, subd. 9. such catalog need not be fastened or secured to any other catalog or brochure, which may be used by the school, but it shall conform to the other requirements of this rule.

(EDU 1970: 1982)

#### EDU 383 Placement records.

#### A. Contents.

1. Student names. The certified copy of the school's placement record required to be filed with the commissioner by schools offering or advertising a placement service shall contain names of all graduates regardless of whether they have been placed on jobs or not.

- 2. Job and address. It shall also contain the job title of those placed, the department or section, if any, in which they are employed and the complete address of the actual site of employment.
- B. Time span of records. The information provided shall pertain only to the initial placement of students who graduated in the year prior to the year for which the license is to be issued, or in a different time period which may be specified by the commissioner.

(EDU 1970)

#### EDU 384 Solicitors.

- A. Authorization to solicit. A school shall not authorize any solicitor to engage in any sales activities unless and until the solicitor offers evidence of having secured a solicitor's permit.
- B. Titles of solicitors. A person obtaining a solicitor's permit shall be referred to orally and in writing as a "solicitor" or "representative". There shall be no use of such words as "counselor" or "registrar" in reference to a solicitor.
- C. Bonding. In lieu of the solicitor's bond required by section 141.26, subd. 3, a school may file a blanket surety bond to cover all of its solicitors, provided that the blanket bond shall be in a sum which is not less than \$2000 times the number of solicitors employed by the school. The aggregate liability of the surety for all breaches of the conditions of the bond by any one solicitor shall not exceed the principal sum of \$2000.

(EDU 1970)

#### EDU 385 Contracts; definition of student.

- A. Student defined. "Student" used in Minn. Stat. § 141.271 means the student if the student is the party to the contract, or the student's parent or guardian or another person if the parent or guardian or other person is the party to the contract on behalf of the student.
- B. Date of contract. If a school, other than a school which offers a correspondence course of instruction, utilizes a written contract of enrollment, and retains the right to accept or reject a student, the school shall give the student written notice of his acceptance or rejection. The date of execution of the contract shall be presumed to be the date of delivery of the notice of acceptance, and if delivered by mail, the postmark date of the letter of acceptance.

(EDU 1970; 1982)

EDU 386 214

# EDU 386 Degree granting.

A school which offers both degree and non-degree programs shall obtain a license for its non-degree programs. The school is not exempt by reason of Minn. Stat. § 141.35, clause (a).

(EDU 1970; 1982)

#### EDU 387 Inspections.

- A. Guidelines. The commissioner, with advice from the Advisory Commission, shall establish guidelines for use by his delegates when conducting inspections pursuant to section 141.30.
- B. Qualifications of inspectors. Any delegate appointed by the commissioner to conduct an inspection as authorized in section 141.30, shall be qualified to make the judgements which are necessitated by such an inspection. He shall be impartial and shall have no personal interest in the outcome of the inspection.

(EDU 1970)

#### EDU 388 Exemption of schools deemed avocational.

If any school holds promise of, makes reference to, or advertises gainful employment or improvement of effectiveness in employment, it shall not be deemed as being engaged exclusively in the teaching of purely avocational or recreational subjects.

(EDU 1970)

Renumber Chapter Twenty-Two: School Buildings and Sites EDU 420-425 Received 5 MRAR 35
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EDIJ 420 Buildings and sites, general. To obtain the approval by the commissioner of education of plans and specifications, the following requirements of the state board of education shall be complied with.

(EDU 1959 s 5083)

# EDU 421 Schoolhouse plans, submission and approval.

- A. Plans and specifications for the erection, betterment, enlargement or remodeling of a school building required to be submitted to the commissioner of education in accordance with Minn. Stat. § 121.15 shall be submitted in accordance with the procedure set forth by the commissioner of education.
- B. When approved, one set of plans shall be placed on file in the department of education and the other returned to the school board concerned, with the approval endorsed thereon.
- C. Minor changes in approved plans and specifications made either before or after contracts are let, shall conform to the recommendations of the state board of education stated in the GUIDE FOR EDUCATIONAL PLANNING OF PUBLIC SCHOOL BUILDINGS AND SITES; all major changes shall be approved by the commissioner of education before they become effective.
- D. Approval of plans and specifications by the commissioner of education shall be held as effective for a period of one year only, after the date of approval, provided a construction contract has not been awarded.
- E. Upon the completion and acceptance of a new school building, repair, enlargement or remodeling thereof, the school board shall certify to the commissioner of education, in a manner set forth by the commissioner, that said new building, repair, enlargement, or remodeling thereof, was constructed and completed in accordance with the approved plans and specifications.

(EDŪ 1959 s 5084;1975)

EDU 422 Sites. In the selection of a school site, the school board shall be guided by the suggested criteria for school site selection stated in the GUIDE FOR EDUCATIONAL PLANNING OF PUBLIC SCHOOL BUILDINGS AND SITES; and during the period of consideration of a site, before a contract for its purchase is made, the school board or its representative(s) shall confer with the commissioner, in a manner set forth by him, on the educational adequacy of the site and its suitability for sound school construction and maintenance.

(EDU 1959 s 5085)

EDU 423 Facilities. There shall be provision for instructional areas adequate and sufficient to carry out the educational requirements

EDU 423 216

mandated by statute or by the regulations of the state board of education, such as standards for classification.

(EDU 1959 s 5086)

EDU-424—Construction. Construction details shall conform to accepted good practice for public school buildings. Structural design, plumbing and sanitary facilities, heating and ventilation, electrical work, and provision for visual and auditory comfort and efficiency shall reasonably conform to the recommendations of the state board of education stated in the GUIDE FOR EDUCATIONAL PLANNING OF PUBLIC SCHOOL BUILDINGS AND SITES.

(EDU 1959 s 5087)

# EDU 425 Fire safety.

- A. Exits, stairs, and corridors shall be so placed and spaced as to permit ease of pupil circulation in the building and to insure ready escape from the building in case of emergency.
- B. Fire protective features of school buildings, such as types of construction, exits, stairs, corridors, fire alarm system, fire fighting equipment, boiler and furnace rooms and installation of incinerators or destructors must comply with the FIRE SAFETY CODE of the state fire marshall.

(EDU 1959 s 5088)

EDU 426-439 Reserved for future use.

# Chapter Twenty-Two A: Capital Loan Program

# 5 MCAR § 1.0430 Capital loan program.

- A. Preapplication requirement. A school board which intends to submit an application for a capital loan, regardless of the capital expenditure amount, shall submit the construction proposal to the Commissioner of Education for a review and comment statement pursuant to Minn. Stat. § 122.90, subds. 2-4.
- B. Review and comment by commissioner. The commissioner shall base the review and comment statement on information required to be provided pursuant to Minn. Stat. § 122.90, subd. 2. In determining the educational and economic advisability of the proposed facility, the commissioner shall:
- 1. determine if the size of the proposed facility is appropriate for the projected number of pupils;
- determine whether the pupil enrollment will continue to be sufficient to support the need for the proposed facility for at least ten years;
- 3. determine if currently recommended energy conservation methods will be used;
- 4. determine whether the projected annual operating costs will be consistent with current construction projects of a similar size and nature;
- 5. determine whether the proposed facility can also be used for community education programs, as a meeting facility, or in ways other than direct delivery of educational services; and
- 6. determine the availability and cost-effectiveness of purchasing or leasing existing facilities from adjacent school districts or from other institutions. The commissioner shall take into consideration: the size, nature and age of existing facilities; whether existing facilities meet current fire safety and other applicable codes and requirements established in state and federal law; and the cost of any remodeling required to make the facilities satisfy district needs.
- C. Recommendation by commissioner. Based upon the determinations in B., the commissioner shall recommend to the State Board of Education whether the amount of the capital loan should be approved in the requested amount, denied or reduced.
- D. Approval recommendation by state board. The State Board of Education shall recommend approval of a loan if all of the criteria in 1.-3. are met, unless the loan is denied pursuant to the provisions of F.

- 1. The commissioner's review and comment statement must recommend approval.
- 2. The facilities must be comparable in size and quality to facilities constructed within the last decade and financed by a local bond issue in no less than three districts with similar pupil enrollment.
  - 3. The facilities are needed either:
- a. to replace facilities that no longer comply with current fire safety codes and other applicable codes and requirements established in state and federal law; or
- b. to provide adequate and sufficient instructional areas to carry out the educational requirements for pupils for whom adequate facilities do not exist. To satisfy requirement 3.b. the district shall provide documentation that one or more of the following situations exist: the programs are not provided due to lack of space or the programs are provided in inappropriate spaces, such as temporary buildings or rented buildings not intended for educational purposes.
- E. Information required by state board. In making its application to the State Board of Education, the applying school district shall supply the following information about adjacent school districts:
  - 1. projected enrollment for each district;
  - 2. size, nature and age of their present educational facilities; and
- 3. whether the buildings meet current fire safety and other applicable codes and requirements established in state and federal law.
- F. Denial recommendation by state board. Based upon the information submitted pursuant to B. and E., the State Board of Education shall recommend denial of a loan if the facility could be made available in at least one of the following ways:
- 1. through the purchase or lease of a facility from an existing institution within the district or adjacent districts;
  - 2. through an interdistrict cooperation agreement with another district;
- 3. by dissolving the applicant district and attaching it to another district; or
  - 4. through consolidation with another district.
- G. Reduction recommendation by state board. Based upon the information submitted in B., C. and E., the State Board of Education shall recommend loan approval in a reduced amount when the problems may be resolved through a less costly manner.

(5 MCAR 1982)

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# Chapter Twenty-Three: School Lunch, Direct Distribution of U.S.D.A. Donated Foods, and Special Milk Programs

# EDU 440 School lunch program.

- A. Eligibility. All public schools, secondary grade level and under, and all public school pupils, kindergarten and grades 1-12, are eligible to participate in the school lunch program.
- B. Sponsorship and responsibility. The school board of the district in which any school participates shall be the sponsor and be solely responsible for the administration of the program.
- C. Participation and reimbursement. Participation and reimbursement shall be subject to the terms of an agreement between the school board and the commissioner of education based upon the Minnesota state plan for participation in the benefits of the National School Lunch Act or any subsequent amendments thereto.
- D. School lunch facilities. Facilities, including space and equipment, shall reasonably conform to the recommended standards for the School Lunch Unit in the Elementary Building and for the School Lunch Unit in the Secondary School Building as stated in the "Guide for the Educational Planning of School Buildings and Sites in Minnesota", Code V-A-2 Revised, 1966, and any subsequent revision.
- E. Records and reports. The school district shall maintain such records and the school officials submit such reports as the commissioner of education may require.
- F. Accounting. The receipts and expenditures for the programs of all participating schools shall be accounted for in the financial records of the district.
- G. Review and audit. The school district shall maintain for a period of six years all accounts and records pertaining to its participation in the school lunch program, and these accounts and records shall be available to the state and to the U.S. Department of Agriculture for review and audit at any reasonable time and place.

(EDU 1961 s 5100)

# EDU 441 Direct distribution of United States Department of Agriculture donated foods.

A. The rules stated in EDU 440 shall apply. (EDU 1961 s 5101;1975)

## EDU 442 Special milk program.

A. The rules stated in EDU 440 shall apply. (EDU 1961 s 5102; 1975)

## EDU 443-459 Reserved for future use.

# Chapter Twenty-Four: State Teacher Employment Bureau (State Education Placement Bureau)

# 5 MCAR § 1.0460 Enrollment.

- A. Application. Enrollment with the State Education Placement Bureau shall be conditioned upon completion of the enrollment form by a qualified applicant and the payment of the enrollment fee. A qualified applicant is one who meets the standards stated in Minn. Stat. § 121.26.
- B. Fee. Within the limits of the law, the Commissioner of Education shall recommend to the State Board of Education the amount of the nonrefundable enrollment fee to be paid by the applicant.
- C. Time duration. Upon payment of the enrollment fee, the applicant shall be entitled to the services of the bureau from the time of fee payment until the next October 1st. The enrollment period covered by the fee may be less than one year, but shall not exceed one year.
- D. Re-enrollment. Following the October 1st expiration of enrollment each year, applicants' papers will be held for nine months, until July 1st. If the applicant re-enrolls during the period between October 1st and July 1st of the following year, the applicant shall do so by completing a new enrollment form and by paying the required fee. Re-enrollment after July 1st shall require a new completed enrollment form, the accompaniment of the required fee, and a list of references.
- E. Photograph. The bureau shall not require the applicant to submit a photograph nor shall the bureau show or send the applicant's photograph to any school official.

(EDU 1963 s 5105; 1964; 1970; 5 MCAR 1981)

## 5 MCAR § 1.0461 Credentials.

- A. Recommendations. The bureau shall secure written recommendations relating to the preparation, experience, and character of the applicant from three persons who have been listed on the enrollment form. If the applicant re-enrolls within a five-year period wherein recommendations are maintained in the files, those recommendations already on file shall be used for references. Only recommendations from the three persons named by the applicant on the most recent enrollment form shall be maintained for the five-year period. Recommendations from references no longer named by the applicant on the most recent enrollment form shall be destroyed.
- B. Applicant's file. When an applicant accepts a position, the credentials shall be placed in the inactive file; the file shall be reactivated upon the request of the applicant at any time during the remainder of the enrollment year for which the applicant has paid the required fee.

- C. Transfer and destruction of files. After a time lapse of five years following the expiration of the applicant's last enrollment and in compliance with appropriate Minnesota Statutes, the bureau shall destroy the inactive file. During the intervening time, the applicant may request, in writing, transfer of papers to any placement agency or re-enroll in the bureau.
- D. Notice of vacancies. Applicants shall be furnished information relative to vacancies received by the bureau but should apply only for those positions for which the applicant holds or is eligible to hold Minnesota licensure.
- E. Providing credentials. The bureau shall make credentials of an applicant available to employing officials of school districts upon their request or upon the request of the applicant.
- F. Recommendation of applicants. The bureau shall not recommend applicants for positions but shall present papers of applicants which are on file to employing officials.
- G. Reciprocity. The bureau may establish reciprocal relations with members of the Association for School, College, and University Staffing, and other noncommercial teacher placement agencies in Minnesota and other states. Papers from other agencies will no longer be maintained in bureau files.

(EDU 1963 s 5106; 1964; 1970; 5 MCAR 1981)

5 MCAR § 1.0523

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Chapter Twenty-Seven A: Licensure of Supervisory and Support Personnel:
Issuance, Suspension, and Revocation

# 5 MCAR §§ 1.0523-1.05361

# 5 MCAR § 1.0523 Issuance and renewal of licenses.

- A. Licenses valid for supervision, counseling, nursing, and coaching in Minnesota schools shall be granted to persons who meet all requirements of applicable statutes and rules and who complete programs approved by the Commissioner of Education leading to licensure in Minnesota institutions which are approved by the Minnesota Board of Teaching pursuant to 5 MCAR § 3.140 to prepare persons for licensure.
- B. An applicant must qualify separately for each licensure area for which application is made and provide evidence of satisfactory completion of a program in such licensure area which has been approved by the Commissioner of Education.
- C. All licenses shall be issued and/or renewed in accordance with criteria established in Rules of the State Board of Education and shall be valid for the period of time specified in this rule.
- D. All licenses shall bear the date of issuance and shall expire the specified number of years from the July 1 hearest the date licensure was approved. Applications for renewal shall be accepted by the Commissioner of Education after January 1 of the year of expiration; provided, however, that the renewal period shall commence on July 1 of the year of expiration. After July 1 in the year of expiration, all licenses not renewed shall be deemed expired and no longer valid.
- E. Each application for the issuance and/or renewal of a license shall be accompanied by a processing fee in the amount of \$35.00. The processing fee shall be nonrefundable for applicants not qualifying for a license, except the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.
- F. The initial license which shall be issued in any licensure area is an entrance license, valid for two years, except as provided in provisions H. and I. of this rule.
- G. When one school year of experience is not completed prior to the expiration of an entrance license, another entrance license in that licensure area shall be issued upon application. If an entrance license in any licensure area is allowed to lapse, it shall be renewed, upon application, until the applicant has had one school year of experience while holding a valid entrance license after which time an applicant must qualify for a continuing license.

Its An applicant who completes at least one school year of experience in a licensure area while holding an entrance license shall be issued a continuing license, valid for five years. When a licensure area is added to a continuing license already in force, a continuing license is issued, and the expiration date becomes that already established for the continuing license in force.

- I. An applicant who holds a life license who subsequently completes an approved program in an additional licensure area shall be issued a continuing license, valid for five years for the additional licensure area.
- J. A continuing license, valid for five years, shall be renewed upon application according to renewal provisions enumerated in the specific licensure Rules of the State Board of Education for the license being renewed.
- K. Except as provided in 5 MCAR § 1.05361 D., if a continuing license in any area is allowed to lapse, one of the following shall be issued:
- 1. A continuing license based upon verification that the applicant has met renewal requirements during the five-year period immediately preceding the application, or
- 2. A continuing license based upon evidence that the applicant has earned at least 12 quarter or 8 semester hours of credit in the licensure area for which application is being made, which have been earned during the five-year period immediately preceding the application or
- 3. A one-year renewal of the lapsed continuing license based upon evidence that the applicant has been offered a position contingent upon holding a valid license in order to qualify for a continuing license at the end of one year, the applicant shall provide evidence that renewal requirements have been met of that at least 12 quarter or 8 semester hours of credit have been earned in the licensure area for which application is being made during the five-year period immediately preceding the date of application for the continuing license.

(5 MCAR 1981)

## 5 MCAR § 1.0524 Suspension and revocation of licenses.

- A. The license of an administrator, supervisor, counselor, nurse, or coach may be revoked or suspended for any of the following causes:
  - 1. Immoral character or conduct;
  - 2. A breach of contract of employment without justifiable cause;
  - 3. Overall gross inefficiency or willful neglect of duty;
  - 4. Fraud or misrepresentation in obtaining a license;
- 5. Conviction of a felony which directly relates to the occupation for which licensure is held.

- B. The State Board of Education may act to suspend or revoke the license of a person whose license was granted by the State Board of Education after the following procedures have been followed:
- 1. A written complaint which specifies the nature and character of the charges against the licensee is filed with the State Board of Education by either the school board employing the person or by the Commissioner of Education.
- 2. The Commissioner of Education, within 10 calendar days after the filing of the complaint with the State Board of Education, serves a copy of the complaint upon the licensee by certified mail addressed to such licensee at the last known address.
- 3. The licensee, within 20 calendar days after the service of the copy of charges, files with the State Board of Education an answer to the charges specified. The failure to answer within the 20 calendar day period shall result in the right to a hearing being waived.
- 4. A hearing conducted in accordance with the rules of the Office of Administrative Hearings shall be held.

(5 MCAR 1981)

# 5 MCAR § 1.0526 Approval of licensure programs.

- A. Institutions which have been approved by the Minnesota Board of Teaching pursuant to 5 MCAR § 3.140 to prepare persons for licensure may request approval by the Commissioner of Education of licensure programs in supervision, counseling, and coaching. Such programs shall be evaluated for initial approval and thereafter shall be audited for continuing approval in accordance with the provisions of this rule.
- B. Each institution shall forward from the administrator of the defined administrative and instructional unit of that institution to the Commissioner of Education a program description for each licensure program for which approval is requested. The licensure program description shall include:
- 1. A statement which verifies the institutional commitment to the licensure program.
- 2. A description of the organizational structure of the institution and procedures for implementing the licensure program.
- 3. A description of the role for which persons who enroll in the licensure program are being prepared.
- 4. An enumeration of the specific knowledge, skills, and understandings to be achieved by persons completing the licensure program.
  - 5. A description of the licensure program which relates individual pro-

gram components to the knowledge, skills, and understandings to be achieved by persons completing the licensure program.

- 6. A description of the systematic procedure for evaluation of the licensure program which assures that all requirements for licensure have been met by all persons recommended for licensure.
- 7. A specific identification of the plans for assessing the performance of each person who is to be judged as having successfully completed the licensure program.
- 8. Evidence that the licensure program forwarded for approval has been developed with participation from the college departments involved with the licensure program, licensed practicing education personnel, school administrators, and interested citizens.
- 9. A description of the procedures to establish and maintain an internal process for systematic evaluation of the licensure program.
- C. Each program description forwarded to the Commissioner of Education by an institution for each licensure program for which approval is requested shall include evidence that:
- 1. Rules of the State Board of Education governing the licensure program are met.
- 2. Necessary faculty and physical resources are allocated to implement and maintain the licensure program.
- 3. Adequate supervision for practicum experiences required by individual licensure rules is provided.
- D. Before initial approval for the licensure program is granted, state department of education staff or persons designated as program auditors by the Commissioner of Education may visit the institution to examine the licensure program for the purpose of verifying the program description and making a recommendation regarding approval status. During the operation of an approved licensure program, an audit visit to verify that the approved program meets the provisions of this rule may be arranged in consultation with the institution. Program auditors shall forward a written report of their findings to the Commissioner of Education and to the institution.
  - E. State department of education staff or persons designated as program auditors by the Commissioner of Education in consultation with the institution shall make audit visits on a five-year cycle to verify program descriptions and to make a recommendation regarding approval status of each licensure program. Reimbursement of travel, food, and lodging expenses for program auditors shall be in accordance with Minnesota state rules.
  - F. Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Commissioner of Education shall:

- 1. Grant initial approval, or
- 2. Grant continuing approval, or
- 3. Grant conditional approval, state the conditions, and establish time lines for meeting the stated conditions, or
- 4. Disapprove the licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program.
- G. If a licensure program is conditionally approved, the Commissioner of Education shall reconsider the approval status of the licensure program upon verification that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn.
- H. Licensure programs which vary in curricular design shall be approved provided that program components meet the criteria for approval set forth in this rule.
- I. When an institution makes revisions in an approved licensure program, the administrator of the defined administrative and instructional unit of that institution shall forward to the Commissioner of Education a written description of the licensure program revision. An audit shall be made to verify that the revised licensure program continues to meet Rules of the State Board of Education. Each verified licensure program revision shall become an amendment to the approved licensure program.
- J. The Commissioner of Education may revoke or suspend the approval of a licensure program when the Commissioner of Education determines that an approved licensure program no longer meets the provisions of this rule.

(5 MCAR 1981)

## 5 MCAR § 1.0527 Persons prepared in states other than Minnesota.

- A. Minnesota licenses shall be granted to persons (a) who otherwise meet applicable statutory requirements and (b) who complete programs leading to licensure in colleges and universities located outside Minnesota. Such licenses shall be granted only in licensure fields for which the State Board of Education has established rules governing programs leading to licensure. Such licenses shall be issued according to either 1. or 2. as follows:
- 1. Persons who complete approved programs in colleges and universities leading to licensure within states which have signed contracts with Minnesota according to the provisions of the Interstate Agreement on Qualification of Educational Personnel shall be granted a Minnesota entrance license. No licenses shall be issued on the basis of teaching experience only.
  - 2. Persons who complete programs leading to licensure in colleges and

universities within states which have not signed contracts with Minnesota according to the provisions of the Interstate Agreement on Qualification of Educational Personnel shall be granted a Minnesota entrance license when all of the following criteria are met:

- a. The college or university is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools.
- b. The program leading to licensure has been recognized by the state as qualifying the applicant completing the program for such licensure within that state.
- c. The program leading to licensure completed by the applicant is essentially equivalent in content to approved programs offered by Minnesota colleges and universities according to the Rules of the State Board of Education governing the licensure field.
- d. The college or university which offers the program leading to licensure verifies that the applicant has completed an approved licensure program at that institution and recommends the applicant for a license in a licensure field at a licensure level.
- B. Notwithstanding 5 MCAR § 1.0528 governing human relations, persons who have been prepared for licensure in states other than Minnesota shall be granted a Minnesota entrance license based upon the provisions of this rule.

### 5 MCAR § 1.0528 Human relations requirement.

- A. All applicants for licenses to be issued or renewed under authority of the State Board of Education shall complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances where the person holding a life license seeks to be licensed, or to have a license renewed, in an area for which the person does not hold a life license. Persons from outside Minnesota who wish to be licensed must complete a human relations training program during the two-year period of the entrance license. Components which constitute a human relations training program must be approved by the Commissioner of Education.
- B. Human relations components of programs which lead to licensure in education under authority of the State Board of Education shall be approved upon submission of evidence:
- 1. Showing that the human relations components have been developed with participation of members of various racial, cultural, handicapped, and economic groups. Participation in planning shall be equitably distributed between men and women.
- 2. Showing that the human relations components are planned to develop the ability of applicants to:

- a. Understand the contributions and life styles of the various racial, cultural, handicapped, and economic groups in our society, and
- b. Recognize and deal with dehumanizing biases, discrimination, prejudices, and institutional and personal racism and sexism, and
- c. Create learning environments which contribute to the self-esteem of all persons and to positive interpersonal relations, and
  - d. Respect human diversity and personal rights.
- 3. Relating all of the areas enumerated in B.2. to specific competencies to be developed, and
  - 4. Indicating means for assessment of competencies. (5 MCAR 1981)

# 5 MCAR § 1.0529 School counselors, secondary.

A. All candidates recommended for licensure as a school counselor, secondary, shall complete all requirements of 1.a., 1.b., 1.c., 1.d., 1.e., of this rule or all requirements of 2.a., 2.b., 2.c., 2.d., 2.e., of this rule. Sections A.1. and A.2. of this rule are mutually exclusive.

# 1. Qualifications for licensure.

- a. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in a secondary school counselor preparation program approved by the Commissioner of Education.
- b. Have satisfactorily completed practica in school guidance and counseling at the secondary school level. Practica shall be in a secondary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 1.d. of this rule.
  - c. Hold a valid Minnesota secondary classroom teaching license.
- d. Have completed one year of secondary classroom teaching experience. Candidates holding a valid Minnesota secondary classroom teaching license but who have not completed one year of teaching experience shall complete the equivalent of a full-time, one school year internship in school guidance and counseling at the secondary school level. The internship shall be under the supervision of a practicing, resident, licensed secondary school counselor who has at least two years of counseling experience at the secondary school level. Supervision shall also be provided by counselor educators from an approved college guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school

counselor preparation institution, and the school district in which the internship is completed.

e. Have at least 2000 hours of accumulated work experience outside of the field of education.

### 2. Alternative qualifications for licensure, (Experimental program.)

- a. Have completed at least a baccalaureate degree program from a teacher preparation institution which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools.
- b. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in a secondary school counselor preparation program approved by the Commissioner of Education.
- c. Have satisfactorily completed practica in school guidance and counseling at the secondary school level. Practica shall be in a secondary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 2.d. of this rule.
- d. Have satisfactorily completed a full-time guidance and counseling internship from a school guidance and counseling program approved by the Commissioner of Education which includes the completion of course work and experiences in curriculum, school organization and philosophy of education and experiences in a secondary school. The internship shall be completed in one full school year and shall include the equivalent of at least one quarter of classroom experience. The internship shall be under the supervision of a practicing, resident, licensed secondary school counselor who has at least two years of counseling experience at the secondary school level. Supervision shall also be provided by counselor educators from an approved guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.
- e. Have at least 2000 hours of accumulated work experience outside of the field of education.
- B. In addition to meeting the requirements in A.1. or A.2. of this rule, all candidates recommended for licensure as school counselor shall have completed a graduate level program in school guidance and counseling approved by the Commissioner of Education containing components designed to provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

## 1. Counseling.

a. The knowledge of a variety of counseling philosophies and skills and an understanding of their application with adolescents and adults.

- b. The ability to recognize the need for help and to intervene effectively as a helping person toward meeting the unique needs of all students, including exceptional students.
- c. The utilization of appropriate counseling skills with individuals and groups to facilitate their human growth and development. Such developmental goals shall include:
  - (1) Ability to differentiate feelings
  - (2) Recognition of strengths and limitations
  - (3) Awareness of alternatives and their implications
- (4) Ability to make decisions and value choices and accept responsibility for them
- (5) Skill in open interpersonal communication including non-verbal behavior, and
  - (6) Acquisition of coping skills.
- d. The effective use of group processes including the ability to identify objectives and to facilitate communication, group cohesiveness, and personal growth.
- e. The knowledge of family systems and utilization of counseling skills to facilitate student and family development.
  - f. The understanding of cultural differences.

#### 2. Consulting.

- a. The knowledge of a variety of consultation models and their application in practice in secondary schools.
- b. The knowledge of the learning process and the ability to participate with school staff in developing alternative learning approaches, including remedial, and adapting school curriculum toward meeting the unique needs of secondary students.
- c. The ability to orient parents to the school program and help them understand the student's aptitudes, abilities, interests, and attitudes as related to educational and career planning, academic achievement, personal-social development, and total school progress.
- d. The knowledge and ability to make referrals to community agencies and utilize businesses, educational institutions, and other helping professionals.

- e. The knowledge and ability to utilize results of evaluative studies including follow-up as a consultant in program development and/or revision at the secondary level.
- f. The knowledge and ability to serve as a staff resource to aid in the implementation of developmental-career curriculum and employability skills training in the classroom.
- g. The knowledge and ability to design, initiate, and conduct inservice training programs for staff personnel relative to development of adolescents.

## 3. Developmental-career guidance.

- a. The understanding of the basic principles of child and adolescent growth and development, including physical, emotional, cognitive, ego, moral, career, and social.
- b. The knowledge of curriculum content and processes and the skills to organize and conduct classroom guidance activities which facilitate personal and career development.
- c. The knowledge and ability to assist students in developing self-awareness, self-understanding, and self-acceptance.
- d. The knowledge and ability to assist students, individually and/or in groups, in exploring educational and occupational information in view of their aptitudes, interests, and personal-social needs in choosing career and avocational goals.
- e. The knowledge of educational, occupational, and employment trends for purposes of assisting students in program planning and selection.
- f. The ability to assist in the coordination of educational and job placement for students, graduates, and school leavers.

## 4. Evaluation and assessment.

- a. The knowledge and ability to conduct and interpret the results of formal and informal measurement procedures in the cognitive, affective, psychological, and social aspects of adolescents.
- b. The knowledge of, and the ability to use, a variety of evaluation procedures including follow-up studies for individual and institutional decision-making.
- c. The ability to assist students and parents to use information derived from educational measurement including career and vocational assessment services in planning and decision-making.

- d. The knowledge and ability to identify and assess secondary student developmental needs.
  - 5. Guidance program development, coordination, and management.
- a. The knowledge and ability to formulate guidance and counseling program goals and priorities.
- b. The knowledge and ability to initiate, coordinate, and interpret a counseling and guidance program to meet the developmental needs of all students
- c. The knowledge and ability to coordinate the counseling and guidance program with the instructional program and student support services.
- d. The knowledge of organizational theory relating to change and humanization of social systems.
- e. The ability to apply the principles of personnel management in supervising the functioning of all personnel assigned to the guidance program.
- f. The knowledge and ability to evaluate guidance programs and report the results to appropriate individuals.
  - C. The issuance of the first continuing license is contingent upon:
- 1. Possession by the candidate of a valid entrance license as a secondary school counselor, and
  - 2. One year of experience as a secondary school counselor.
- D. The continuing license shall be renewed according to the rules of the Board of Teaching pertaining to continuing education.
- E. All persons holding a license as a secondary school counselor prior to July 1, 1982, may continue to hold and renew such licenses according to the continuing education licensure rules of the Board of Teaching.
- F. All programs for preparation of school counselors shall be submitted for approval to the Commissioner of Education and shall include a description of the procedures by which persons who hold elementary school counselor entrance, continuing, or life licensure and wish to be licensed as a secondary school counselor may have their experience and preparation in school guidance and counseling evaluated to determine the areas where such experience and preparation are equivalent to the approved programs as well as the areas where additional preparation may be required. In every case, the requirement shall be at least the equivalent of 18 quarter hours of credit of preparation, including a minimum of 6 quarter hours of practica experience. The remaining credits shall be selected from the areas specified in B.1., 2., 3.

- 4., and 5., of this rule. Applicants shall be recommended for licensure as a secondary school counselor according to provision F. of this rule.
- G. An institution applying to the Commissioner of Education for approval of its counselor education program according to the provisions of this rule must forward a program description in accordance with 5 MCAR § 1.0526 B. and C. The form utilized by the institution for the internship agreement according to provision A.1.d. or A.2.d. of this rule must accompany the program description.
- H. In addition to G., above, an institution applying for approval of its counselor education program to recommend candidates for licensure according to provision A.2. of this rule, must forward a program description which shall include:
- 1. A definite time limit for the experiment not to exceed 5 academic years and 25 students admitted to the program;
- Clearly defined selection criteria for students admitted to the program;
- 3. A statement which describes the research design and evaluation procedures to be used by the institution in determining the effectiveness of the program; and
- 4. A plan for submitting the experimental results to the Commissioner of Education.
- I. Programs shall be approved which vary in curricular design provided that program components meet the requirements in G. or H., above, and that these components will provide candidates who are recommended for licensure in school guidance and counseling with the knowledge, skills, and understandings which are enumerated in B.1., 2., 3., 4., and 5., of this rule.
- J. This rule is effective July 1, 1982, for all applicants for entrance licenses

(EDU 1956 s 5074; 1959; 1963; BT 1976; 1980, renumbered 5 MCAR 1981)

## 5 MCAR § 1.05291 Counselors, secondary schools.

- A. Qualifications for license:
- 1. A valid license to teach in the public schools of Minnesota based on a bachelor's degree from an accredited teacher preparing institution.
- 2. Completion of a program of counselor education leading to a master's degree or its equivalent (45 quarter hours of graduate work).
- a. At least one course or its equivalent shall be taken in each of the seven areas listed below:

Principles and practices in guidance
Personality structures and mental hygiene
Measurement and research methods
Appraisal techniques
Occupational and training information and material
Counseling procedure
Practice in guidance and counseling; and

b. At least one course shall be chosen from the following areas:

Group guidance
Organization and administration of guidance services
Psychology of learning

- c. Not more than six credits earned in courses selected in (a) and (b) above may be undergraduate credits.
- 3. At least one year of successful teaching experience (two or more years preferred).
- 4. Minimum of one year of cumulated work experience outside of education (two or more years experience in several occupational areas preferred).
- B. Renewal requirements. The continuing license shall be renewed according to provisions of 5 MCAR § 3.005 continuing education/relicensure.
- C. Provisional license A provisional license will be granted to counselors for two years who meet all professional requirements above with the exception of A.4. This license may be renewed every two years upon presentation of evidence that the counselor has accumulated 400 hours (10 weeks) of cumulated work experience outside of education. When the counselor has accumulated 2,000 hours (one year) of work experience he will be eligible for the counselor's license subject to the renewal requirements in 5 MCAR § 3.005.
- D. This rule shall remain in effect until July 1, 1982, at which time this rule shall be repealed without further action by the State Board of Education.

  (EDU 1956 s 5074; 1959; 1963; BT 1976; 1980; renumbered 5 MCAR 1981)

# 5 MCAR § 1.0530 School counselors, elementary.

- A. All candidates recommended for licensure as a school counselor, elementary, shall complete all requirements of 1.a., 1.b., 1.c., 1.d., 1.e., of this rule or all requirements of 2.a., 2.b., 2.c., 2.d., 2.e., of this rule. Sections A.1. and A.2. of this rule are mutually exclusive.
  - 1. Qualifications for licensure.
    - a. Have satisfactorily completed a master's degree program in school

guidance and counseling of not less than the equivalent of 54 quarter hours of credit in an elementary school counselor preparation program approved by the Commissioner of Education.

- b. Have satisfactorily completed practica in school guidance and counseling at the elementary school level. Practica shall be in an elementary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 1.d. of this rule.
  - c. Hold a valid Minnesota elementary classroom teaching license.
- d. Have completed one year of elementary classroom teaching experience. Candidates holding a valid Minnesota elementary classroom teaching license but who have not completed one year of teaching experience shall complete the equivalent of a full-time, one school year internship in school guidance and counseling at the elementary school level. The internship shall be under the supervision of a practicing, resident, licensed elementary school counselor who has at least two years of counseling experience at the elementary school level. Supervision shall also be provided by counselor educators from an approved college guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.
- e. Have at least 2000 hours of accumulated work experience outside of the field of education.
  - 2. Alternative qualifications for licensure. (Experimental program.)
- a. Have completed at least a baccalaureate degree program from a teacher preparation institution which is regionally accredited by the Association for the Accreditation of Colleges and Secondary Schools.
- b. Have satisfactorily completed a master's degree program in school guidance and counseling of not less than the equivalent of 54 quarter hours of credit in an elementary school counselor preparation program approved by the Commissioner of Education.
- c. Have satisfactorily completed practica in school guidance and counseling at the elementary school level. Practica shall be in an elementary school setting under the supervision of counselor educators from an approved college guidance and counseling program consisting of a minimum of 400 hours. Practica experiences are in addition to internship experiences described in 2.d. of this rule.
- d. Have satisfactorily completed a full-time guidance and counseling internship from a school guidance and counseling program approved by the Commissioner of Education which includes the completion of course work

and experiences in curriculum, school organization and philosophy of education and experiences in an elementary school. The internship shall be completed in one full school year and shall include the equivalent of at least one quarter of classroom experience. The internship shall be under the supervision of a practicing, resident, licensed elementary school counselor who has at least two years of counseling experience at the elementary school level. Supervision shall also be provided by counselor educators from an approved guidance and counseling program. The internship shall be based on a written agreement among the intern, the approved school counselor preparation institution, and the school district in which the internship is completed.

- e. Have at least 2000 hours of accumulated work experience outside of the field of education.
- B. In addition to meeting the requirements in A.1. or A.2. of this rule, all candidates recommended for licensure as school counselor shall have completed a graduate level program in school guidance and counseling approved by the Commissioner of Education containing components designed to provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following:

# 1. Counseling.

- a. The knowledge of a variety of counseling philosophies and skills and an understanding of their application with children and adults.
- b. The ability to recognize the need for help and to intervene effectively as a helping person toward meeting the unique needs of all students, including exceptional students.
- c. The utilization of appropriate counseling skills with individuals and groups to facilitate their human growth and development. Such developmental goals shall include:
  - (1) Ability to differentiate feelings
  - (2) Recognition of strengths and limitations
  - (3) Awareness of alternatives and their implications
- (4) Ability to make decisions and value choices and accept responsibility for them
- (5) Skill in open interpersonal communication including non-verbal behavior, and
  - (6) Acquisition of coping skills.
- d. The knowledge and ability to use play media for guidance and assessment.

- e. The effective use of group processes including the ability to identify objectives and to facilitate communication, group cohesiveness, and personal growth.
- f. The knowledge of family systems and utilization of counseling skills to facilitate student and family development.
  - g. The understanding of cultural differences.

## 2. Consulting.

- a. The knowledge of a variety of consultation models and their application in practice in elementary schools.
- b. The knowledge of the learning process and the ability to participate with school staff in developing alternative learning approaches, including remedial, and adapting school curriculum toward meeting the unique needs of elementary students.
- c. The ability to orient parents to the school program and help them understand the student's aptitudes, abilities, interests, and attitudes as related to personal-social development, total school progress, academic achievement, and educational planning and career awareness.
- d. The knowledge and ability to make referrals to community agencies, utilize businesses, educational institutions, and other helping professionals.
- e. The knowledge and ability to utilize results of evaluative studies as a consultant in program development and/or revision at the elementary level.
- f. The knowledge and ability to serve as a staff resource to aid in the implementation of developmental-career curriculum in the classroom.
- g. The knowledge and ability to design, initiate, and conduct inservice training programs for staff personnel relative to development of children.

### 3. Developmental-career guidance.

- a. The understanding of the basic principles of child development, including physical, emotional, cognitive, ego, moral, career, and social.
- b. The knowledge of curriculum content and processes and the skills to organize and conduct classroom guidance activities which facilitate personal and career development.
- c. The knowledge and ability to assist students in developing self-awareness, self-understanding, and self-acceptance.

- d. The knowledge and ability to assist students in personal-social needs and career awareness.
  - 4. Evaluation and assessment.
- a. The knowledge and ability to conduct and interpret the results of formal and informal measurement procedures in cognitive, affective, and psychomotor domains of children.
- b. The knowledge of, and the ability to use, a variety of evaluation procedures for individual and institutional decision making.
- c. The ability to assist students and parents to use information derived from educational measurement in planning and decision making.
- d. The knowledge and ability to identify and assess developmental needs of children
  - 5. Guidance program development, coordination, and management.
- a. The knowledge and ability to formulate guidance and counseling program goals and priorities.
- b. The knowledge and ability to initiate, coordinate, and interpret a counseling and guidance program to meet the developmental needs of all students.
- c. The knowledge and ability to coordinate the counseling and guidance program with the instructional program and student support services.
- d. The knowledge of organizational theory relating to change and humanization of social systems.
- e. The ability to apply the principles of personnel management in supervising the functioning of all personnel assigned to the guidance program.
- f. The knowledge and ability to evaluate guidance programs and report the results to appropriate individuals.
  - C. The issuance of the first continuing license is contingent upon:
- 1. Possession by the candidate of a valid entrance license as an elementary school counselor, and
  - 2. One year of experience as an elementary school counselor.
- D. The continuing license shall be renewed according to the rules of the Board of Teaching pertaining to continuing education.
  - E. All persons holding a license as an elementary school counselor prior

- to July 1, 1982, may continue to hold and renew such licenses according to the continuing education licensure rules of the Board of Teaching.
- F. All programs for preparation of school counselors shall be submitted for approval to the Commissioner of Education and shall include a description of the procedures by which persons who hold secondary school counselor entrance, continuing, or life licensure and wish to be licensed as an elementary school counselor may have their experience and preparation in school guidance and counseling evaluated to determine the areas where such experience and preparation are equivalent to the approved programs as well as the areas where additional preparation may be required. In every case, the requirement shall be at least the equivalent of 18 quarter hours of credit of preparation, including a minimum of 6 quarter hours of practica experience. The remaining credits shall be selected from the areas specified in B.1., 2., 3., 4., and 5., of this rule. Applicants shall be recommended for licensure as an elementary school counselor according to provision F. of this rule.
- G. An institution applying to the Commissioner of Education for approval of its counselor education program according to the provisions of this rule must forward a program description in accordance with 5 MCAR § 1.0526 B. and C. The form utilized by the institution for the internship agreement according to provision A.1.d. or A.2.d. of this rule must accompany the program description.
- H. In addition to G., above, an institution applying for approval of its counselor education program to recommend candidates for licensure according to provision A.2. of this rule, must forward a program description which shall include:
- 1. A definite time limit for the experiment not to exceed 5 academic years and 25 students admitted to the program;
- 2. Clearly defined selection criteria for students admitted to the program;
- 3. A statement which describes the research design and evaluation procedures to be used by the institution in determining the effectiveness of the program; and
- 4. A plan for submitting the experimental results to the Commissioner of Education.
- I. Programs shall be approved which vary in curricular design provided that program components meet the requirements in G. or H., above, and that these components will provide candidates who are recommended for licensure in school guidance and counseling with the knowledge, skills, and understandings which are enumerated in B.1., 2., 3., 4., and 5., of this rule.
- J. This rule is effective July 1, 1982, for all applicants for entrance licenses.

(EDU 1970; BT 1976; 1980; renumbered 5 MCAR 1981)

# 5 MCAR § 1.05301 Counselors, elementary schools.

- A. Qualifications for license.
- 1. A valid license to teach in the public elementary sonools of Minnesota based on a baccalaureate degree from an accredited teacher preparing institution, and
  - 2. One year of successful elementary teaching experience, and
- 3. Completion of a master's degree from a recognized graduate school in a program approved by the State Department of Education which in no event consists of fewer than 54 quarter hours at the graduate level. As part of its program each institution of higher education must submit for approval by the State Department of Education a statement of competencies to be developed, and relate these expected competencies to components in its program. Competencies must be developed in all of the following areas:

Coordination
Counseling
Consultation
Developmental guidance
Diagnosis
Human relations

- 4. Candidates who satisfactorily meet the foregoing requirements will receive a two-year license for elementary school counselors.
  - B. Renewal reguirements.
- 1. The two-year license may be renewed for five years when six additional quarter credits in related competency areas have been completed and when one year of successful elementary counseling experience has been completed.
- 7. Five-year licenses may be renewed according to general rules of the Board of Teaching pertaining to continuing education.
- C. This rule shall remain in effect until July 1, 1982, at which time this rule shall be repealed without further action by the State Board of Education. (EDU 1970; BT 1976; 1980; renumbered 5 MCAR 1981)

### 5 MCAR § 1.0531 Counselors in middle schools.

A. A school counselor in a middle school shall hold a valid Minnesota elementary school counselor license or secondary school counselor license. In addition, except as provided in B. of this rule, a school counselor in a middle school shall complete a preparation program, approved by the Commissioner of Education, leading to the licensure of middle school counselors.

- 1. A school counselor holding a valid Minnesota elementary school counselor license shall complete an approved program leading to the licensure of middle school counselors consisting of a minimum of 10 quarter hours or the equivalent. Such programs shall include all of the following areas:
  - a. Philosophy and organization of the middle school
  - b. Adolescent psychology
- c. Developmental-career guidance, as enumerated in provision B.3. of 5 MCAR § 1.0529, and
  - d. Counseling practicum with adolescents.
- 2. A school counselor holding a valid Minnesota secondary school counselor license shall complete an approved program leading to the licensure of middle school counselors consisting of a minimum of 10 quarter hours or the equivalent. Such programs shall include all of the following areas:
  - a. Philosophy and organization of the middle school
  - b. Pre-adolescent psychology
- c. Developmental-career guidance, as enumerated in provision B.3. of 5 MCAR § 1.0530, and
  - d. Counseling practicum with pre-adolescents.
- B. Provisions of this rule shall not be interpreted to prevent a school counselor from counseling in a middle school at those grade levels for which valid Minnesota school counselor licensure is held or to require such counselor to secure additional licensure to continue to counsel at those grade levels in a middle school for which valid Minnesota school counselor licensure is held.
- C. Minnesota colleges and universities approved to prepare school counselors and which request approval of a program according to this rule shall provide evidence that programs to prepare middle school counselors submitted for approval have been developed with participation from elementary and secondary counselors, middle school administrators, students, and interested citizens. Such programs shall also include:
- 1. A statement of philosophy which sets forth the view of the institution with respect to the middle school.
- 2. An enumeration of the specific knowledge, skills, and understandings to be developed in the proposed program.
- 3. A description of program components which includes statements specifically relating individual components of the program to the philosophy and outcomes enumerated under 1, and 2, above.

- 4. A plan for assessing learning outcomes for individual candidates for licensure.
- D. All approved programs leading to middle school counselor licensure shall include a description of the way in which practicing counselors may have their school counseling experience and school counselor preparation in those areas enumerated in A., above, evaluated and credited by an institution maintaining an approved program leading to middle school counseling licensure. Such evaluation may include previous school counseling experience and/or previous school counselor preparation.
- E. Applicants holding a valid Minnesota elementary or secondary school counselor entrance license shall be issued an entrance middle school counselor license upon the completion of the requirements of A.1. or 2. of this rule.
- F. Applicants holding a valid Minnesota elementary or secondary school counselor continuing or life license shall be issued a continuing middle school counselor license upon the completion of the requirements of A.1. or 2. of this rule.
- G. The first and subsequent continuing middle school counseling licenses shall be issued to applicants who have completed the requirements of A.1. or 2. of this rule and who meet the requirements of the Board of Teaching for the issuance of the first and/or subsequent Minnesota elementary or secondary school counselor continuing licenses.
- H. Persons holding a valid Minnesota elementary or secondary school counselor license who have a minimum of three years of counseling experience in a Minnesota middle school prior to July 1, 1983, as verified by the employing school superintendent, shall, upon application, be issued a license as a middle school counselor.
- I. Until July 1, 1983, any person licensed by the State Board of Education as a school counselor for any of the grade levels in a middle school where the person is assigned as a school counselor is granted authority to counsel at any of the grade levels in the middle school regardless of grade level restrictions on the license currently held.
  - J. Paragraphs A.-G. shall be effective July 1, 1983.
- 5 MCAR § 1.0532 School nurse. The provisions of this rule shall apply only to persons who are required to be licensed by the Minnesota Board of Nursing to perform those services being rendered or which shall be rendered by them in a Minnesota public school.
- A health service nurse holding a vocational license according to the licensure rules of the Board of Education and practicing at the post-secondary level is exempt from the provisions of this rule.
- A. The State Board of Education shall grant licenses as school nurse to applicants who meet the requirements of this rule which follow. Any persons employed as a nurse by a school district shall hold a valid Minnesota license as a school nurse.

- B. A license as school nurse, valid for two years, shall be granted to an applicant who provides evidence to the manager of teacher licensure that the following requirements have been met:
- 1. A baccalaureate degree from a regionally accredited college or university, and
- 2. Current Minnesota registration to practice as a licensed registered nurse, and certification as a Minnesota public health nurse, and
- 3. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development Public health Special education

- C. Issuance of the first five-year license.
- 1. An applicant holding a valid two-year license as a school nurse shall be granted a five-year license after one year of successful experience.
- D. The five-year continuing license shall be renewed according to rules of the Board of Teaching pertaining to continuing education.
  - E. Maintaining licensure.
- 1. In order to retain licensure as a school nurse, current registration as a registered nurse and certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or licensure shall be grounds for revocation of licensure as a school nurse.
- 2. Persons without baccalaureate degrees who hold valid licenses as school nurses may continue to renew their licenses under paragraph D., provided that requirements for renewal are met. However, if such licenses are allowed to lapse, persons must meet licensure requirements set forth in paragraph B., above.
  - F. Effective date: July 1, 1981.
- G. In order to provide for registered nurses serving as school nurses at the time this rule is adopted, a license as school nurse, valid for two years, shall be granted to an applicant who fulfills the following requirements:
- 1. Current registration to practice as a licensed registered nurse in Minnesota, and
- 2. Evidence of employment as a school nurse, while holding a license to practice as a registered nurse, in Minnesota schools for at least two years of full-time service, or the equivalent, during the seven years immediately preceding July 1, 1981.

- 3. The first five-year license shall be issued:
- a. After one year of successful experience while holding the twoyear license, and
- b. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development Public health Special education, and

a minimum of 12 quarter hours, or the equivalent, of additional work in two or more of the following fields:

Health curriculum
School health or school nursing
Public health
Special education
Educational psychology (not including the approved human relations program)

- c. Completion of a human relations program approved by the Commissioner of Education.
- 4. The first five-year license shall be issued to applicants who have completed a., b., and c., above. If an applicant has been unable to complete requirements set forth in b. and c., above, during the period of the initial two-year license, not more than one additional two-year license shall be granted during which time requirements must be met or licensure as a school nurse shall lapse until such time as requirements are met.
- 5. The five-year continuing license shall be renewed according to rules of the Board of Teaching pertaining to continuing education.
- 6. In order to retain licensure as a school nurse current registration as a registered nurse must be maintained at all times. Lapse of such registration shall be grounds for revocation of licensure as a school nurse.
- 7. The provisions of section G. shall be in effect until July 1, 1983, when section G. shall be deleted from this rule without further action by the State Board of Education and all applicants shall, from that date forward, qualify for licensure as school nurse under provisions A., B., C., D., and E., of this rule.

(EDU 1956 s 5075; 1961; 1962; 1963; 1966; 1970; BT 1976; 1979; renumbered 5 MCAR 1981)

# 5 MCAR § 1.0533 Head varsity coaches of interscholastic sports in senior high schools.

- A. Applicability. Every senior high school shall have a licensed head varsity coach for each interscholastic sport except as otherwise provided in C., below. Each person who is employed and functions as a head varsity coach of an interscholastic sport in a senior high school shall hold a valid Minnesota teaching license and shall satisfactorily complete a preparation program approved by the Minnesota Board of Education leading to the licensure of head varsity coaches of interscholastic sports.
- B. Definitions. For purposes of this rule, the following definitions shall apply:
- 1. Head varsity coach. The teacher who has the primary responsibility for a senior high school varsity interscholastic sport.
- 2. Interscholastic sports. A sport in which there is scheduled competition with athletic teams of another school within and outside the school district.
- 3. Senior high school. A secondary school consisting of grades 10-12 or grades 9-12 in a four-year secondary school and grades 9-12 in six-year secondary schools.
- C. Scope. Nothing in this rule shall prohibit a school district from employing an unlicensed person as assistant to a licensed head varsity coach of an interscholastic sport or to coach a junior high school sport.
- D. Qualifications for licensure. All candidates recommended for licensure as a head varsity coach of interscholastic sports shall have satisfactorily completed a program approved by the Minnesota Board of Education consisting of 12 to 18 quarter hours or the equivalent containing components designed to provide candidates recommended for licensure with knowledge, skills, and understandings in all of the following areas:
  - 1. First aid and prevention and care of athletic injuries.
- 2. Science of sports, including principles of anatomy and kinesiology and principles of exercise physiology.
  - 3. Theory and practice of sports techniques.
  - 4. Psychology of sports and coaching.
- 5. Satisfactory completion of a supervised field experience in coaching consisting of no fewer than 40 clock hours.

- E. Alternative route to licensure. A school district may contract with Minnesota colleges and universities which offer approved programs leading to the licensure of head varsity coaches to develop jointly the program of instruction outlined above. Such jointly developed programs must be approved by the Minnesota Board of Education. Recommendation of candidates for head varsity coaching licensure shall be the responsibility of the college or university through which the program was developed.
- F. Teachers employed as head varsity, assistant, or junior high school coaches prior to July 1, 1982. A person holding a valid Minnesota teaching license who, prior to the effective date of this rule, is currently employed or was previously employed as a head varsity, assistant, or junior high school coach, as verified by the superintendent of schools of the school district employing the coach, and who can provide verification of completion of six quarter hours or 60 clock hours of instruction in first aid and the prevention and care of athletic injuries shall, upon application, be issued a license as head varsity coach of interscholastic sports.
- G. Effective date. The provisions of this rule are effective on July 1, 1982, for applicants for the initial license as a head varsity coach of interscholastic sports.
- H. School district hardship situations. In cases where a local school district is unable to employ a licensed head varsity coach of interscholastic sports, the superintendent of such school district may request the commissioner of education to grant a provisional license for one school year, renewable upon application on a year to year basis to a teacher or a baccalaureate degreed person to serve as a head varsity coach of an interscholastic sport upon evidence submitted by the superintendent of schools that the following conditions have been met:
- 1. Evidence that the school district is unable to employ a licensed head varsity coach of interscholastic sports for the current school year, and
- 2. The person to be employed under such authorization holds a current, valid Minnesota teaching license or a baccalaureate degree, and
- 3. The person to be employed under such authorization has experience in the sport and can demonstrate to the superintendent of schools that he/she has the fundamental knowledge and skills necessary for coaching the sport, and
- 4. Verification of completion of six quarter hours or 60 clock hours of instruction in first aid and the care and prevention of athletic injuries.
- I. Licenses as head varsity coaches shall be renewed according to provisions of 5 MCAR § 3.005 continuing education/relicensure.

  (5 MCAR 1981)

# 5 MCAR § 1.0535 Reading consultant. Requirements:

- A. An elementary or secondary school teacher's license, and
- B. A master's degree, and

- C. Three years of teaching experience, including one year as a "reading" teacher, and
- D. Completion of an approved preparation program consisting of the following components:
  - 1. One course in each of the following areas:

Developmental reading, elementary and secondary Diagnosis and correction of reading difficulties Individual mental testing Practicum in analysis of reading difficulties Practicum in correction of reading difficulties Survey course in exceptional children Administration and supervision of the reading program.

2. Not less than three courses to be chosen from the following areas:

Language arts
Educational research in reading or educational diagnosis
Mental hygiene and/or personality
Advanced psychological testing
Principles and procedures in guidance
Other courses in special education
Children's and/or adolescent literature.

E. The continuing license shall be renewed according to provisions of 5 MCAR § 1.05361 D.

(EDU 1960 s 5064.1; 1963 s 5064; BT 1976; renumbered 5 MCAR 1981)

# 5 MCAR § 1.05361 Supervisory and consultative personnel in the elementary and secondary schools.

- A. Supervisory and consultative personnel. Includes elementary and secondary school supervisors, consultants, directors, coordinators and others with similar functions or levels of responsibility. Supervisory and consultative personnel in the elementary and secondary schools, not licensed under other specific rules for personnel with such levels of responsibility in particular areas, shall hold a license based upon major work in the area where licensure is sought as outlined in B.
- B. The license for supervisory and consultative personnel in the elementary and secondary schools requires:
- 1. Completion of a master's degree from a recognized graduate school from a program approved by the State Department of Education with a major emphasis in the area for which licensure is sought

or

A statement from a recognized graduate school certifying that the applicant has completed at least one-half of a program approved by the State Department of Education leading to the specialist or doctorate degree with major emphasis in the area for which licensure is sought

#### and

- 2. Three years of appropriate successful professional experience in education while holding a license valid for the position in which the experience was obtained.
- C. The initial license for supervisory and consultative personnel shall be valid for two years and may be renewed for one five-year period upon the completion of one year of successful experience in the area of major emphasis while hold the initial two-year license.

## D. Continuing license.

- 1. The first continuing license shall be issued to an applicant in accordance with 5 MCAR  $\S$  1.0523.
- 2. The second and subsequent continuing licenses shall be issued to an applicant who has met the following requirements during the term of the continuing license which is expiring. An applicant must:
- a. Provide evidence to the Commissioner of Education of the completion of at least 125 clock hours of approved supervisory continuing education. Approval of supervisory continuing education programs, and the clock hours which may be earned in each program, shall be in accordance with 5 MCAR § 1.0556. College courses which have been approved as leading to licensure as supervisory and consultative personnel may be utilized toward the clock hour requirement. One quarter college credit equals 10 clock hours; one semester college credit equals 15 clock hours.
- b. Until July 1, 1986, clock hours of approved supervisory continuing education shall be required as follows:
- (1) Twenty-five clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1981 or June 30, 1982.
- (2) Fifty clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1983.
- (3) Seventy-five clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1984.
- (4) One hundred clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1985.
- (5) One hundred twenty-five clock hours of approved supervisory continuing education for renewal of licenses expiring June 30, 1986.
- c. Until July 1, 1986, renewal units which are earned toward supervisory relicensure may be allocated toward clock hours of supervisory continuing education. For every one renewal unit earned and verified by the local

committee for continuing education, one clock hour of supervisory continuing education shall be granted. Provisions D.2.b. and D.2.c. of 5 MCAR § 1.05361 shall remain in effect until July 1, 1986, at which time provisions D.2.b. and D.2.c. shall be repealed without further action by the State Board of Education.

- 3. In the case of a continuing license which has been allowed to lapse:
- a. An applicant must provide evidence that 125 clock hours of approved supervisory continuing education have been completed during the five-year period immediately preceding the application for a continuing license in which case a five-year continuing license may be granted, or
- b. Where the applicant provides evidence that a position has been offered contingent upon holding a valid license, and demonstrates that there is insufficient time to complete 125 clock hours of approved supervisory continuing education as required in 2.a. of this rule, a two-year, non-renewable license may be granted. Upon expiration of the two-year, non-renewable license, such an applicant must qualify for a continuing license in accordance with requirements stipulated in 2.a. of this rule.
- 4. Renewal requirements must be met during the five-year period of each continuing license and no clock hours shall carry forward into any subsequent five-year licensure period.

(EDU 1956 s 5072; 1970; BT 1976; renumbered 5 MCAR 1981)

# Chapter Twenty-Eight: Issuance and Renewal of Licenses for School Superintendents and Principals

# 5 MCAR § § 1.0552-1.05599

# § 1.0552 Definition and scope.

### A. Definition of terms.

- 1. The term superintendent includes assistant superintendents; the terms elementary school principal and secondary school principal include assistant principals; and the term principal includes all elementary and secondary school principals and assistant principals.
- 2. Administrative licensure areas are the areas of superintendent of schools, elementary school principal, and secondary school principal.
- 3. Licensed administrator means a person holding an appropriate license for a position as superintendent, assistant superintendent, principal, or assistant principal.
- 4. The term clock hours means clock hours of actual instruction or supervised group activities in an approved Minnesota continuing education program. Hours devoted to individual professional development activity are in addition to specified clock hours and are not counted as clock hours.
- 5. The term initiator means the individual, agency, or institution that initiates and conducts administrative continuing education programs in accordance with 5 MCAR § 1.0556.
- B. Persons holding positions as superintendents and principals must be licensed as follows:
- 1. superintendents and assistant superintendents must hold Minnesota licenses as superintendents of schools;
- 2. elementary school principals and assistant elementary school principals must hold Minnesota licenses as elementary school principals;
- 3. secondary school principals and assistant secondary school principals must hold Minnesota licenses as secondary school principals.

  (EDU 1978)
- $\S$  1.0553 A school administration standards and licensure advisory task force shall be established which is advisory to the board of education.
  - A. The purposes of the task force are:
    - 1. to review proposed rules pertaining to the preparation and licensure

of school administrators and to provide written recommendations concerning such proposals to the board of education;

- to work with licensed administrators practicing in Minnesota schools to identify needed areas of study for administrative continuing education programs;
- 3. to study and make recommendations for affirmative action in the preparation and employment of school administrators;
- 4. to review and recommend approval of continuing education programs for administrators to the commissioner of education. The task force may appoint subcommittees to meet this responsibility.
  - B. The task force shall meet at least three times during each school year.
- 1. The first meeting of each year will be called by the commissioner of education and will be held before October 31.
- 2. At the first meeting, a chairman, secretary, and any other officers deemed necessary by the members shall be elected from the voting members. Officers shall serve for one year.
- C. The task force shall consist of fourteen voting and one nonvoting member as follows:
  - 1. two elementary school principals;
  - 2. two secondary school principals;
  - 3. two school superintendents;
  - 4. one practicing classroom teacher;
- 5. two administrators or faculty members in education from colleges with approved school administration programs;
  - 6. one member of a Minnesota school board;
- 7. one individual employed outside education who has an executive or management position with a level of responsibility similar to that of a superintendent in a large school district;
  - 8. two members of the public;
- 9. one student representative from an approved Minnesota program in school administration;
- 10. one nonvoting member from the state department of education staff.

- D. Task force members are appointed by the board of education for terms of two years. Members may not serve for more than two terms.
- 1. Membership terms begin with the first task force meeting of the school year.
  - 2. Members shall serve until successors are appointed.
- 3. A vacancy during the term of a member shall be filled by the board of education.
- 4. The position of a member who leaves Minnesota or whose employment status changes to a licensure area different from that from which appointment was made shall be deemed vacant.
  - 5. Members shall be qualified as follows:
- a. All members shall be selected on the basis of experience, and knowledge of, and interest in, the preparation and licensure qualifications of school administrators.
  - b. Members who are teachers, principals, and superintendents must
- (1) Be currently practicing in Minnesota in the licensure area that they represent;
- (2) Hold a current Minnesota license valid for their present position.

(EDU 1978)

§ 1.0554 Types of licenses. Entrance licenses and continuing licenses may be issued for each administrative licensure area, and an applicant must meet requirements in each area where licensure is sought as specified in A. and B., below. Life licenses may be held by those who meet requirements as specified in C., below.

#### A. Entrance license.

- 1. Requirements must be met for each administrative area where licensure is sought. An entrance license shall be issued to an applicant who has met all of the following requirements. An applicant must:
- a. Have had three years of teaching experience while holding licenses valid for the position or positions in which the experience was gained. Elementary school principals must have at least three years of teaching experience at the elementary level. Secondary school principals must have at least three years of teaching experience at the secondary level. Superintendents of schools must have at least three years of teaching experience at the elementary or secondary level.

- b. Complete a specialist or doctoral program, or a program consisting of a master's degree plus 45 quarter credits, in the administrative area for which licensure is sought. Each program to be approved by the commissioner of education must:
- (1) Be offered at a regionally accredited Minnesota graduate school.
- (2) Include a field experience. Persons taking part in field experiences shall not replace required licensed principals or superintendents.
- (a) Programs which prepare elementary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in an elementary school as an administrative aide to a licensed and practicing elementary school principal, or in an administrative placement with a licensed educational administrator appropriate for the elementary school principalship and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.
- (b) Programs which prepare secondary school principals and assistant principals must include at least 200 clock hours of field experience, or equivalent, in a secondary school as an administrative aide to a licensed and practicing secondary school principal, or in an administrative placement with a licensed educational administrator appropriate for the secondary school principalship and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.
- (c) Programs which prepare superintendents of schools and assistant superintendents must include at least 200 clock hours of field experience, or equivalent. The field experience shall be in an administrative placement with a licensed educational administrator appropriate for the superintendency and for the individual. The 200 clock hours must be completed within 12 continuous months from the commencement of the field experience.
- (d) Persons who have gained licensure in one administrative area and who have completed 3 years of experience under that administrative license may qualify for licensure in another administrative area by completing the required teaching experience and the approved program for that area except that an administrative field experience may be waived.
- c. Fulfill the requirements of 5 MCAR § 1.0558 and 5 MCAR § 1.0559, A. and C.
- d. Be recommended for licensure by a Minnesota college or university which, in making such a recommendation, attests to satisfactory completion of the approved program by the applicant. An applicant coming to Minnesota from another state must present to the commissioner of education a

transcript of college or university work to be analyzed in order to determine comparability of program.

- 2. An administrative licensure program completed outside Minnesota must be offered by a regionally accredited graduate school and be comparable to approved programs in Minnesota. Comparability of program is determined by the commissioner of education. Experienced administrators entering Minnesota may offer one year of full-time experience in each administrative area where licensure is requested as a substitute for field experience required as part of the program of preparation.
- 3. An entrance license is the first license issued in any administrative licensure area and is valid for a term of two years and is not renewable except in the case of an applicant who is unable to gain one year of experience as an administrator during the term of the entrance license. In such a case, the entrance license may be allowed to expire and a one-year, nonrenewable entrance license may be issued at such time as the applicant secures a position.

#### B. Continuing license.

- 1. The first continuing license shall be issued to an applicant who has met all of the following requirements. An applicant must:
- a. Hold, or have held, an entrance license in the administrative area for which the continuing license is requested.
- b. Provide evidence of at least one year of experience in the administrative area for which the continuing license is requested while holding an entrance license or a one-year, nonrenewable entrance license for that administrative area.
- 2. The second and subsequent continuing licenses shall be issued to an applicant who has met the following requirements during the term of the continuing license which is expiring. An applicant must:
- a. Provide evidence to the office of the commissioner of education of the completion of at least 125 clock hours of approved administrative continuing education.
- b. Provide a record, to be on file in the central office of the employing school district or agency, of the completion of at least 75 hours of individual professional development activity related to school administration.
- c. In the first five years following the effective date of this Chapter, clock hours of approved administrative continuing education and clock hours of individual professional development activity shall be required as follows:
- (1) Twenty-five clock hours of approved administrative continuing education and fifteen clock hours of individual professional development activity for renewal of licenses expiring June 30, 1979.

- (2) Fifty clock hours of approved administrative continuing education and thirty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1980.
- (3) Seventy-five clock hours of approved administrative continuing education and forty-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1981.
- (4) One hundred clock hours of approved administrative continuing education and sixty clock hours of individual professional development activity for renewal of licenses expiring June 30, 1982.
- (5) One hundred twenty-five clock hours of approved administrative continuing education and seventy-five clock hours of individual professional development activity for renewal of licenses expiring June 30, 1983.
- d. In the first five years following the effective date of this Chapter, renewal units which are earned toward administrative relicensure may be allocated toward clock hours of administrative continuing education. For every one renewal unit earned and verified by the local committee for continuing education, one clock hour of administrative continuing education shall be granted. Provisions B. 2. c. and B. 2. d. of 5 MCAR § 1.0554 shall remain in effect until July 1, 1983, at which time provisions B. 2. c. and B. 2. d. shall be repealed without further action by the board of education.
  - 3. In the case of a continuing license which has been allowed to lapse:
- a. An applicant must provide evidence that 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity have been completed during the five-year period immediately preceding the application for a continuing license in which case a five-year continuing license may be granted, or
- b. Where the applicant provides evidence that a position has been offered contingent upon holding a valid license, and demonstrates that there is insufficient time to complete 125 clock hours of approved administrative continuing education and 75 hours of individual professional development activity as required in 2. a. and b., of this rule, a two-year, nonrenewable continuing license may be granted. Upon expiration of the two-year, nonrenewable continuing license, such an applicant must qualify for a continuing license in accordance with requirements stipulated in 2. a. and b., of this rule.
- 4. The term of each continuing license is five years. Renewal requirements must be met during the five-year term of each continuing license.
- 5. The expiration date for all areas of continuing licensure will be the expiration date established for the first continuing license issued to an applicant.
- 6. An applicant for a license under this section must also fulfill the requirements of 5 MCAR  $\S$  1.0558 and 5 MCAR  $\S$  1.0559, A. and C.

C. Life license or permenent license. Any person holding a Minnesota life or permenent license in an administrative area need not hold an entrance or a continuing license in that administrative licensure area.

(EDU 1978)

- § 1.0555 Approval of programs which prepare school administrators for entrance licensure.
- A. All programs which prepare applicants for entrance licenses in the licensure areas of superintendent of schools, elementary school principal, and secondary school principal must be approved by the commissioner of education.
- B. All programs which prepare applicants for entrance licensure in administration shall be developed with the involvement of licensed administrators currently practicing in Minnesota school districts.
- C. Each college or university developing programs to prepare school administrators for licensure shall designate an official of that institution to be responsible for:
- 1. Developing proposals for programs to prepare school administrators for licensure. Each licensure program must be described separately. A college or university may request approval for any, or all, of the following programs of preparation:
  - a. Superintendent of schools, specialist or doctoral degree;
- b. Superintendent of schools, master's degree plus 45 quarter credits;
  - c. Elementary school principal, specialist or doctoral degree;
- d. Elementary school principal, master's degree plus 45 quarter credits;
  - e. Secondary school principal, specialist or doctoral degree;
- f. Secondary school principal, master's degree plus 45 quarter credits.
- 2. Providing evidence that licensed administrators practicing in Minnesota school districts have been involved in planning the program being forwarded for approval.
- 3. Forwarding program proposals to the commissioner of education and arranging for site visits for the study of administrative programs proposed for initial approval.
  - 4. Maintaining approval status of administrative programs by mmuni-

cating with the commissioner of education concerning changes in program status. The designated official shall forward program descriptions and arrange for on-site reviews at least once during each five-year period.

- 5. Recommending to the commissioner of education candidates who satisfactorily complete approved programs for entrance licensure.
  - D. Each administrative program proposal shall obtain:
    - 1. A description of planning activities.
    - 2. A statement of program goals.
- 3. A description of the administrative roles and function for which the program is designed to prepare candidates.
- 4. A copy of information to be included in the college bulletin which sets forth all requirements for entrance licensure.
  - 5. A complete description of the proposed program which includes:
- a. Statements of expected learning outcomes including knowledge, skills, and understandings for each of the program areas including: school administration, supervision, curriculum, and instruction.
- b. Descriptions of program components designed to develop specified learning outcomes which include a description of means to be used to achieve learning outcomes for each component.
- c. Statements which relate expected learning outcomes to goals and to components of the program.
- d. The means by which achievement of specified learning outcomes will be determined for each student.
  - 6. Evidence that qualified faculty will be assigned to the program.
- 7. Evidence that resources, in addition to faculty, necessary to support the program have been allocated.
- 8. A plan for program evaluation which will enable the college or university to determine whether program goals have been achieved.
- E. Programs will be approved for periods of five years. Six months before the end of the period for which approval of the program is granted, the college or university must forward a request for continued approval, a current program proposal as described in D., above, and arrange for a site visit to be administered by staff of the Minnesota department of education. Site visit teams shall be appointed by the commissioner of education and shall include licensed practicing administrators with representation from each administra-

tive licensure area for which a program is to be studied. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of entrance license requirements.

(EDU 1978)

### § 1.0556 Approval of administrative continuing education programs.

- A. All administrative continuing education programs for the licensure areas of superintendent of schools, elementary school principal, and secondary school principal, and the clock hours which may be earned in each program, must be approved by the commissioner of education.
- 1. If clock hours are to be earned, approval must be secured before participants are registered in an administrative continuing education program.
- 2. Admission to all approved administrative continuing education programs shall be open to any licensed Minnesota school administrator who meets the education and experience requirements for admission.
- 3. The department of education shall disseminate lists of known approved administrative continuing education programs twice annually.
- B. The initiator of an administrative continuing education program has complete responsibility for conducting that program. However, the initiator may use resources from professional associations, governmental agencies, and the private business sector.
  - C. The program initiator is responsible for:
- 1. Developing proposals for administrative continuing education programs in areas of study which have been identified in cooperation with licensed administrators practicing in Minnesota school districts.
- 2. Forwarding continuing education program proposals to the commissioner of education for approval.
- 3. Maintaining communication with the commissioner of education concerning the status of all approved administrative continuing education programs offered.
- 4. Reporting to the commissioner of education the names of all individuals who complete an approved administrative continuing education program including the number of clock hours earned by each individual.
- D. Each administrative continuing education program shall consist of at least three clock hours and each program proposal shall contain:
- 1. A description of planning activities including a list of names, addresses, and positions of those involved in planning.

- 2. A description of the client group, or groups, for whom the program is designed.
  - 3. A statement of program goals which relates goals to client demands.
- 4. A statement concerning any prerequisite education or experience required for admission to the program.
- 5. A description of the proposed administrative continuing education program which includes:
  - a. Statements of expected learning outcomes.
- b. Descriptions of program components designed to develop specified learning outcomes.
- c. The means by which achievement of specified learning outcomes will be determined for each program participant.
- 6. Statements indicating the number of clock hours requested for the proposed program, length of time for which approval is being requested, and the number of times that the program is to be offered during the approval period.
- 7. Evidence that qualified staff have been assigned to the program and that other resources necessary to the program have been allocated.
- E. Programs may be approved for periods of time up to two years. A program will be approved if it meets the requirements of the rules and if the commissioner of education determines that the program is adequate to fulfill the purposes of continuing education requirements.

(EDU 1978)

# § 1.0557 Suspension and revocation of licenses.

- A. The license of a principal or superintendent may be revoked or suspended for any of the following causes:
  - 1. Immoral character or conduct;
  - 2. A breach of contract of employment without justifiable cause;
  - 3. Overall gross inefficiency or willful neglect of duty;
  - 4. Fraud or misrepresentation in obtaining a license.
- B. The state board of education may act to suspend or revoke the license of a superintendent or principal after the following procedures have been followed:

- 1. A written complaint which specifies the nature and character of the charges is filed with the state board of education by either the school board employing the superintendent or principal, or by the commissioner of education.
- 2. The commissioner of education, within 10 days after the filing of the complaint with the state board of education, serves a copy of the complaint upon the superintendent or principal by registered mail addressed to such superintendent or principal at the last known address.
- 3. The superintendent or principal, within 20 days after the service of the copy of charges, files with the state board of education any answer to the charges specified. The failure to answer within the 20 day period shall result in the right to a hearing being waived.
- 4. A hearing conducted in accordance with the rules of the office of the hearing examiner shall be held.

(EDU 1978)

#### § 1.0558 Human relations requirement.

- A. All applicants for licenses as superintendents or principals must complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances where the person holding a life license in one or more areas of school administration seeks to be licensed, or to have a license renewed, in another administrative area for which the person does not hold a life license. In addition, persons from outside Minnesota who wish to be licensed in an administrative area must complete a human relations training program during the two-year period of the entrance license. Components which constitute a human relations training program must be approved by the commissioner of education.
- B. Human relations components of programs which lead to administrative licensure in education will be approved upon submission of evidence:
- 1. Showing that the human relations components have been developed with participation of members of various racial, cultural, handicapped, and economic groups. Participation in planning shall be equitably distributed between men and women.
- 2. Showing that the human relations components are planned to develope the ability of applicants to:
- a. Understand the contributions and life styles of the various racial, cultural, handicapped, and economic groups in our society, and
- b. Recognize and deal with dehumanizing biases, discrimination, prejudices, and institutional and personal racism and sexism, and

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- c. Create learning environments which contribute to the self-esteem of all persons and to positive interpersonal relations, and
  - d. Respect human diversity and personal rights.
- 3. Relating all of the areas enumerated in B. 2. to specific competencies to be developed, and
  - 4. Indicating means for assessment of competencies.

See new: 0780 3665T

- A. An licenses to serve as superintendent and principal shall bear the date of issue and the date of expiration and may be renewed on or before July 1 in the year of expiration.
- B. After July 1 in the year of expiration, all licenses to serve as superintendent and principal shall be deemed expired and no longer valid for administration.
- C. Each application for the issuance and/or renewal of a license to serve as superintendent or principal shall be accompanied by a processing fee in the amount of twenty dollars (\$20.00).

(EDU 1978)

- § 1.05599 In order to provide means for persons holding standard administrator licenses granted under prior rules of the state board of education to phase into the requirements of 5 MCAR § 1.0554, the following provisions of 5 MCAR § 1.05599 shall pertain until July 1, 1979, at which time 5 MCAR § 1.05599 shall be deleted without further action of the board of education.
- A. Persons holding standard licenses for one of the administrative areas whose first license for this area was issued after September 1, 1967, shall complete the requirements of 5 MCAR § 1.0554, section A., by July 1, 1979, or on the next date when an applicant's license must be renewed if it falls after July 1, 1979.
- B. Any person whose standard license as a school administrator lapsed after July 1, 1974, shall meet requirements of 5 MCAR § 1.0554.

  (EDU 1978)

# **Chapter Twenty-Nine: Civil Defense Education**

# EDU 560 Disaster plan.

- A. Each school board shall have a plan that will detail the action to be taken in the event the district is threatened by or affected by a disaster.
- B. The plan shall be organized in accordance with the "Minnesota School Disaster Planning Guide," published and distributed by the state department of education.
- C. Each school board shall designate a staff member as the school district disaster planning coordinator and it shall be his responsibility to develop and implement the Civil Defense Disaster Plan for the district.
- D. A current copy of the plan shall be available for review and evaluation by a representative of the state department of education.

E. The plan shall be tested and evaluated at least once a year. (EDU 19/1) = 75R / 1373 = 3-28-83

EDU 561 Civil defense education. Civil defense education shall be provided by the school board in all public school districts in the lower elementary grades, K, 1-3, the upper elementary grades, 4-6, junior secondary grades, 7-9, the senior secondary grades, 10-12, and the program shall be based on "Guidelines for Civil Defense Education in Minnesota Public Schools," or other resources approved, by the state department of education.

(EDU 1971;1972)

EDU 562 Civil defense-school building construction. Consideration should be given to the employment of slanting techniques in all remodeling and new construction.

Slanting techniques refer to design procedures and materials employment that can increase substantially the shelter potential of a structure often at little or no additional cost.

(EDU 1971)

EDU 563-579 Reserved for future use.

# Chapter Thirty-One 5 MCAR §§ 1.0620-1.0625: Regulations Relating to Equality of Educational Opportunity and School Desegregation

§ 1.0620 Policy. The state board recognizes many causes for inequality in educational opportunity, among which is racial segregation.

The state board agrees with the U.S. Senate Report of the Select Committee on Equal Educational Opportunities that, "the evidence, taken as a whole, strongly supports the value of integrated education, sensitively conducted, in improving academic achievement of disadvantaged children, and in increasing mutual understanding among students from all backgrounds."

The state board recognizes its duty to aid in the elimination of racial segregation in Minnesota public schools and therefore adopts these regulations, the purpose of which is to direct and assist each school district in the identification of and the elimination of racial segregation which may exist in the public schools within the district.

The regulations which follow are designed to implement the policy of the state board as set forth in educational leadership role for department of education and board of education in providing equal educational opportunity, November 9, 1970.

(EDU 1973)

- § 1.0621 Definitions. For the purposes of 5 MCAR §§ 1.0620-1.0639, the following words and phrases shall have the meaning ascribed to them:
- A. "Equal Educational Opportunity" is defined as the provision of educational processes where each child of school age residing within a school district has equal access to the educational programs of the district essential to his needs and abilities regardless of racial or socio-economic background.
- B. The term "Minority Group Students" is defined as students who are Black-American, American-Indian, Spanish surnamed American, or Oriental Americans. The term "Spanish surnamed American" includes persons of Mexican, Puerto Rican, or Spanish origin or ancestry.
- C. Segregation occurs in a public school district when the minority composition of the pupils in any school building exceeds the minority racial composition of the student population of the entire district, for the grade levels served by that school building, by more than 15 percent.

(EDU 1973; 1978)

- § 1.0622 Duties of local boards, penalty for failure to comply.
- A. Each local board shall, in accordance with these rules, submit data to the commissioner on the racial composition of each of the schools within its jurisdiction.

- B. Each local board shall, if segregation is found to exist in any of its schools (1) submit to the commissioner a comprehensive plan for the elimination of such segregation that will meet the requirements of 5 MCAR §§ 1.0620-1.0639; (2) submit information to the commissioner on the progress of implementation of any comprehensive plan which has been approved; and (3) implement in accordance with its schedule a comprehensive plan which has been approved.
- C. The penalty for noncompliance with 5 MCAR §§ 1.0620-1.0639 shall be the reduction of state aids pursuant to Minn. Stat. § 124.15 (1971).

  (EDU 1973)

# § 1.0623 Submission of data.

- A. Each local board shall submit to the commissioner by November 15 of each year such data as are required by subsection B of this section. If a local board fails to submit such data by November 15 annually, the commissioner shall notify the board of non-compliance. A reasonable time of 15 days shall be allowed for compliance.
- B. Each local board shall submit a report showing the number of students enrolled which belong to each race for each of the schools under its jurisdiction. The information required to be submitted may be based upon sight count or any other method determined by the local board to be accurate. The clerk of the local board of education shall certify the accuracy of the report.

(EDU 1973; 1977)

#### § 1.0624 Submission of plan.

- A. The commissioner shall examine the data which are submitted pursuant to 5 MCAR § 1.0623. Whenever the commissioner finds from the examination of such data that segregation exists in any public school, he shall in writing within 30 days after receipt of data notify the local board having jurisdiction over said school that such a finding has been made.
- B. The commissioner may after data has been submitted and examined, pursuant to 5 MCAR §§ 1.0623 and 1.0624 determine from additional data received at any subsequent time that a condition of segregation exists and request action to correct the situation.
- C. Any local board receiving notification of the existence of segregation shall forthwith prepare a comprehensive plan to eliminate such segregation and shall file a copy of such plan with the commissioner within 90 days after the receipt of the notification.
- D. If the local board fails to submit a plan within 90 days, the commissioner shall notify the local board of noncompliance. A reasonable time of 15 days, shall be allowed for compliance.

(EDU 1973)

# § 1.0625 Contents of plan; approval or rejection.

A. The 15 percentage points requirement of 5 MCAR § 1.0621 C., shall be used as the standard for local school boards in the process of developing plans to remove racial segregation in the district.

Notwithstanding the 15 percentage points standard, the commissioner shall, if the local board can justify an educational reason for a variance to the state board from the comprehensive school desegregation plan submitted, approve school desegregation plans that vary from the standard except the variance may not cause any school building to exceed 50 percent minority enrollment.

An educational reason shall include the effect on bicultural and bilingual programs, making magnet schools available to minorities, effectiveness of school pairing programs, and other educational programs that should result in a better education for the children involved. In determining whether the educational reason put forth by the district justifies the variance, the state board shall determine whether other alternatives are educationally and economically available to the district such that the variance is not needed.

(EDU 1973; 1978)

- B. If to alleviate the isolation of miniority group students, required transportation time would exceed more than one hour trip per day, then a standard may be determined by the commissioner based on the data presented by the district for each such school within the district.
- C. The comprehensive plan, submitted pursuant to EDU 624 C., shall contain a detailed description of the actions to be taken by the local board to eliminate segregation. Each plan shall contain: (1) an explicit commitment by the local board to fulfill the requirements of these regulations, (2) a detailed description of the specific actions to be taken to correct racial segregation of students and faculty, showing the intended effect of each action proposed with respect to the entire plan, and each specific action proposed in the plan, (3) a time table showing dates of initial implementation and completion, (4) evidence that broad community participation and involvment was secured in the planning and development of the plan, and (5) specific affirmative proposals to insure that the integration process provides an effective learning environment for all children based upon mutual cultural and personal respect. The plan shall also include a narrative description of changes in the staffing patterns of the school district, curriculum changes to meet the needs of students in a desegregated environment, any anticipated building or remodeling programs, present and projected attendance patterns, staff preparation or projected inservice training programs.
- D. The implementation period shall not exceed two years. The plan shall specify the effect which each proposed action will have on the racial composition of each school within the district and shall include projections of the racial composition of each school within the district which may be expected upon completion of the plan.
- E. In the formulation of plans to eliminate and prevent racial segregation in schools, local boards shall consider and employ methods that are educationally sound and administratively and economically feasible. Such methods may include but are not limited to: school pairings and groupings; grade reorganization; alteration of school attendance zones and boundaries; pupil reassignments and such optional transfers as are consistent with these requirements; establishment of educational parks and plazas; rearrangements of school feeder patterns; voluntary metropolitan or inter-district cooperative plans; specialized or "magnet" schools, differentiated curricular or other program offerings at schools serving children predominately of different racial groups at the same grade level; reassignments of faculty, staff, and other personnel, affirmative recruitment, hiring, and assignment practices to insure that each system's personnel corps, as well as the faculty, staff, and other personnel at all attendance centers within systems, become and remain broadly representative racially.
- F. All decisions by local boards concerning selection of sites for new schools and additions to existing facilities shall take into account, and give maximum effect to, the requirements of eliminating and preventing racial as well as socio-economic segregation in schools. The commissioner will not approve sites for new school building construction or plans for addition to existing buildings when such approval will perpetuate or increase racial segregation.

267 EDU 626

G. All plans to effect school desegregation and integration shall be equitable and nondiscriminatory. Within the constraints imposed by feasibility and educational soundness, inconvenience or burdens occasioned by desegregation shall be shared by all and not borne disproportionately by pupils and parents of minority group students.

- H. Local board shall not adopt or maintain pupil grouping or classification practices, such as tracking, which result in racial segregation of pupils within a given school.
- I. All plans shall be subject to continuing review and evaluation by the local boards and shall provide that amendments to improve their effectiveness shall be adopted and implemented on a continuing basis; provided, however, that the implementation of any proposed amendment which would result in resegregation of any school or classroom, shall not take effect until after it has been reviewed by the commissioner of education in the manner provided with respect to plans in J. below. Submissions of proposed amendments shall be accompanied by materials setting forth the reasons underlying the proposals and their projected effects upon racial composition of all affected schools and classrooms.
- J. The commissioner shall review any plan or amendment submitted under these provisions and shall determine whether it complies with the requirements of these regulations. If the commissioner determines that the plan will eliminate segregation in the schools of the district submitting the plan, and that the dates for implementation of the plan will not exceed two years, and that any proposed transportation to achieve desegregation is not restricted to minority students, he shall approve the plan and notify the state board and the local board within 30 days. The commissioner may provide to the local board of education such technical assistance and services as requested by the local board and deemed necessary by the commissioner in order to implement the plan. If the commissioner finds that the plan will not eliminate segregation in the schools of the district submitting the plan, or that the dates for implementation will exceed two years or that any transportation to achieve desegregation is restricted to minority students, he shall reject the plan.
- K. The commissioner shall notify the local board of the rejection of the plan within 30 days. The notice shall specify:
  - 1. the reasons for the rejection of the plan,
  - 2. the revisions necessary to make the plan satisfactory,
- specify a period of 45 days in which the local board shall submit a revised plan.
- L. If no revised plan is received within 45 days, or if the revised plan fails to contain the revisions specified by the commissioner, or if the plan fails to meet the requirements of EDU 620-639 the commissioner shall notify the local board of action to be taken pursuant to EDU 622 C. (EDU 1973)
- EDU 626 Submission of information on implementation of plan. If a local board has submitted a plan which has been approved by the

commissioner, the local board shall submit to the commissioner at such times as he shall request, such information as he deems necessary concerning the implementation of the plan. If the local board fails to submit such information, the commissioner shall notify the local board of the noncompliance. A reasonable time of 15 days shall be allowed for correction of noncompliance.

(EDU 1973)

EDU 627 Implementation of the plan. The commissioner shall examine the information requested to EDU 626. If he determines that there is any discrepancy between the schedule in the plan as approved and the progress which has been achieved in the implementation of the plan, he shall notify the local board of noncompliance. A reasonable time, which shall be determined by the commissioner according to the nature of the discrepancy, shall be allowed for correction of the discrepancy.

(EDU 1973)

EDU 628 Appearance before the state board. Any school district aggrieved by a decision required by the commissioner by EDU 620-639 may serve a written request on the state board of education within 30 days of any such decision to appear before said board.

The appearance shall be made at the next regular state board meeting following receipt of such request. Following such appearance the board may in writing support, modify or reject the commissioner's decision. Any such notice served by a school district shall stay any proceeding pursuant to Minn. Stat. § 124.15 (1971) to reduce state aids for noncompliance with EDU 620-639 until a determination by the board.

(EDU 1973)

#### EDU 629 Notices.

- A. Any notice to a local board which is required by these regulations shall be written and shall be sent by certified mail, to the superintendent, and to the clerk of the local board of the district at their respective business addresses. For the purpose of EDU 620-639, the business address of the clerk of the local board is deemed to be the main administrative office of the district.
- B. The content of any notice of noncompliance shall be such as is specified in Minn. Stat. § 124.15, subd. 3 (1971). The reasonable time for correction of noncompliance shall be such as specified in EDU 620-639.

(EDU 1973)

EDU 630 No district exempt from EDU 623. At no time shall any local board be exempt from the reporting requirements of EDU 623.

(EDU 1973)

EDU 631-639 Reserved for future use.

# MINNESOTA CODE OF AGENCY RULES

# RULES OF THE STATE DEPARTMENT OF EDUCATION

1982 Reprint



All rules as in effect on September 15, 1982

Prepared by

THE OFFICE OF REVISOR OF STATUTES Room 3, State Capitol, St. Paul, Minnesota 55155

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For Table of Contents see Volume 25A.

# Chapter Thirty-Two: Veterans Education

#### EDU 640 Teacher certification.

- A. Teachers of courses or portions of courses approved on an accredited basis under the provisions of section 1775, chapter 36, Title 38, United States Code must be certified by the Minnesota state department of education.
- B. Requirement in A. above 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 89-358, 90-631, or 91-219.

(EDU 1974)

### EDU 642 Employability requirement.

- A. 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 on a non-accredited 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 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 bonafide positions in the occupation for which they were trained by the course.
- 1. Graduates who refuse bonafide job offers will be considered as employed.
  - 2. Graduates indicating upon graduation that they are not interested in securing employment will not be included in the computation of percentage of graduates employed.

    (EDU 1974)

#### Chapter Thirty-Three: Prohibition of Discriminatory Practices in Education

§ 1.0660 Policy. The policy of the state board of education is to assure compliance with state and federal law prohibiting discrimination because of age, race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability, and to promote the elimination of these discriminatory practices in public schools and public educational agencies under its general supervision.

(EDU 1977)

#### § 1.0661 Duties of local boards, penalty for failures to comply.

- A. Each local board shall submit to the commissioner such data as specified in § 1.0662 for purposes of determining that the educational program is meeting provisions of state and federal law prohibiting discrimination on the grounds listed in § 1.0660.
- B. Each local board shall comply with all state and federal law prohibiting discrimination on the grounds listed in § 1.0660.
- C. Each local board shall direct the superintendent to coordinate, implement, and report to the local board the district's efforts to comply with these rules.
- D. Each local school board shall, pursuant to Title IX of the Educational Amendments of 1972 (P.L. 92-318), disseminate on a continuing basis its policy of non-discrimination on the basis of sex.
- E. The penalty for non-compliance with this chapter shall be the reduction of state aids pursuant to Minn. Stat. § 124.15.

  (EDU 1977)

#### § 1.0662 Compliance reports and submission of data.

- A. Annually, on November 15, each school board shall submit to the commissioner a statement of compliance with state and federal law prohibiting discrimination on the grounds specified in § 1.0660 and, in support of that statement, shall complete the form contained in § 1.0662 C, and submit a report as required by 29 CFR 1602.41 (EEO-5 report), showing the number of certificated and non-certificated personnel employed which belong to each race and sex for each of the schools under its jurisdiction.
- B. The statement of compliance required by Minn. Stat. § 124.15, subd. 2a, shall be specified in Exhibit A.
- C. The form to be completed in support of the assurance statement shall be as specified in Exhibit B.

(EDU 1977)

# § 1.0663 Notices.

- A. The content of any notice of noncompliance shall be such as is specified in Minn. Stat. § 124.15, subd. 3.
- B. Any notice to a local board which is required by this chapter shall be written and shall be sent by certified mail to the superintendent and to the clerk of the local board of the district at their respective business addresses. For the purposes of this chapter, the business address of the clerk of the local board is deemed to be the main administrative office of the district.
- C. The Commissioner shall provide to each school district in the state of Minnesota the documents specified in Exhibit B, number 1, and shall update the material as needed to insure compliance.

(EDU 1977)

§ 1.0664 Appeal of commissioner's determination. Any school district aggrieved by a decision required of the commissioner under this chapter may dispute that decision pursuant to Minn. Stat. § 124.15, subd. 4.

(EDU 1977)

- § 1.0665 Duties of the commissioner. Upon receipt of the school board's assurance of compliance and the supporting data, the commissioner shall:
- A. In order to determine whether special state aid shall be withheld, process the data and forward it to the commissioner of human rights, pursuant to Minn. Stat. § 124.15, subd. 5a.
- B. In order to determine whether a violation of federal laws prohibiting discrimination has occurred:
- 1. Within 90 days of the receipt of the data, the commissioner of education shall review it to determine whether a school district is in compliance with federal law prohibiting discrimination.
- 2. If, after review of the data, it appears to the commissioner that a violation of federal law exists, he shall make a prompt investigation.
- 3. If the investigation indicates non-compliance with federal law, the commissioner shall inform the school district.

If the noncompliance cannot be resolved by informal means, the commissioner may proceed to suspend or terminate federal assistance.

(EDU 1977)

§ 1.0666 No district shall be exempt from this chapter. (EDU 1977)

#### Exhibit A

# Assurance of Compliance with State and Federal Law Prohibiting Discrimination

#### Name of School District

The undersigned hereby affirm that the above named school district is in compliance with the following state and federal laws prohibiting discrimination:

- 1. Minn. Stat. § 363.03, Minnesota Human Rights Act, which prohibits discrimination in education programs and activities on grounds of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability.
- 2. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the district receives federal financial assistance.
- 3. Title VII of the Civil Rights Act of 1964 (P.L. 88-352), as amended by the Equal Employment Opportunity Act of 1972 (P.L. 92-261), which prohibits discrimination in employment because of an individual's race, color, religion, sex, or national origin.
- 4. Title IX of the Education Amendments of 1972 (P.L. 92-318), which prohibits discrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.
- 5. The Age Discrimination in Employment Act of 1967 (P.L. 90-202), which prohibits discrimination on the basis of age (40 through 64).
- 6. Minn. Stat. § 126.21, which prohibits sex discrimination in athletic programs.
- 7. EDU 4 (§ 1.004), curriculum, which provides that "No school shall provide any course or activity on the basis of sex. This includes health, physical education, home economics, and industrial education."
- 8. EDU 620-639 (§§ 1.0620-1.0639), relating to equality of educational opportunity and school desegregation.

This assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discount, or other federal and state financial assistance extended after the date hereof to the district by the Department of Health, Education, and Welfare and the State Department of Education, including installment payments after such date on applications for federal financial assistance and state aid allotments which

were approved before such date. The district recognizes and agrees that such federal and state financial assistance will be extended in reliance on the representations, supporting information required by Minn. Stat. § 214.15, subd. 2a, and agreements made in this assurance. This assurance is binding on the district and the person or persons whose signatures appear below and who are authorized to sign this assurance on behalf of the district.

The attached form, Information Needed to Evidence Compliance, with this assurance statement is made a part thereof.

Dated	Bv	
	(School Superintende	nt)
	Ву	
	(President or Chairm of School Board)	an
	Ву	
	(Clerk of School Boa	rd)

#### Exhibit B

In support of its "Assurance of Compliance with State and Federal Law Prohibiting Discrimination," each school board shall affirm annually that it has as reference all documents listed in 1 (a-1) and that it has complied with all items 2-16.

Yes	No	GENERAL
		<ol> <li>Does the district have a copy of the following documents available for reference in each school building?</li> </ol>
	<del></del>	a. Minn. Stat. § 363.03, Minnesota Human Rights Act.
		<ul> <li>b. Minn. Stat. § 126.21, relating to sex discrimination and equal opportunity in athletic programs.</li> </ul>
		c. Minn. Stat. § 124.15, relating to reduction of state aid for non-compliance with state and federal law prohibiting discrimination.
	—	d. EDU 4 (§ 1.004), curriculum, relating to course of ferings on the basis of sex.
	_	e. EDU 620-639 (§§ 1.0620-1.0639), relating to equality of educational opportunity and school desegregation.
		f. Regulations under Title VI of the Civil Rights Act of 1964 as amended (45 CFR Part 80).

		g. May 25, 1970, Office of Civil Rights memorandum, "Identification of Discrimination and Denial of Service on the Basis of National Origin."
		h. August, 1975, Office of Civil Rights memoran- dum, "Identification of Discrimination in the As- signment of Children to Special Education Pro- grams."
<del></del>		<ol> <li>Title VII of the Civil Rights Act of 1964 (P.L. 88- 352), as amended by the Equal Employment Oppor- tunity Act of 1972 (P.L. 92-261).</li> </ol>
		j. Record keeping and filing requirements for report EEO-5 (29 CFR 1602.39-1602.46).
		k. Final Title IX regulations implementing education amendments of 1972, prohibiting sex discrimination in education, effective July 21, 1975 (45 CFR Part 86).
		<ol> <li>The Age Discrimination in Employment Act of 1967 (P.L. 90-202).</li> </ol>
		2. Has the district designed and implemented an information program to inform the district staff of its civil rights responsibilities?
Yes	No	TITLE VI PROCEDURES
<u></u> -	<del>.</del>	3. Does the district have on file a signed copy of HEW No. 441, Assurance of Compliance with the Depart- ment of Health, Education, and Welfare Regulation under Title VI of the Civil Rights Act of 1964?
		TITLE IX PROCEDURES
		4. Policy Notification: Has a policy statement of nondiscrimination on the basis of sex been adopted, published, and disseminated to students, parents, employees, applicants for employment, sources of referral, and all unions or professional organizations?
		5. Title IX Coordinator: Has the district designated an employee(s) to coordinate compliance efforts and to investigate complaints of sex discrimination; and has this person's name, office address, and phone number been given to students, parents, and employees?
		6. Grievance Procedures: Has the district adopted and

		published grievance procedures providing for prompt and equitable resolution of student and employee com- plaints of possible sex discrimination under Title IX?
	<del>-</del>	7. Self-Evaluation: Has the district completed and have on file a self-evaluation identifying any policies or prac- tices which may not comply with Title IX; and have modifications and remedial steps been planned or taken to correct non-compliance?
Yes	No	TITLE IX PROCEDURES
		8. Assurances: Has the district's efforts toward achieving compliance with Title IX been sufficiently well-documented to provide information necessary for assurance statements for applications for federal assistance?
		EDUCATIONAL SERVICES
		9. Access to courses:
		a. Are students assigned to required courses without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assis- tance, or disability in—
_	_	—health courses (except portions dealing with human sexuality)?
		-physical education courses?
_		-industrial, business, vocational, technical educa- tion courses?
		home economics courses?
		-music courses (except criteria of vocal range or quality)?
		-other courses?
		If no, explain
Yes	No	EDUCATIONAL SERVICES
		b. Are elective courses open equally to all students and are assignment to such classes made without regard to race, color, creed, religion, national origin, sex,

		marital status, status with regard to public assistance, or disability in—
_		-health courses (except portions dealing with human sexuality)?
		-physical education courses?
		-industrial, business, vocational, technical educa- tion courses?
<del></del>		-home economics courses?
	<del></del>	-music courses (except criteria of vocal range or quality)?
		-other courses?
		If no, explain
		10. Counseling:
		a. Are all testing and appraisal materials the same for all students without regard to sex?
		b. Do any classes have a disproportionate number (Over 80%) of any
Yes	No	EDUCATIONAL SERVICES
		-race?
		-sex?
		-other?
		If yes, explain
		c. If a particular class contains over 80% of one sex or race, etc., has the district taken steps to assure that such disproportion is not the result of discrimina- tion in procedures for assignment to classes, in counseling, or in appraisal materials?
		11. Treatment of students:
		Are students treated equally regardless of race color

		creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability with reference to—
		-extra-curricular activities?
_		-insurance benefits?
_		-health services?
_		-employment assistance?
		-honors or awards?
		-rules for behavior and dress codes?
		If no, explain
Yes	No	EDUCATIONAL SERVICES
		12. Student marital/parental status?
		a. Does the district have a written policy which speci- fies that pregnant students shall not be excluded from any educational program or activity except when the student requests voluntarily to participate in a separate portion of the program or activity?
_		b. If a medical certificate is required of pregnant students, is it also required of all other students for physical and emotional conditions requiring the attention of a physician?
		13. Athletics:
		a. Are all athletic programs for the sixth grade and below, or for 11 years old and younger, designated for and open to members of both sexes on an equal basis?
		If no, explain
Yes	No	EDUCATIONAL SERVICES
		<ul> <li>b. Are the district athletic programs for 7th grade and above, or for 12 years old and older, designated for</li> </ul>

		and open to members of both sexes on an equal basis (except when separate teams are necessary to provide equal opportunity to members of both sexes?
		If no, explain
		c. If the district provides separate teams for each sex, are the number of sports in each season the same for boys and for girls?
		If no, explain
		d. If the district provides separate teams for each sex,
		are the following services equal for members of both sexes)?
		-provision of equipment and supplies?
		-scheduling of games and practice time?
		-travel and per diem allowance?
		-opportunity to receive coaching of equal expertise?
Yes	No	EDUCATIONAL SERVICES
_		-assignment and compensation of coaches?
<del></del>	<del></del> .	-provision of athletic facilities, including locker rooms?
_		-publicity?
		If no, explain
	_	e. If the district provides separate teams in the same sport for boys and girls, is the expenditure per student (exclusive of gate receipts) the same for members of each sex?
		If no, explain

# **EMPLOYMENT PRACTICES**

		14. Are all employment and personnel practices free from discrimination on the basis of age (40 to 64), race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability (except when based on a bona fide occupational qualification) as follows:
		a. Are district employment application forms free from all reference to any of the above categories?
		b. Are district salary schedules free from any differential compensation on the basis of any of the above categories?
		c. Are district fringe benefits free from any differential treatment on the basis of any of the above categories?
Yes	No	EMPLOYMENT PRACTICES
		d. Are district procedures for recruitment, selection, assignment (including extra-duty assignment), trans- fer, referral, promotion, retention, and dismissal ap- plied without regard to the above categories?
_	<del></del> .	e. Are position descriptions and job classifications free from all references to the above categories except when based on a bona fide occupational qualifica- tion?
		If no, explain
_		15. a. Does the district preserve all personnel and employment records for at least two years, as required by 29 CFR 1602.40?
_		b. Has the record of applicant flow for the past two years been examined to assure that all district employment policies, criteria, and procedures are being applied in compliance with state and federal laws prohibiting discrimination?
		16. Do position descriptions, job classifications, and salary schedules:
_		-ensure job-relatedness of employment criteria?

 	-ensure equity in compensation classification?
 	-ensure equity in compensation for comparable jobs?

#### Exhibit C

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

Washington, D.C. 20201

May 25, 1970

#### **MEMORANDUM**

TO:

School Districts with More Than Five Percent National Origin-

Minority Group Children

FROM:

J. Stanley Pottinger

Director, Office for Civil Rights

SUBJECT:

Identification of Discrimination and Denial of Services on the

Basis of National Origin

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanishsurnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national originminority groups, for example, Chinese or Portuguese.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the

educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

- (2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.
- (3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.
- (4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

#### Exhibit D

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary
Washington, D.C. 20201
AUGUST, 1975

MEMORANDUM FOR CHIEF STATE SCHOOL OFFICERS AND LOCAL SCHOOL DISTRICT SUPERINTENDENTS

SUBJECT: Identification of Discrimination in the Assignment of Children to Special Education Programs

Title VI of the Civil Rights Act 1964 and the Departmental Regulation (45 CFR Part 80) promulgated thereunder require that there be no discrimination on the basis of race, color, or national origin in the operation of any programs benefiting from federal financial assistance. Similarly, Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities from federal financial assistance.

Compliance reviews conducted by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity on the basis of race, color, national origin, or sex in the assignment of children to special education programs.

As used herein, the term "special education programs" refers to any class or instructional program operated by a state or local education agency to meet the needs of children with any mental, physical, or emotional exceptionality including, but not limited to, children who are mentally retarded, gifted and talented, emotionally disturbed or socially maladjusted, hard of hearing, deaf, speech-impaired, visually handicapped, orthopedically handicapped, or to children with other health impairments or specific learning disabilities.

The disproportionate over- or underinclusion of children of any race, color, national origin, or sex in any special program category may indicate possible noncompliance with Title VI or Title IX. In addition, evidence of the utilization of criteria or methods of referral, placement or treatment of students in any special education program which have the effect of subjecting individuals to discrimination because of race, color, national origin, or sex may also constitute noncompliance with Title VI and Title IX.

In developing its standards for Title VI and Title IX compliance in the area of special education, the Office for Civil Rights has carefully reviewed many of the requirements for state plans contained in Section 613 of the Education Amendments of 1974 (P.L. 93-380), which amended Part B of the Education of the Handicapped Act.

Based on the above, any one or more of the following practices may constitute a violation of Title VI or Title IX where there is an adverse impact on children of one or more racial or national origin groups or on children of one sex:

- 1. Failure to establish and implement uniform nondiscriminatory criteria for the referral of students for possible placement in special education programs.
  - 2. Failure to adopt and implement uniform procedures for insuring that

children and their parents or guardians are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement including, but not limited to the following:

- a. prior written and oral notice to parents or guardians in their primary language whenever the local or state education agency proposes to change the educational placement of the child, including a full explanation of the nature and implications of such proposed change;
- b. an opportunity for the parents or guardians to obtain an impartial due process hearing, examine all relevant records with respect to the classification of the child, and obtain an independent educational evaluation of the child;
- c. procedures to protect the rights of the child when the parents or guardians are not known, unavailable, or the child is a ward of the state, including the assignment of an individual, who is not an employee of the state or local educational agency involved in the education of children, to act as a surrogate for the parents or guardians;
- d. provisions to insure that the decisions rendered in the impartial due process hearing referred to in part (b) above shall be binding on all parties, subject only to appropriate administrative or judicial appeal; and
- e. procedures to insure that, to the maximum extent appropriate, exceptional children are educated with children who are not exceptional and that special classes, separate schooling, or other removal of exceptional children from the regular education environment occur only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily.
- 3. Failure to adopt and implement procedures to insure that test materials and other assessment devices used to identify, classify and place exceptional children are selected and administered in a manner which is nondiscriminatory in its impact on children of any race, color, national origin or sex.

Such testing and evaluation materials and procedures must be equally appropriate for children of all racial and ethnic groups being considered for placement in special education classes. In that regard procedures and tests must be used which measure and evaluate equally well all significant factors related to the learning process, including but not limited to consideration of sensorimotor, physical, socio-cultural and intellectual development, as well as adaptive behavior. Adaptive behavior is the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of her or his age and cultural group. Accordingly, where present testing and evaluation materials and procedures have an adverse impact on members of a particular race, national origin, or sex, additional or substitute materials and procedures which do not have such an adverse impact must be employed before placing such children in a special education program.

- 4. Failure to assess individually each student's needs and assign her or him to a program designed to meet those individually identified needs.
- 5. Failure to adopt and implement uniform procedures with respect to the comprehensive reevaluation at least once a year of students participating in special education programs.
- 6. Failure to take steps to assure that special education programs will be equally effective for children of all cultural and linguistic backgrounds. School officials should examine current practices in their districts to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately devise and implement a plan of remediation. Such a plan must not only include the redesign of a program or programs to conform to the above outlined practices, but also the provision of necessary reassessment or procedural opportunities for those students currently assigned to special education programs in a way contrary to the practices outlined. All students who have been inappropriately placed in a special education program in violation of Title VI or Title IX requirements must be reassigned to an appropriate program and provided with whatever assistance may be necessary to foster their performance in that program, including assistance to compensate for the detrimental effects of improper placement.

Some of the practices which may constitute a violation of Title VI or Title IX may also violate Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), as amended by the Rehabilitation Act of 1973 (P.L. 93-516) which prohibits discrimination on the basis of handicap; and other practices not addressed by this memorandum and not currently prohibited by Title VI or Title IX may be prohibited by that Section. The Office for Civil Rights is currently formulating the regulation to implement Section 504.

School districts have a continuing responsibility to abide by this memorandum in order to remain in compliance with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

Martin Gerry Acting Director Office for Civil Rights

Exhibit E: HEW Form No. 441

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REGULATION UNDER TITLE VI-OF THE CIVIL RIGHTS ACT OF 1974

\_(hereinafter called the "Applicant")

(Name of Applicant)
HEREBY AGREES THAT it will comply with Title VI of the Civil Rights
Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to

the Regulation of the Department of Health, Education, and Welfare (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons who signatures appear below are authorized to sign this assurance on behalf of the Applicant.

(Applicant)
By
(President, Chairman o Board, or comparable authorized official)

5 MCAR § 1.0667 Athletic programs. Authority, scope and purpose. These rules are promulgated pursuant to Minn. Stat. § 126.21, subd. 5, as amended by Laws of 1980, ch. 355, § 1. These rules apply to both public and private elementary and secondary schools that operate athletic programs.

(5 MCAR 1981)

5 MCAR § 1.0668 Definitions. All the words below shall have the meaning herein ascribed to them:

- A. "Athletic Program" Means all interscholastic and intramural sports offered to students by public and private elementary and secondary educational institutions.
- B. "Interscholastic Athletic Program" Means all athletic activities offered within a school the purpose of which is to provide opportunities for students to compete with other students on like teams in other schools within an organized conference under the auspices of the Minnesota State High School League or with other like teams in other schools operating under separate jurisdictions.
- C. "Intramural Athletic Program" Means all non-interscholastic athletic activities offered within a school, which are not a part of the regular physical education curriculum, designed to provide students athletic opportunities, experiences and the development of competencies in a variety of sports.
- D. "Participate" Means for interscholastic sports, a student has been selected by the coach to be a member of a particular athletic team, inclusive of varsity, junior varsity, and sophomore teams, after the try-out period has ended.
- E. "Participation Rate for a Particular Sex in the Interscholastic Athletic Program" Means the ratio of the number of participants of that sex in the athletic program to the number of students of that sex in the student body.
- F. "Participation Rate for a Particular Sex in the Intramural Athletic Program" Means the ratio of the number of participants of that sex in the athletic program to the number of students of that sex in the student body.

  (5 MCAR 1981)

### 5 MCAR § 1.0669 Separation by teams.

A. Athletic programs for students in the seventh grade or above may include one or more teams limited to participants of one sex whose overall athletic opportunities have previously been limited. Athletic programs for students in the sixth grade or below shall be operated without restrictions on the basis of sex, except that when overall athletic opportunities for one sex have previously been limited and there is demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the edu-

cational institution may provide a team restricted to members of that sex. The educational institution shall make a biennial determination of students' demonstrated interest. The method used shall be reported to the Department of Education in conjunction with the report required by 5 MCAR § 1.0671.

- B. Any public or private elementary or secondary school may provide in the same sport two teams which are separated according to sex when overall athletic opportunities for one sex have previously been limited, but the team for the other sex may only be substantially separated by sex.
- C. When overall athletic opportunities for one sex have previously been limited, members of that sex shall be permitted to try out and, if successful, to participate on any team in any sport. This rule does not prohibit any elementary or secondary school from making participation on a team in a sport dependent upon a demonstrated level of skill and ability.
- D. When an educational institution has established a team exclusively for members of the sex whose overall athletic opportunities have previously been limited, members of the other sex may not try out for or participate on that team.
- E. When an equal opportunity to participate is not provided to members of a sex whose overall athletic opportunities to participate have previously been limited, the school, where there is a demonstrated interest, shall provide separate teams in sports which it determines will provide members of the excluded sex with an equal opportunity and which will attempt to accommodate their demonstrated interest.

(5 MCAR 1981)

### 5 MCAR § 1.0670 Duties of schools; penalty for failure to comply.

A. Public and private elementary and secondary schools shall make a biennial determination of student demonstrated interest. Schools shall report the method used to make the determination to the Department of Education as part of 5 MCAR § 1.0671. The first biennial determination shall be made prior to the end of the 1981-82 school year.

Student demonstrated interest shall be considered in the selection of those athletic activities to be provided in the athletic program for the purpose of providing separate teams or sports for members of previously excluded sex.

- B. Public and private elementary and secondary schools shall provide equal opportunity for members of each sex to participate in both their intramural and interscholastic athletic program by responding to the following considerations:
- 1. The number of opportunities for females to participate on teams is to be comparable to the number of opportunities for males to participate on teams in each school year in the interscholastic athletic program and comparable, as well as in the intramural athletic program.

- 2. The equipment, supplies and uniforms for each sport are to be comparable for both sexes.
- 3. The locker rooms, practice, and competitive facilities are to be comparable for both sexes.
  - 4. The medical services are to be comparable for both sexes.
- 5. The participation rates for members of both sexes are to be comparable while recognizing the voluntary nature of student involvement in interscholastic and intramural athletics.
- C. When two teams in the same sport are provided pursuant to 5 MCAR § 1.0669 A., the two teams shall be treated in a substantially equal manner. Public and private elementary and secondary schools shall accomplish this to the extent that they are applicable in a given situation by providing that:
  - 1. Equipment, supplies, and uniforms for each team are comparable.
- 2. The games and competitive events for each team are scheduled so that the number of opportunities to perform before an audience are comparable.
- 3. The practice sessions and competitive events scheduled for each team are at equally desirable time periods.
  - 4. The travel and per diem allowances per participant are comparable.
- 5. The amount of coaching provided for members of each team is comparable.
- 6. The locker rooms, practice, and competitive facilities for each team are comparable.
  - 7. The medical services for each team are comparable.
  - 8. The publicity produced by the school for each team is comparable.
- 9. The expenditure, excluding salary of the coach, per participant on each team is substantially equal. Per participant expenditure excludes gate receipts and other revenues generated by that sport. When an item or items of expense are not separated, the expense shall be prorated to the teams according to the number of participants.
- D. The penalty for noncompliance with these rules by public elementary and secondary schools shall be the reduction of State Aids pursuant to procedures of Minn. Stat. § 124.15, subd. 3. In addition, nothing in these rules shall be interpreted as limiting the authority of the Human Rights Department over public and nonpublic schools and noncompliance may constitute a violation of Minn. Stat. ch. 363, Human Rights Act.
  - 15 MCAR 1981)

5 MCAR § 1.0671 Compliance reports and submission of data. Annually, on or before October 15, each school/school district shall submit to the Commissioner of Education an elementary and secondary athletic program report containing information about both intramural and interscholastic athletics provided. The report shall contain by building: (a) Number of sports offered for each sex, (b) The season each sport is offered for each sex, (c) The number of weeks each sport is offered, (d) The number of teams in each sport, (e) The number of coaches assigned each sport, (f) The number of students by sex participating in each sport, (g) The dollar expenditure per sport, (h) The total unduplicated count of student participation in the intramural program by sex, and (i) The total unduplicated count of student participation in interscholastic programs by sex.

(5 MCAR 1981)

- 5 MCAR § 1.0672 Duties of the Commissioner of Education. Upon receipt of an educational institution's athletic program report, the Commissioner of Education shall:
  - A. Evaluate the data contained in the report.
- B. Forward reports requiring additional attention to the Commissioner of Human Rights, pursuant to Minn. Stat. § 124.15, subd. 2a.

(5 MCAR 1981)

# Chapter Thirty-Four 5 MCAR §§ 1.0680-1.0687: Community Services

§ 1.0680 Philosophy. The community education program, the basis for providing community services, is an education-based partnership between the community and the formal education system whereby the resources of both are used as available for the continuing growth or betterment of both.

(EDU 1976)

§ 1.0681 Inclusions. Community services, as defined for school districts, includes services rendered by a school district beyond the regular K-12 program, as recommended by the community services advisory council and approved by the local board of education.

(EDU 1976)

§ 1.0682 Limitation on aids and levies. General purpose community education aids and levies may not replace financing specifically provided by categorical aids or other dedicated financing.

General purpose community education funds shall not be used for adult vocational training.

Community service funds shall be used for community service administration and leadership, the expansion of existing community service programs, the implementation of new community service programs and the maintenance of existing programs.

(EDU 1976; 1978)

§ 1.0683 Financing. All community service activities, regardless of financing, shall be operated from the community service fund, no. 4, and not the general fund, no. 1. Year-end balances from this fund are to be reserved for future community service activities and shall not be transferred to other funds. Capital expenditure fund monies may be transferred into the community service fund for equipment or other capital expenditures. In addition, general fund monies may be transferred into the community service fund for any purpose of that fund. All fees collected for any community service program shall also be deposited into the community service fund.

(EDU 1976)

### § 1.0684 The district advisory council.

- A. The advisory council on community services to the district shall be composed of members who represent a cross section of various community organizations, agencies and interested citizens. The important factor in determining the size of the council is to have representation and input from the various facets of the school district population.
- B. Recommendations for the use of community service funds shall be made by the advisory council to the district board of education. The school board retains final authority in deciding which programs are to be adopted and how they are to be implemented.

- C. Each advisory council shall have a minimum of four meetings per year. (EDU 1976)
- § 1.0685 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 rule by action of the local board of education.

(EDU 1976)

§ 1.0686 Levy effort. For purposes of Minn. Stat. § 124.271, subd. 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.

(EDU 1976)

§ 1.0687 Annual report. Each year on or before August 15, each district having a community service levy shall report to the department of education on forms authorized by the commissioner.

(EDU 1976; 1978)

§§ 1.0688-1.0699 Reserved for future use.

Chapter Thirty-Five: Pupil Fees

Kepealed 75R 1373 3.28.83

It is the policy of the state of Minnesota that public school education shall be free and no publis shall be denied an education because of economic inability to furnish educational books and supplies necessary to complete education requirements necessary for graduation. Any practice leading to suspension, exercion, exclusion, withholding of grades or diplomas, or discriminatory action based upon nonpayment of fees denies pupils their right to equal protection and entitled privileges. It is recognized that school boards of have the right to accept voluntary contributions and to make (certain charges and to establish fees in areas considered extracurricular, noncurricular or supplementary to the requirements for the successful completion of a class or educational program. No public school board may require, except as authorized by sections 3 and 5, the payment of fees. (EDU 1975)

## EDU 701 Definitions.

The terms in this chapter have the meanings assigned to them.

- A. "Curricular" means those portions of the school program for which credit is granted. This chapter applies equally to "required" or "elective" curricular programs.
- B. "Co-curricular" means those portions of the school sponsored and directed activities designed to provide opportunities for pupils to participate in such experiences on an individual basis or in groups, at school and at public events, for improvement of skills.

"Co-curricular activities" have one or more of the following characteristics:

- 1. are for credit or required for graduation.
- 2. are conducted at regular and uniform times during school hours, or if at times other than school hours, are established by school authorities.
- 3. are directed or supervised by instructional staff in a learning environment similar to that found in courses offered for credit.
- 4. are primarily or totally funded by public monies for general instructional purposes under direction and control of the local board of education. Any deficits resulting from these activities are always subsidized by general school funds.
- C. "Noncurricular" activities means those activities that include all direct and personal services for public school pupils for their enjoyment that are managed and generally operated under the guidance of an adult

or staff member. Noncurricular activities have all of the following characteristics:

- 1. are not for credit or required for graduation.
- 2. are conducted for the most part during other than school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities.
- 3. the content of the activities is determined primarily by the interests of the student participants and their parents with only the guidance of the staff member or other adult.
- 4. with the possible exception of direct costs of any salaries and indirect costs of the use of school facilities, the activity is self-sustaining as all other expenses are met by dues, admissions or other pupil fund raising events.
  - D. "Extracurricular" has the same meaning as "noncurricular."
  - E. "Supplementary" has the same meaning as "noncurricular."
- F. "Regular school day" means that which is defined in EDU 44 for secondary pupils and in EDU 21 for elementary pupils.

  (EDU 1975)

# EDU 102 Permitted fees.

In the following areas a school board may charge reasonable fees:

- A. In any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil.
  - B. For extraourriqular activities, where attendance is optional.
  - C. To assure the feturn of materials, supplies or equipment.
- D. Personal physical education and athletic equipment and apparel, although any pupil may provide his own if it meets reasonable requirements and standards relating to health and safety established by the school board.
- F. Items of personal use or products which a pupil may purchase at his own option such as student publications, class rings, annuals and graduation announcements.
  - G. Fees specifically permitted by any other statute.
- H. Field trips considered supplementary to a district's educational program when students are not required to participate and are not graded on what was learned on the trip.
  - I. Any authorized voluntary student health and accident benefit plan.
- J. For the use of musical instruments owned or rented by the district, a reasonable rental fee not to exceed either the rental cost to the district or the annual depreciation plus the actual annual maintenance cost for each school owned instrument (not purchased with Title I. ESEA funds).

K Pupils may be required to furnish personal or consumable items including pencils, paper, pens, erasers and notebooks. WEDU 1975)

## EDU 703\ Prohibited fees.

A school board may not charge fees in the following areas:

- A. Textbooks, workbooks, art materials, laboratory supplies and towels.
- B. Supplies necessary for participation in any instructional course except as specifically authorized.
- C. Field trips which are required as a part of a basic education program or course.
- D. Graduation caps, gowns, any specific form of dress necessary for any educational program and diplomas.
- E. Instructional costs for necessary school personnel employed in any course or educational program required for graduation.
- F. Library books required to be utilized for any educational course or program.
- G. Admission fees, dues, or fees for any activity the pupil is required to attend.
- . H. Any admission or examination cost for any required educational course or program.
  - I. Locker rentals. (EDU 1975)

# EDU 704 New fees

Prior to the initiation of any fee not authorized or prohibited, the local school board shall hold a public hearing within the district upon three weeks published notice in the district's office newspaper. The local school board shall notify the state board of education of any fee it proposes to initiate under this chapter. If within 45 days of this notification, the state board does not disapprove the proposed fee, the local school board may initiate the proposed fee.

(EDU 1975)

# EDU 705 Nonapplication to post-secondary schools.

This chapter does not prohibit a school board from charging reasonable fees for goods and services provided in connection with any post-secondary instructional program, including but not limited to vocational-technical, veteran farmer cooperative training, community school programs, and evening school programs other than those conducted pursuant to Minn. Stat. § 124:26.

(EDU 1975)

EDU 706 Local district policy.

Local school administrators and boards shall adopt policies consistent with this rule to assure that teachers are not implementing unauthorized fees and/or fines.

(EDU 1975)

EDU 707-719 Reserved for future use.

UNSCAK NEW: 5 MCAR 55 1.0720, 1.0721, 1.07221, 1.0723, 1.0724 (ORO2235T) 296

# Chapter Thirty-Six: Pre-School Health and Developmental Screening

5 MCAR §§ 1.0720-1.0725

- § 1.0720 Definitions. For the purposes of this chapter, terms are defined as follows:
- A. Assessment—as used in these rules is synonomous with "screening" as indicated below.
- B. Developmental screening—includes identifying the motor, languege, social-emotional, and cognitive status of the child.
- C. Parent or parents include: 1) a biological mother or father, 2) an adoptive mother or father, 3) a legally appointed guardian, 4) in the event that a child is a ward of the commissioner of public welfare or other public official, the commissioner or such official; or 5) when the parent or guardian is unknown or cannot be found after reasonable efforts have been made, then such agency or other person appointed pursuant to Minnesota statutes or court order.
- D. Pre-school health and developmental screening program—systematic procedures developed to conduct screening or pre-school children in accordance with Minnesota statutes.
- E. Referral—An organized system for providing information on agencies or specialists to be utilized in diagnosis and treatment of problems identified through the screening procedure.
- F. Screening-Use of procedures to sort out apparently well children from those in need of more definitive study of physical or developmental problems.
- G. Screening personnel—Professional, paraprofessional, and volunteer staff in local schools of contracted agencies who will conduct activities related to the pre-school health and developmental screening program.

  (EDU 1978)—

(220 17/9)

- § 1.0721 Participation in program and delivery of services.
- A. All children in the state of Minnesota shall have available without cost the services of trained personnel to screen for possible health and developmental problems once prior to entering school.
  - B. Participation in the screening program by children shall be voluntary,

and shall not be required for entry into school. Parents may elect to participate in only a part of the screening program if they so desire.

- C. Pre-school health and developmental screening services shall be provided by all local school boards, with the consultation of local societies of health providers. School boards, individually or in cooperation with other schools or agencies, shall, wherever possible, contract with or purchase service from an approved early and periodic screening program. Where this is not possible, or all services are not available, school boards may contract with other health care providers to operate screening programs. Volunteer screening programs shall also be integrated and utilized where available.
- D. The pre-school screening program and follow-up shall be coordinated as far as possible with other health screening programs to eliminate duplication of services and provide more efficient administration. School districts shall arrange for exchange of information on students with other health screening programs. Such exchange shall be consistent with 5 MCAR § 1.0724 D. (EDU 19**7**8)

\$11.0722 Local school district plan. e school board for each school district shall submit to the department of education its plan for implementation of pre-school screening program to be fully operational during fiscal year 1978. Sugh a plan shall be submitted prior to implementation of the pre-school screening and shall have the following components:

- 1. procedures to be used to inform parents of pre-school children concerning the screening services provided and procedures to encourage participation in the pre-school screening program;
- 2. information on the location of facilities to be utilized and the frequency of screening;
- 3. staff to be utilized and their qualifications which shall include professional training, specialized training completed, and plans for in-service training. Staff must meet the qualifications listed on 5 MCAR § 1.0723;
- 4. procedures to be utilized in screening each component area, in accordance with standards listed in SMCAR § 1.0724;
  - 5. procedures to be utilized in reporting results of screening to parents;
- 6. procedures for integration of information in school records and dissemination to school staff where parental consent has been received;
- 7. referral procedures to be utilized when a condition is identified in need of further evaluation;
- 8. procedures to be utilized to determine whether or not referral resources were used in accordance with 5 MCAR § 10724 F.;

- 9. procedures to include integration and utilization of other screening programs, including volunteer screening programs, available to the district.
- B. Payment, including advance payment, shall not be made until the information indicated above is received and approval of the plan is given by the department of education.
- C. If services are contracted, to the extent that information included in A. of this section is included in the contract, a copy of the contract shall satisfy the reporting requirements of this section.
- D. Exceptions to be required screening components shall be made by the state board upon submission to it of evidence that a local board is not able to supply such screening due to financial limitations.
- E. Plans for implementation of the screening program shall be made annually prior to implementation of screening program for that fiscal year or May 1, whichever is earlier. After the initial plan, subsequent plans need only indicate changes or revisions in the program.

F. Claims shall be submitted by June 30 of each fiscal year.

§ 1.0723 Staffing Screening shall be performed by qualified personnel. In selecting personnel to implement the pre-school screening program, school districts shall give first priority to volunteers. Second priority shall be given to others possessing minimum qualifications who can provide services determined to be most cost effective. A person may perform one or more of the functions described in A through F. of this section provided appropriate qualifications are met. Each pre-school health and developmental screening program shall include the following screening personnel meeting the stated minimum qualifications:

# A. Nurse.

- 1. A nurse currently licensed to practice professional nursing in the state of Minnesota shall be qualified to perform those pre-school screening functions permitted under the state nurse practice act, and
- 2. Who has successfully completed training seminars provided by the Minnesota department of health of participated in equivalent training programs designated by the Minnesota department of health to prepare individual to perform child screening.
- B. Clinic coordinator who shall be responsible for administration of all components of the pre-school screening program.
  - C. Vision and hearing technician.
- 1. Who has been trained by the Minnesota department of health to perform vision and hearing screening, or

VE:

Vocational Education.

ROX:

Recent, relevant occupational experience. Unless otherwise indicated, ROX means paid experience outside of education or teaching and includes at least 500 hours within the prior five years.

Deg:

Degree. Unless otherwise indicated, "Degree" means a fouryear baccalaureate degree from an accredited college or uni-

Education Degree:

Baccalaureate or higher degree in a recognized educational field including at least 27 quarter credits in education with six quarter credits of student teaching.

## **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

- 1. Licensure, registration, or program certificate is required to teach in program areas where such is required to practice in the field. Cosmetology instructors shall have a senior instructor license issued by the State Board of Cosmetology. Barbering instructors shall have a license issued by the State Board of Barbering.
- 2. Areas such as First Aid Instructor, or Cardio-Pulmonary Resuscitation (CPR) Instructor and vocational license for Instructor Coordinator.
- 3. In the general program: 1000 hours within the prior five years. In the specialized program: 1000, specialized hours within the prior five years.
- 4. In the general program: 1000 hours of retail experience. In the specialized program: 3000 hours in the specialized area.
- The total six courses in this teacher education sequence shall be accomplished within a maximum period of three annual renewals, with a minimum progress of two courses annually
- Twenty-one quarter credits in technical areas, with a minimum of 24 clock hours or two quarter credits in each of the following: selling, management, advertising, visual merchandising, retailing, marketing, and economics. In the specialized program, relevant technical areas may be substituted. Excess ROX may be substituted for relevant technical area courses at the rate of one year for three quarter credits.

- (2) Norms for the age range being tested.
- 3. Nearing tests: To test for deviations from the normal range of auditory acuity using the Puretone Audiometric Screening Test A Verbal Auditory Screening of Children may be used for 4 year old children.
- 4. Vision tests: To test for eye health and deviations from the normal range of visual acuity and muscle balance in the child Approved programs must:
- a. Check the child for a history of maternal and/or neonatal infection and a family history of ocular abnormalities such as color blindness or retinitis pigmentosa.
- b. Observe and examine the child's pupils and light following reflex, presence and absence of nystagmus, muscle balance, and an external examination of the eyes.
- c. Muscle balance screening procedures include at least observation, cover test, and the Hirschberg test of a test with equivalent standards as determined by the department of health or the department of education, which is appropriate for the age group being screened.
- d. Test for visual acuity. A test such as the Screening Test for Young Children and Retardates (STYCAR), the Spellen E cube, the Snellen Alphabet Chart, or a test with equivalent standards, as determined by the department of health or department of education, must be used.
- 5. Dental inspection: The child's mouth is to be inspected for any obvious oral or dental abnormalities.
- B. As of July 1, 1978, the screening procedure shall, in addition to the components included in A. of this section, include the following components:
- 1. Assessment of the unclothed child including an inspection of pulse, respiration, blood pressure, head, eyes, ears, nose, phalwnx, neck, chest, heart, lungs, abdomen, spine, extremities, joints, muscle toke, skin and neurologic reaction according to normal procedures.
- 2. Laboratory tests: The following tests are to be administered appropriate for the age and sex of the child including:
  - a. Tuberculin.
  - b. Urine (bililabstix).
  - c. Anemia testing (microhematocrit, hemoglobin).
  - d. Blood lead-test for increased lead absorption and lead poisoning

n children whose history indicates the possibility of exposure to undue levels of lead in the environment or atmosphere.

- e. Sickle cell testing: This test is to be administered only with consent of the parent(s) or guardian(s).
  - 3) Nutrition status review: A review of the child's food intake.
- C. No pre-school screening program shall provide laboratory tests, a health history or physical assessment to any child who has been provided with those laboratory tests, a health history, physical assessment or physical examination within the previous 12 months. The school district shall request the results of any laboratory test, health history or physical examination within the 12 months preceding a scheduled pre-school screening clinic, for inclusion in the school records in lieu of comparable information collected in the screening program. Procedures shall be developed for exchange of student information in accordance with 5 MCAR § 1.0724 D.
- D. Data on individual students in private as defined by state statutes and shall not be disclosed to a third party including the district, without the informed consent of the parent. All information must be made available to the parents.
- E. Upon identification of a condition in need of diagnosis or further attention, parents shall be informed of appropriate agencies or specialists capable of performing needed services, such as the family physician or special education programs.
- F. A minimum of two attempts shall be made, at least one of which shall be in writing with return postage, to determine whether recommended referrals were utilized.
- G. Data on individual students obtained in the screening program shall be incorporated into school district records, except as indicated in D. of this section.
- H. Local school districts shall request information from parents concerning medical assistance eligibility to make it possible for the district to comply with 5 MCAR § 1.0725 C.
- I. Diagnosis, treatment or therapy shall not be provided in the pre-school screening program but this does not preclude provision of such services as a part of a related program.

(EDU 1978)

7/25 Payment of aids

A. Payment of aid for the costs of screening conducted in accordance with an approved plan shall be made as provided for by legislative appropriations.

- B. An advance of 50 percent of the estimated aid payment may be made upon request.
- C. Where a child is known to be eligible to have costs of screening paid for under other state or federal programs, requests for payment shall be made to such other agencies, and the school may not claim reimbursement under this program.
  - D. No aid payment shall be made for screening any child more than once. (EDU 1978)

Chapter Thirty-Eight: Financial Accounting Reporting Requirements

§ 1.0760 Coverage. in 3874 new; al 02335T

- A. This chapter is applicable to all Minnesota school districts, however organized, including those formed pursuant to Minn. Stat. § 121.21, as well as to all governmental units formed by joint powers agreements entered into by such school districts pursuant to Minn. Stat. § § 120.17, 123.351, 471.59, or any other law, and all educational cooperative service units. For purposes of this chapter, all covered entities are referred to as "districts."
- B. The requirements of this chapter are applicable to all unaudited financial reports for the fiscal year ending June 30, 1977, and each year thereafter. These requirements shall also provide the basis for amending the unaudited financial reports for the fiscal year ending June 30, 1976, and each year thereafter.
- C. These requirements apply to all budgets prepared for the fiscal year ending June 30, 1978, and each year thereafter.
- D. Where details of and forms for reporting to the department are specified, such details and forms shall be prescribed by the commissioner after recommendations have been made by the advisory council on uniform financial accounting and reporting standards.
- E. The requirements adopted in this chapter shall be known as the uniform financial accounting and reporting standards for Minnesota school districts.
- F. The state auditor shall have ultimate authority to decide questions relative to accounting classifications and application to district accounting transactions of the standards contained herein.
- G. Post-secondary financial reporting shall be separated from elementary-secondary financial reporting.

(EDU 1977)

§ 1.0761 Modified accrual accounting and other accounting requirements.

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

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

C. Development of programmatic data for district internal reporting and management purposes, and for reporting to the public and the department, requires the use of multi-dimensional systems of classification of transactions. Installation of such multi-dimensional systems shall be implemented as of

July 1, 1980, as specified in Minn. Stat. § 121.92.

D. Participation in a computer-based financial management, accounting, and reporting system is required as of July 1, 1980, as specified in Minn. Stat. § 121.92. Any stipulated form of participation in this computer-based system shall be appealable to the commissioner.

(EDU 1977)

§ 1.0762 Fund accounting.

insent new:aco2335T A. A fund is an independent accounting entity having its own assets, liabilities, obligations, revenues, expenditures, reserves, and equity balances. Funds shall be established for the purpose of accounting for those specific resources provided for the attainment of particular public objectives, as designated by statute or rule.

B. The following funds shall be maintained:

General fund: Food service fund; Pupil transportation fund; Community services fund; Capital expenditures fund; Building construction fund; Debt redemption fund; Trust and agency fund.

- C. The general fund, the food service fund, the pupil transportation fund, and the community services fund shall collectively be known as the operating finds. The other funds collectively shall be known as the nonoperating funds.
- D. An account group is a self-balancing group of accounts. Account groups represent a district's general fixed assets and long-term indebtedness that are not segregated for carrying on specific activities. A general fixed asset group of accounts and a general long-term debt group shall be maintained.
- E. Revenues, expenditures, and encumbrances shall be recorded in the appropriate funds as designated by law, this chapter, or generally accepted accounting principles.
- F. General fund assets may be used for any general or special operating purpose of a school district and may be transferred permanently by local governing board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

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

- 1. The capital expenditure fund year-end unappropriated fund balance, plus
- 2. The difference between the capital expenditure levy limitation and the certified capital expenditure levy for the three previous years.
- G. All funds other than the general fund are special purpose funds in which expenditures may only be made for the special purposes of the fund.

Transfers of monies from special purpose funds to other funds are not permitted unless herein provided:

- 1. Transfers may be made from any fund to another fund to pay for expenditures legitimately chargeable to one fund but expended from another. Such items are most appropriately accounted for on a current basis, as interfund transactions, increasing the expenditures of one fund and reducing those of another.
- 2. Transfers may be made from the capital expenditure fund to pay for expenditures from other funds for capital expenditure purposes as defined in § 1.0763 C.

3. Any excess of revenues over expenditures in a building construction fund after completion of an authorized building program shall be transferred to the debt redemption fund.

4. No debt redemption levy shall be made in excess of current plus future obligations for principal interest, and service charges reduced by the current balance in the debt redemption fund, except as otherwise provided in law. Any balance in the debt redemption fund, after all obligations have been paid, shall be transferred to the general fund.

(EDU 1977; 1978)

§ 1.0763 Revenue and expenditure classification principles.

A. General. All revenue accounts shall specify sources of revenue and all expenditure accounts shall specify expenditure classification in sufficient detail to permit grouping in the respective revenue and expenditure categories and to permit required federal reporting.

Interdistrict revenues and expenditures must be identified in a manner which permits proper fund and account classifications.

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

B. Revenues. The following groups of revenues, by major sources, shall be reported to the department by the districts:

Total local and county revenues;

Total state revenues;

Total federal revenues;

Sale of bonds;

Sales and other conversions of assets:

Interdistrict revenues.

For certain state reporting purposes, sale of bonds, sales and other conversions of assets, and interdistrict revenues may be grouped with local and county revenues.

d. Expenditures. The following groups of expenditures, by major program categories, shall be reported to the department by the districts:

Total administration;

Total instructional salaries;

Other instructional expense;

Total attendance and health services;

Rotal transportation;

Total operation of plant;

Total maintenance of plant;

Total fixed charges;

Total food services;

Total student activities;

Total community services;

Total capital outlay;

Total debt service;

Interdistrict expenditures.

All expenditure accounts shall include sufficient identification to permit their classification in the above groupings. In addition, fund, programmatic designation, object of expenditure, and other identifiers, as required to meet local financial management, state, and federal reporting requirements, shall be provided.

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

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

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

A distinction shall be made between supplies and equipment, in accordance with generally accepted accounting principles and item definitions. Supplies are defined as those items which have a nominal value, and are expendable or are consumed in use. Equipment items are tangible units of nonexpendable character are not consumed in use, have an extended useful life, and are of material value.

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w: aRo2335T (5 mcAR 5

§ 1.0764 Audited and unaudited financial statements, budgets,

A. Unaudited financial statements for the fiscal year ending June 30 shall be submitted to the commissioner by August 15, 1977, and by August 15 of each year thereafter. Audited financial statements shall be submitted to the commissioner and the state auditor by June 30 following.

- 1. The four financial statements which must be prepared by each district for each fund of the district are as follows:
  - a. a balance sheet;
  - b. a statement of revenue;
  - c. a statement of expenditures and encumbrances;
  - d. a statement of changes in fund balances.
- 2. A statement of general fixed assets and a statement of general long-term debt shall be prepared by each district for its account groups.
- B. On or before August 15 of 1977, and of each succeeding year, each district must submit to the department a revenue-expenditure budget for that fiscal year as well as a projected balance sheet for the end of the same fiscal year.

Subsequent revisions to a budget which are of a material amount shall be submitted to the commissioner promptly.

- C. A corrected copy of the unaudited financial statements shall be submitted with the audited statements. Explanatory information shall be provided if there are any deviations from the revenue or expenditure recognition practices required by law. Differences between audited and unaudited financial statements shall be reported to the commissioner.
- D. If a district is eligible for or is making an additional levy to retire its statutory operating debt, such district shall so footnote its audited financial statement. An historical analysis of the statutory operating debt account shall be provided in the unaudited financial report.
- E. An audit shall be defined as an examination of the various financial statements of the funds and account groups of a school district by the state auditor, an independent certified public accountant, or a public accountant who for the five previous years has been actively engaged exclusively in the practice of public accounting. This examination shall be performed in accordance with generally accepted auditing standards as promulgated by the American Institute of Certified Public Accountants. Audited financial statements shall be defined as those financial statements which have been examined pursuant to an audit.

(EDU 1977)

Insert new: aR023357 (5 MAR\$ 1.09641; 1.07642) § 1.0766 Publication of specifications. Detailed specifications for the uniform financial accounting and reporting systems for Minnesota school districts shall be published by the state board. These specifications shall in all respects conform to the provisions of this chapter and all Laws of 1976, ch. 271.

(EDU 1977)

# § 1.0767 Statutory operating debt.

- A. For the fiscal year ending June 30, 1977 and thereafter each district shall prepare a balance sheet as specified in § 1.0768.
- B. The sum of the unappropriated fund balances for the four operating funds, as defined in § 1.0762 B., shall constitute operating debt if such sum is negative.
- C. Operating debt shall be defined as "statutory operating debt" if the amount of operating debt exceeds two-and-one-half percent of the expenditures in the operating funds for the year specified in Minn. Stat. § 121.914.
- D. Statutory operating debt for which the statutory operating debt levy is to be provided as specified in Minn. Stat. § 275.125, subd. 9a, shall be the statutory operating debt determined as of June 30, 1977.
- E. Prior to June 30, 1979, the commissioner may, on the basis of the audited financial statements submitted by a district to the department, pursuant to Minn. Stat. § 121.914, subd 5, adjust the total amount of statutory operating debt of the district, determined as of June 30, 1977.

  (EDU 1977)

§ 1.0768 Balance sheet funds.

A. A balance sheet shall be prepared for each of the operating and the nonoperating funds and for all funds combined as of June 30th. The balance sheet shall specify assets, liabilities, encumbrances outstanding, appropriated fund balances and unappropriated fund balances.

B. Assets.

1. The total assets shall be reported in at least the following categories:

- a. Cash and investments
- b Taxes receivable
- c. Accounts and interest receivable
- d. Due from other funds
- e. Due from other Minnesota school districts
- f. Due from other governmental units
- g. Inventory
- h. Prepaid expenses and deposits
- i. Other
- 2. Cash shall include amounts on deposit in officially designated depositories, undeposited cash, petty cash, interest bearing accounts, change funds, travel advance funds and cash with fiscal agents. Investments shall include investments in securities, commercial certificates of deposit or obligations of various governmental agencies.
- 3. Taxes receivable include the unreceived portion of current real and property tax levies including mobile home taxes, plus delinquent and non-property taxes receivable less an allowance for uncollectible taxes. The allowance for uncollectible taxes must be an estimate of taxes that will not be collected within six years.
- 4. Accounts receivable include all amounts due the district from outside sources other than taxes and amounts from other governmental agencies. Interest receivable is the amount of interest earned but not received on outstanding investments. Where investments have not matured, the interest shall be prorated to that year in proportion to the term of the investment occurring in that year. Interest shall be apportioned to the funds for their general purposes and not to accounts within a fund. The two approved methods for treating investment income are the equity method and the average cash balance method. For ease of handling, the average cash balance method may be used. Any other equitable method may be approved by the state auditor.

Any funds with a negative (deficit) average monthly balance shall be assessed an interest charge.

- 5. Due from other Minnesota school district includes amounts due from all districts as defined in § 1.0760.
- 6. Inventories shall represent only amounts of supplies and materials which have not been expensed. The amount of inventories which have been expensed but are available for use in a subsequent year may be footnoted to the report. Such amount shall be determined by the district in a manner con-

sistent from year to year.

The inventory figure reported on the balance sheet must have supporting documentation. This supporting documentation may take the form of a fiscal year end physical count and/or perpetual inventory records.

7. Prepaid expenses and deposits represent amounts paid for benefits or goods not yet received. Whenever a district normally expenses supplies and materials at the time of purchase, it may treat as a prepaid expense an extraordinary purchase, whenever the amount is specific, the purchase is clearly identified for future use, and the amount of the purchase is to be expensed in a future fiscal year.

# C. Liabilities.

- 1. The total liabilities shall be reported in at least the following categories:
  - a. Salaries and wages payable
  - b. Short-term indebtedness
  - c. Due to other funds
  - d. Due to other Minnesota school districts
  - e. Due to other governmental units
  - f. Claims and judgments payable
- g. Accounts and contracts payable, interest payable, payroll deductions and employer contributions payable
  - h. Property taxes levied for the subsequent year's expenditures
  - i. Deferred revenue
  - i/ Other
- 2. Salaries and wages payable are amounts owed for personal services performed but not paid. This category does not include separation, sick or vacation pay since these and other similar employee benefits shall be expensed on a current basis.
- 3. Short-term indebtedness includes outstanding certificates of indebtedness and orders not paid for want of funds.
- 4. Amounts due to other Minnesota school districts and other governmental units includes amounts due to all districts as defined in § 1.0760.

5. Claims payable include losses incurred for which claims have not been paid. This category includes estimates of expenditures for losses which have occurred in the current period but for which payments have not been made or claims have not been filed.

Administrative awards, made against a district by a state or federal agency, which are not on appeal are included if unpaid.

6. Accounts and contracts payable are amounts due for goods received or services rendered.

Payroll deductions and employer contributions include amounts already expensed to appropriate accounts which are temporarily held until they are required to be transmitted.

- 7. Property taxes levied for the subsequent year's expenditure shall be the amount, including abatements and portions to be assumed by the state, certified to the county auditor.
- 8. Revenues collected in advance of June 30 but not earned until a following year are deferred revenues.
- F. Unappropriated fund balances. The unappropriated fund balance is equal to the assets less the sum of the lia cilities, encumbrances outstanding and appropriated fund balances. The unappropriated fund balance represents amounts that may be expended in the future for the operation of that fund.

  (EDU 1977)

## § 1.0769 Balance sheet account groups.

- A. A balance sheet shall be prepared for the general fixed asset and general long term debt groups of accounts as of June 30.
- B. General fixed assets. General fixed assets shall be carried in the books of the district at purchase price or at appraised value at date of acquisition if the property is donated. General fixed asset accounts include land, land improvements, buildings, equipment, allowances for depreciation, construction work in progress and investments in general fixed assets.
- C. General long-term debt accounts include amounts available and amounts to be provided for outstanding bonds, state loans payable and separation and severance pay.

(EDU 1977)

# Chapter Thirty-Nine: Rules for Licensure of Vocational Education Personnel

## 5 MCAR §§ 1.0780-1.0799

5 MCAR § 1.0780 Scope and definitions. These rules govern the procedure for licensure, the duties, and the educational and occupational experience requirements for all vocational instructional, supportive, and administrative personnel who are required to be licensed. In order to be eligible for vocational licensure, an individual shall meet the minimum standards established by these rules for the area of licensure sought.

Definitions. For the purposes of 5 MCAR §§ 1.0780-1.0799 the words, phrases, and terms defined in this section shall have the meanings ascribed to them below.

- A. Approved Minnesota institution—A Minnesota institution approved by the board of teaching pursuant to 5 MCAR § 3.140 to prepare persons for teacher licensure.
- B. Approved teacher educator—A faculty member who teaches professional vocational courses and is certificated as a vocational teacher educator in accordance with the requirements of the joint council for vocational teacher educators.
- C. Approved vocational or cooperative center—A vocational or cooperative center approved by the state board for vocational education.
- D. Approved vocational teacher education licensing program—A complete series of courses leading to a degree, a series of courses, or a single course in vocational education teaching offered at an approved Minnesota institution. Vocational teacher education licensing programs which meet the criteria set forth in 5 MCAR § 1.0787 of this rule shall be approved.
- E. Authorized local vocational administrator—The licensed vocational administrator who has major responsibility for vocational education at the secondary, post-secondary, and/or adult level for a district, center, or area vocational-technical institute. The superintendent shall act as the authorized local administrator in the absence of a licensed vocational administrator. For purposes of licensure of vocational staff serving in nonpublic schools, the chief executive officer of the nonpublic school or a designee may be approved by the commissioner of education to act as the authorized local vocational administrator for the aforesaid school.
  - F. AVTI-Area vocational-technical institute.
  - G. Bicultural qualifications-The quality of being knowledgeable about

and sensitive to the ethnic and cultural aspects of the particular studer groups to be worked with. Bicultural qualifications of an applicant for licensure shall be verified by the local school administrator.

- H. Bilingual qualifications—The ability to communicate both orally and in writing in two or more languages, the first and principal language being English and the second language being relevant to the ethnicity of the students to be worked with. Bilingual qualifications of an applicant for licensure shall be verified by the local school administrator.
- I. Clock hour-An hour of actual instruction or supervised group activities.
- J. Clock hours (administrative and supervisory personnel)—For the purpose of renewal of five-year vocational administrative and supervisory licenses, clock hours accumulated from approved Minnesota vocational continuing education programs. Hours devoted to individual professional development activity for renewal of five-year administrative and supervisory licenses are in addition to specified clock hours and are not counted as clock hours.
- K. Credit-Quarter college credits taken from an accredited college. One quarter credit shall equal 12 clock hours where applicable.
- L. Course—For the purpose of a vocational teacher education licensing program, a planned, separate unit of instruction in a subject area.
- M. DD Form 214—The form verifying separation from military service obtained from the separating authority upon release from active service.
  - N. Director-A local vocational administrator including assistant directors.
- O. Education degree—A baccalaureate or higher degree from an accredited college in a recognized educational field with at least 27 quarter credits in professional education courses and at least 6 quarter credits of student teaching.
- P. Equivalent—An equation of content between two degrees or majors of different titles, as verified by a written statement from the corresponding department chairperson from an institution accredited to grant a degree or major in the area stated as a licensure requirement.
- Q. Full-time educational service—1,080 hours annually (e.g., six hours daily, five days per week, nine months or longer per year).
- R. Full-time occupational service—2,000 hours annually (e.g., eight hours daily, five days per week, 50 weeks per year).
- S. Human relations program—A program approved by the board of teaching and designed to meet the human relations requirements for licensure of Minnesota educational personnel.

- T. Industrial education—A generic term including or referencing those preparatory or supplementary vocational trade, industrial, or technical education programs that have as their primary purpose at the post-secondary level preparation for specific career employment in the world of work and at the secondary level: 1) in-depth exploration of occupations to assist in the career planning process, 2) development of occupational competencies designed to be recognized for advanced placement in post-secondary programs, and 3) development of occupational competencies necessary to enter an occupation. The term "industrial education" shall not include industrial arts or practical arts educational programs which are a part of general education curricula.
- U. Initiator—The individual, agency, or institution that initiates and conducts vocational administrative and supervisory continuing education programs in accordance with 5 MCAR § 1.0796.
- V. Leave—A preplanned experience relevant to the area of licensure being sought and consisting of a written educational objective with a defined structure taken in an agency, business, or industry and in addition to current employment.
- W. Local vocational supervisor—The licensed vocational supervisor who has major responsibility for the development and supervision of local vocational programs in a vocational discipline or for supervision of a student personnel services area at the secondary, post-secondary, or adult level(s) for a district, center, or area vocational-technical institute, as assigned by the authorized local vocational administrator.
- X. Occupational experience—Except where otherwise stated in these rules, paid work experience (outside of education or teaching) in a job or jobs directly related to the area of licensure being sought, with at least 500 hours within the five year period immediately preceding the date of application for licensure.
- Y. Office management experience—For the purpose of licensure as a model office instructor-manager, paid office management occupational experience accumulated while employed by a company or agency in a support position to upper management responsible for operation of the company or agency. Such office management experience shall include supervision of a minimum of seven office employees.
- Z. Parent—A parent, guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.
- AA. Short term need for an instructor-substitute—A time period in which the maximum substitute assignment does not exceed 30 consecutive working days of employment in one assignment or an annual total of one-fourth of full-time employment as a substitute.
- BB. Vocational teacher education core—The following five courses included in the teacher education sequence and offered through an approved

Minnesota institution. At least three quarter credits taken at one of the approved Minnesota institutions or equivalent courses taken elsewhere that meet the broad objectives of the teacher education core, as verified by an approved Minnesota institution, shall be completed in each of the identified content areas:

- 1. introduction to vocational teaching,
- 2. vocational methods,
- 3. vocational course construction,
- 4. vocational tests and measurements, and
- 5. philosophy of vocational education.
- CC. Vocational teacher education sequence (TES)—The vocational teacher education core, the human relations requirement and (for secondary level) the nine-week teaching internship, which shall be completed in a prescribed time frame to meet requirements for issuance of an entrance license, subsequent one-year renewals, and the first five-year license.

(5 MCAR 1980)

# 5 MCAR § 1.0781 General provisions for vocational licensure.

A. License requirement. Licensed personnel shall meet licensure requirements set forth in these rules for the area(s) in which such personnel practice.

### B. License issuance.

1. Licenses are issued by the school personnel services section within the department of education.

#### 2. Fees.

- a. License fees are established by the board of teaching and are non-refundable except in accordance with the rules of the board of teaching.
- b. Licensure application fee. A fee established by the board of teaching shall be charged to the applicant for each application for licensure or relicensure.
- c. Petition fee. An individual may petition the commissioner of education for a qualifications reevaluation by committee review as set forth in 5 MCAR § 1.0788.
- (1) Fee. A fee established by the commissioner of education shall be charged to the applicant to apply to the cost of the reevaluation.
  - (2) Waiver. Upon presentation of evidence by a government

agency indicating that the applicant is unable to pay the petition fee, such fee may be waived by the commissioner of education.

### C. License validity.

- 1. Date valid. Licenses become valid on the date of approval by the commissioner of education.
- 2. Valid license. To be considered licensed, an individual shall hold a valid license prior to receiving payment for services.
- 3. Corrections. Requests for corrections on licenses shall be made to the commissioner of education.
- 4. Expiration date. All licenses shall bear the date of issuance and shall expire the specified number of years from the July 1 nearest the date licensure was approved.

(5 MCAR 1980)

- 5 MCAR § 1.0782 Procedure for licensure of vocational instructional and supportive personnel.
- A. Qualification for licensure. An applicant shall meet the educational and occupational experience requirements stated in this rule for each area of licensure sought.
  - B. Licensure procedure.
    - 1. Initial entrance vocational license.
      - a. Authorizing signature.
- (1) General rule. Initial entrance licensure applications may be processed without the signature of an authorized local vocational administrator.
- (2) Exception. Initial entrance licensure applications from adult supplementary instructors serving under 500 hours annually shall include the signature of an authorized local vocational administrator.
- b. Issuance. An applicant who meets the requirements of one of the initial entrance license options in B.l.c. shall be issued an initial one-year, two-year, or five-year entrance license depending upon the specific area of licensure.
  - c. Initial entrance license options:
  - (1) Option one—An applicant who meets the educational components and the occupational experience licensure requirements set forth in these rules shall be issued an entrance license.

- (2) Option two—An applicant who does not meet the educational component of the licensure requirements, where applicable, shall be eligible to:
- (a) substitute the vocational teacher education sequence set forth in 5 MCAR § 1.0784, or
- (b) substitute completion of other designated teacher education sequences set forth in these rules, or
- (c) substitute completion of all criterion examinations of a competency based vocational teacher education licensing program verified by an approved Minnesota institution as equivalent to the vocational teacher education sequence, or
- (d) comply with the secondary provisional licensure provisions set forth in 5 MCAR § 1.0789, or
- (e) comply with the special needs provisional licensure provisions set forth in 5 MCAR § 1.0792.
- (3) Option three—An applicant who does not meet the occupational experience component of the licensure requirements, where applicable, shall be eligible to:
- (a) meet an alternate form of occupational experience as set forth in 5 MCAR  $\S$  1.0783, or
- (b) comply with the secondary provisional licensure provisions set forth in 5 MCAR § 1.0789.
- (4) Option four—An applicant who does not meet the educational component and/or the occupational experience licensure requirements may petition the commissioner of education in writing for a qualifications reevaluation through committee review as set forth in 5 MCAR § 1.0788.

### 2. Renewed initial entrance vocational license.

### a. Authorizing signature.

(1) General rule. Applications for renewed initial and subsequent one-year and two-year licenses shall be signed by the authorized local vocational administrator.

## (2) Exceptions.

(a) Applicants not employed in a vocational program during the licensure period. An applicant for renewed initial and subsequent one-year and two-year licenses who has not been employed in a vocational program at any time during the licensure period shall contact an approved

Minnesota teacher educator in the licensure field or an authorized local vocational administrator for consultation and for signature of the renewal recommendation.

- (b) Field instructors. An application for a renewed initial or subsequent one-year license shall be signed by the commissioner of education when the applicant is a field instructor employed by the department of education.
- b. Issuance. An applicant who meets the requirements of one of the renewed entrance license options set forth in B. 2. c. of this rule (below) shall be issued a renewed initial entrance license.

### c. Renewed entrance license options:

- (1) Option one—An entrance license holder who has elected the vocational teacher education sequence option to fulfill the educational component of the licensure requirements shall comply with the renewal provisions set forth in 5 MCAR § 1.0784.
- (2) Option two—An entrance license holder subject to other designated teacher education sequences in the area of licensure sought shall comply with the renewal provisions set forth therein.
  - 3. Initial regular five-year vocational license.
    - a. Authorizing signature.
- (1) General rule. Applications for the initial regular five-year vocational license shall be signed by the authorized local vocational administrator.

### (2) Exceptions.

- (a) Applicants not employed in a vocational program during the licensure period. An applicant for the initial regular five-year vocational license who has not been employed in a vocational program at any time during the licensure period shall contact an approved Minnesota teacher educator in the licensure field or an authorized local vocational administrator for consultation and for signature of the renewal recommendation.
- (b) Field instructors. An application for the initial regular five-year vocational license shall be signed by the commissioner of education when the applicant is a field instructor employed by the department of education.
- b. Issuance. An applicant who meets the requirements of one of the initial regular five-year vocational license options set forth in B. 3. c. of this rule (below) shall be issued an initial regular five-year vocational license.
  - c. Initial regular five-year vocational license options:

- (1) Option one—An entrance license holder who meets the educational component and the occupational experience requirements for each area of licensure sought and who subsequently completes relevant upgrading activities shall be issued a regular five-year vocational license upon expiration of such initial entrance license. The number of hours and the content of relevant upgrading activities shall be determined by the local vocational administrator, subject to review by the commissioner of education.
- (2) Option two—An entrance license holder who meets occupational experience requirements and who completes the vocational teacher education sequence set forth in 5 MCAR § 1.0784 shall be issued a regular five-year vocational license upon expiration of the initial or renewed entrance license.
- (3) Option three—An entrance license holder who meets occupational experience requirements and who completes the renewal provisions of the appropriate designated licensure sequence set forth in these rules shall be issued a regular five-year vocational license upon expiration of the initial or renewed entrance license.
- (4) Option four—An entrance license holder who meets occupational experience requirements and who possesses a nonvocational degree in education shall be issued a regular five-year vocational license pursuant to option two. The introduction to vocational teaching course and the nine-week teaching internship shall be deleted from the vocational teacher education sequence set forth in 5 MCAR § 1.0784.
- (5) Option five—An entrance license holder who meets occupational experience requirements and who successfully completes criterion examinations of a competency based vocational teacher education licensing program verified by an approved Minnesota institution as equivalent to the vocational teacher education sequence shall be issued a regular five-year vocational license.
- (6) Option six—An entrance license holder who meets occupational experience requirements and who subsequently completes the educational requirements while licensed pursuant to the secondary provisional license requirements set forth in 5 MCAR § 1.0789 shall be issued a regular five-year vocational license at the secondary level upon expiration of the secondary provisional license.
- (7) Option seven—An entrance license holder who meets educational requirements and who subsequently completes occupational experience requirements while licensed pursuant to the secondary provisional licensing requirements set forth in 5 MCAR § 1.0789 shall be issued a regular five-year vocational license at the secondary level upon expiration of the secondary provisional license.
- (8) Option eight—An entrance license holder who meets occupational experience requirements and who subsequently completes educational

requirements while licensed pursuant to the special needs provisional license requirements set forth in 5 MCAR § 1.0792 shall be issued a regular five-year vocational license in the special needs area upon expiration of the special needs provisional license.

# 4. Renewed regular five-year vocational license.

- a. Authorizing signature. Applications for renewed initial and subsequent five-year vocational licenses shall be approved through the local vocational relicensure committee established pursuant to 5 MCAR § 1.0786, and signed by the chairperson thereof.
- b. Issuance. A regular five-year vocational license holder who completes the continuing education requirements for relicensure set forth in 5 MCAR § 1.0786 shall be issued a renewed regular five-year vocational license.
- c. The provisions of a. and b. do not apply to an adult supplementary license.

#### 5. Substitute license.

# a. Authorizing signature.

- (1) Authorization. A substitute license in a specific occupational area shall be issued to meet the short-term need for an instructor-substitute as determined by the local vocational administrator.
- (a) General rule. The authorized local vocational administrator shall recommend to the commissioner of education the applicant(s) professionally and technically qualified in the specific occupational area to be taught. Prior to such recommendation, the authorized local vocational administrator shall obtain the approval and the signature of the designated representative of the specific vocational program advisory committee (5 MCAR § 1.0070 RR).
- (b) Exception. The authorized local vocational administrator may recommend to the commissioner of education the applicant(s) professionally and technically qualified in the specific occupational area to be taught prior to obtaining the approval of the program advisory committee when obtaining preapproval would create a hardship for the local education agency, as determined by the authorized local vocational administrator. A statement attesting to the authorized local vocational administrator's responsibility to report such recommendations to the advisory committee shall be submitted by the administrator to the state licensing agency as part of the licensure credentials.
- (2) Signature. Applications for initial and subsequently renewed substitute licenses shall be signed by the authorized local vocational administrator pursuant to either B. 5. a. (1) (a) or B. 5. a. (1) (b) (above).
- (3) Filing. Evidence of the advisory committee's recommendations shall be on file in the district, center, or AVTI and shall be made available for review.

- b. Issuance. The commissioner of education shall issue a substitute license to an applicant:
- (1) professionally and technically qualified in the specific occupational area to be taught, as verified by the authorized local vocational administrator and the designated representative, and
- (2) recommended for substitute licensure by such administrator and representative as evidenced by the signature and filing requirements set forth in B. 5. a. (2)-(3) of this rule (above).

## c. Substitute license validity.

- (1) Initial entrance substitute license. The initial entrance substitute license shall remain valid for a maximum period of two years. The maximum substitute assignment shall not exceed 30 consecutive working days of employment in one assignment or an annual total of one-fourth of full-time employment as a substitute.
  - (2) Renewed initial entrance substitute license. The renewed initial entrance substitute license may be issued for unlimited subsequent three-year periods upon the recommendation of the authorized local vocational administrator and the designated representative; however, the maximum substitute assignment shall not exceed 30 consecutive working days of employment in one assignment or an annual total of one-fourth of full-time employment as a substitute.
  - d. Adult supplementary licensure. A vocational license at the adult supplementary level set forth in 5 MCAR § 1.0791 in the specific occupational area to be taught as a substitute may be utilized as a substitute license at the secondary and post-secondary level; however, the maximum substitute assignment shall not exceed 30 consecutive working days of employment in one assignment or 500 hours of total annual combined substitute and adult teaching hours.
  - C. New instructional positions. When emerging occupations, innovative, experimental, or exemplary programs create instructional positions which are not provided for in existing licensing criteria, the commissioner of education may recommend the formulation of licensing criteria and licensure in compliance therewith. Such licensing criteria shall become a part of these rules pursuant to the procedures set forth in Minn. Stat. § 15.0412 et. seq.

# (5 MCAR 1980)

#### 5 MCAR § 1.0783 Occupational experience requirements.

A. Occupational experience. Except where otherwise stated in these rules, occupational experience shall mean paid work experience (outside of education or teaching) in a job or jobs directly related to the area of licensure being sought and shall include at least 500 hours within the five years immediately preceding the date of application for licensure.

# B. Alternate forms of occupational experience.

- 1. Directed occupational experience. Except where otherwise stated in these rules, occupational experience requirements may be met by substituting one hour of preplanned occupational experience directed through an approved vocational teacher education licensing program for each two hours of the regular occupational experience requirement. The commissioner of education in consultation with the appropriate vocational program supervisors may make arrangements with colleges and universities to provide directed work experience supervision.
- 2. Competency based occupational examinations. Evidence of successful completion of competency based occupational examinations preapproved by the state board for vocational education shall be accepted as proof of occupational competence in lieu of two-thirds of the occupational experience requirements. This alternate form of occupational experience shall not be available when the competency based occupational examination is the same examination taken by the applicant to obtain licensure to practice in the particular occupation.
- 3. Preapproved seminar or internship. A seminar or internship preapproved by the state board for vocational education may be used to meet the 500 hour occupational experience recency requirement for licensure areas that do not involve teaching of occupational skills. These areas include administrators, counselors, related instructors, student personnel service staff, special needs categories, instructional resources specialists, and endorsement for instructor-coordinators.
- 4. Vocational administrative or supervisory experience. Paid vocational administrative or supervisory experience may be used to meet the 500 hours occupational experience recency requirement for the administrator or supervisor licensure.

# 5. Military experience.

- a. Occupational experience in the military, as verified by a DD Form 214, directly related to the area of licensure sought shall be accepted for a maximum of two-thirds of the total occupational experience required for regular secondary and post-secondary vocational licensure.
- b. Two-year provisional license. An applicant presenting military hours, as verified by a DD Form 214 directly related to the license being sought in sufficient number to equal the total requirement shall be provisionally licensed for two years.
- c. Two-year provisional license renewal. Renewal of the two-year provisional license shall be contingent upon accumulation of the remaining hours of occupational experience (one-third of the total requirement) from civilian occupational experience or satisfactory progress on an individualized program in the related discipline area. The individualized program, preap-

proved by the appropriate state supervisor, shall be completed before a regular vocational license is issued. To be approved, an individualized program shall contain components which will allow the applicant to complete the occupational experience requirement.

6. Education aide-child care and guidance programs. An applicant for licensure to teach education aide-child care and guidance may apply relevant instructional experience with students at the age level consistent with the vocational program toward the occupational experience requirements.

# 7. Self-employment experience.

- a. Applicability. Occupational experience obtained through selfemployment directly related to the area of licensure sought shall be accepted for the total occupational experience required for vocational licensure when:
- (1) self-employment hours have constituted paid occupational experience, as verified by department of revenue records, and
- (2) self-employment hours have been earned within a traditional business or industry setting.
- b. Limitation. Occupational experience obtained through self-employment directly related to the area of licensure sought shall be accepted for a maximum of two-thirds of the total occupational experience required for vocational licensure when:
- (1) self-employment hours have constituted paid occupational experience, as verified by department of revenue records, and
- (2) self-employment hours have been earned outside of a traditional business or industry setting.

(5 MCAR 1980)

### 5 MCAR § 1.0784 Vocational teacher education sequence.

- A. Educational requirements. When indicated by the licensure criteria, an applicant who does not meet the educational component of the licensure requirements may substitute the vocational teacher education sequence.
- B. Occupational experience requirements. In addition to the educational substitution provisions set forth in E., F., and G. of this rule (below), an applicant shall meet the occupational experience requirements set forth in the corresponding licensure chart for each area of licensure sought.

#### C. Vocational teacher education core:

- 1. introduction to vocational teaching,
- 2. vocational methods,

- 3. vocational course construction,
- 4. vocational tests and measurements, and
- 5. philosophy of vocational education.
- D. Initial two-year entrance vocational license.
- 1. Issuance. An initial two-year entrance vocational license shall be issued upon completion of the three-credit introduction to vocational teaching course.
- 2. Teaching internship. An applicant for secondary initial two-year entrance vocational licensure shall also verify prearrangement for a nine-week teaching internship with an approved Minnesota institution. The internship shall be completed during the first 18 weeks of employment as a vocational teacher. Previous student teaching in an approved vocational teacher education licensing program of 1,080 hours of previous, paid teaching experience in an approved educational program may be substituted for the teaching internship.
- 3. Emergency situations. When there is an immediate need for a teacher replacement or addition and an instructor licensed in the needed licensure area is not reasonably available, an initial two-year entrance vocational license shall be issued when all of the following requirements have been met:
- a. An applicant meets technical and occupational experience requirements.
- b. An applicant submits to the commissioner of education the application for vocational licensure and evidence of prearrangement with an approved Minnesota institution for completion of the introduction to vocational teaching course within the first 24 weeks of teaching.
- c. An applicant submits verification of enrollment in the teaching internship set forth in D. 2. of this rule (above), when the emergency entrance license is for a replacement or addition at the secondary level.
- 4. Nonvocational degree in education. An applicant for initial entrance licensure who has a nonvocational degree in education and has met one of the occupational experience options set forth in 5 MCAR § 1.0783 shall be eligible for an initial two-year entrance vocational license without meeting the requirements set forth in D. 1. and D. 2. of this rule (above).
  - E. Renewed initial entrance vocational license.
- 1. First one-year renewal. The first one-year renewal of an initial entrance vocational license shall be issued upon completion of the human relations requirement and an additional three credits selected from the vocational teacher education core.

- 2. Subsequent one-year renewals. Subsequent one-year renewals of vocational licenses shall be issued upon completion of a minimum of an additional three credits selected from the vocational teacher education core. An individual may request renewals of a one-year renewed initial entrance vocational license until requirements for the initial regular five-year vocational license have been met.
  - F. Initial regular five-year vocational license.
- 1. Issuance. The initial regular five-year vocational license shall be issued upon completion of three credits in each of the five core courses through an approved vocational teacher education licensing program at an approved Minnesota institution.
- 2. Nonvocational degree in education. An instructor with a nonvocational degree in education shall meet the five-year teacher education sequence requirements by completing the vocational teacher education core set forth in C. 1.-5. of this rule (above), excluding the introduction to vocational teaching course and the nine-week teaching internship, pursuant to the renewal procedures set forth in D. 4.-F. 1. of this rule (above).
- G. Endorsements. An applicant adding an additional licensure category or level of student shall meet current educational and occupational experience requirements for an entrance license in the category and level of student to be endorsed.
- H. Substitution for the introduction to vocational teaching course and the vocational methods course. An applicant requesting an additional licensure category or level of student who has all of the following qualifications may substitute those qualifications for the introduction to vocational teaching course and the vocational methods course:
- 1. prior completion of the 192 clock hour vocational teacher education sequence, and
  - 2. a current five-year vocational license, and
- 3. one year of previous paid teaching experience on a vocational license.
- I. Substitution for the introduction to vocational teaching course. An applicant for licensure who has one of the following qualifications may substitute such qualification for the introduction to vocational teaching course:
- 1. prior completion of the 192 clock hour vocational teacher education sequence, or
  - 2. prior completion of at least two of the core courses, or
- 3. prior completion of at least six quarter credits of vocational education.

(5 MCAR 1980)

# 5 MCAR § 1.0785 Human relations.

# A. Requirement.

- 1. Mandatory. Vocational personnel who function in a half-time or greater capacity (i.e., three hours or more daily on a nine-month or longer basis, or five hours or more daily on a five-month or longer basis) shall complete the human relations components for vocational licensing or relicensing.
- 2. Optional. Vocational personnel who function in less than a half-time capacity are encouraged, although not required, to participate in an approved human relations program. Personnel whose initial licensing was contingent upon possession of a baccalaureate or higher degree shall not be eligible for the part-time human relations waiver as described in this paragraph.
- 3. Exemption. Applicants who are eligible for the exemption pursuant to A. 2. of this rule (above) shall submit verification of eligibility for such exemption from the authorized local vocational administrator.

# B. Human relations program.

- 1. Approved program. The human relations requirement shall be met by completion of a human relations program approved by the Minnesota board of teaching.
- 2. Substitution. All or a portion of the human relations requirements may be met by substituting prior experiences or programs when verified as equivalent by the administrator of an approved Minnesota human relations program.
- 3. Request for substitution. Requests for substitution and for verification of equivalency shall be submitted by the applicant to the administrator of an approved human relations program.
- C. Initial entrance license. Otherwise qualified new personnel submitting their first applications for vocational licensing pursuant to A. 1. of this rule (above) shall be granted an initial entrance license to allow time for completion of the human relations program.

(5 MCAR 1980)

# 5 MCAR § 1.0786 Continuing education requirements for relicensure of vocational instructional and supportive personnel.

# A. Renewed regular five-year vocational license.

1. Issuance. Vocational instructional and supportive personnel holding valid regular five-year vocational licenses shall be issued a renewed regular five-year vocational license when the following requirements have been met

during the five-year period immediately preceding the date on which the requested renewal is to be made effective.

- a. The applicant has been recommended for relicensure by the local vocational relicensure committee created pursuant to B. of this rule (below).
- b. The applicant has completed 108 clock hours of updating activities chosen from among the activities set forth in C. 2. c. (1)-(9) of this rule (below) in two or more types of activities that have been preapproved by the local vocational relicensure committee. Evidence of completion shall have been provided to that committee.
- 2. Applications for renewal. Applications for renewal shall be accepted by the commissioner of education after January 1 of the year of expiration; provided, however, that the renewal period shall commence on the expiration date (July 1).
- a. Excess hours. An applicant for renewal who earns approved clock hours in excess of the number required for renewal in this rule may not apply any excess hours to future renewals.
- b. Renewal cycles. Clock hours used to meet renewal requirements for one five-year renewal cycle may not be applied toward future five-year renewal cycles.
  - B. Local vocational relicensure committee.
    - 1. Local vocational relicensure committee formation.
- a. Eligible voting personnel. Vocational personnel holding a valid regular five-year vocational license or on a valid vocational license on a sequence preparatory to obtaining a regular five-year vocational license in a school district (district), an approved vocational or cooperative center (center), or nonpublic school shall constitute the eligible voting personnel. Only vocational personnel practicing on a valid regular five-year vocational license or on a valid vocational license on a sequence preparatory to obtaining a regular five-year vocational license is a district, center, or nonpublic school shall be eligible to serve as committee members. Authorized local vocational administrators and supervisors shall not constitute eligible voting personnel.
- b. Members. The committee shall include both secondary and post-secondary members when both levels are served.
- c. Selection procedure. The eligible voting personnel shall hold a meeting for the purpose of selecting one of the local vocational relicensure committee options set forth in B. 2. and B. 3. of this rule (below). This selection procedure shall be supervised by an eligible voting member or the chairperson of the local continuing education committee established pursuant to Minn. Stat. § 125.185, subd. 4.
  - 2. Local vocational relicensure committee options.

- a. Option A—The existing local continuing education committee may be utilized except that five eligible voting personnel members practicing on a valid vocational license shall replace the teaching faculty members of the existing committee whenever applications for vocational relicensure are considered. The five teaching faculty replacements shall be elected by secret ballot of the eligible voting personnel of the district, center, or nonpublic school.
- b. Option B-A local vocational relicensure committee separate from the existing local continuing education committee may be formed. Such committee shall include:
- (1) five eligible voting personnel members practicing on a valid vocational license in the district, center, or nonpublic school elected by secret ballot of the eligible voting staff in the district, center, or nonpublic schools,
- (2) one authorized local vocational administrator or supervisor practicing on a valid vocational administrator or supervisor license in the district or center elected by the licensed, practicing vocational administrators and supervisors of the district or center. In nonpublic schools, one authorized local vocational administrator shall be elected by the authorized local vocational administrators of the nonpublic school(s),
- (3) one resident of the geographic area serviced by the district, center, or nonpublic school designated by the local school board or the governing board or chief executive officer of the nonpublic school. The resident shall not be an employee of the district, center, or nonpublic school. School board and governing board members shall not be considered to be employees of the district, center, or nonpublic school.
- c. Option C-Vocational personnel in two or more districts, centers, or nonpublic schools situated in close proximity may jointly operate with regard to the mandatory application of committee options A or B, set forth above, for the purpose of effecting the composition of the local committee and method of identification of committee members. Such joint operation shall be ratified by a majority of the eligible voting personnel casting a vote in such decision within each district, center or nonpublic school.
- d. Option D-The existing local continuing education committee may be utilized with no change in composition.
  - 3. Mandatory application of committee options.
- a. Districts, centers, or nonpublic schools employing fewer than five eligible practicing vocational personnel members shall utilize option C or option D.
- b. Districts, centers, or nonpublic schools employing more than four but fewer than nine eligible practicing vocational personnel members shall utilize option A, option C, or option D.

- c. Districts, centers, or nonpublic schools employing more than eight but fewer than twenty-five eligible practicing vocational personnel members shall utilize option A or option C.
- d. Districts, centers, or nonpublic schools which employ more than 24 eligible practicing vocational personnel members shall utilize option A, option B, or option C.
- 4. Committee member term of office. Members of the local relicensure committee shall serve a two-year term except for the initial election when two eligible personnel members and one resident member shall be elected for one-year terms. All terms shall commence on September 1 of the year in which elected.
- 5. Local vocational relicensure committee jurisdiction. The local vocational relicensure committee shall have jurisdiction over regular five-year vocational license renewal procedures, as provided in these rules, for the entire district, center, or nonpublic school service area in which it is formed to operate.
  - 6. Local vocational relicensure committee affiliation.
    - a. Applicants subject to the local vocational relicensure committee.
- (1) Full-time and part-time vocational personnel (except for authorized local vocational administrators and supervisors) holding valid regular five-year vocational licenses in the district, center, or nonpublic school shall affiliate with the local vocational relicensure committee in the district, center, or nonpublic school in which employed.
- (2) Except as set forth in B. 6. (3) and (6) of this rule (below), full-time and part-time vocational personnel (except for authorized local vocational administrators and supervisors) not employed at the time of application for relicensure shall affiliate with the local vocational relicensure committee in the district, center, or nonpublic school in which they were last employed or in the school district wherein the applicant resides.
- (3) Full-time and part-time vocational personnel (except for authorized local vocational administrators and supervisors) never employed by a district, center, or nonpublic school shall affiliate with a Minnesota vocational relicensure committee, preferably a committee servicing the geographic area wherein the applicant resides.
- (4) Persons residing in states other than Minnesota who are unable to affiliate with a Minnesota local vocational relicensure committee for renewal of the continuing license may apply to the commissioner of education for a two-year license.
- (a) Recommendation. Upon verification of completion of 108 clock hours of upgrading activities set forth in C. 2, c. (1)-(9) of this rule

(below), such two-year relicensure shall be recommended by the commissioner of education.

- (b) Subsequent two-year relicensure. Subsequent two-year relicensures shall require verification of completion of upgrading activities considered by the commissioner of education as sufficient to maintain currency in the field.
- (5) Nonpublic school vocationally licensed teachers may arrange to have clock hours granted by the district or center of residence if the employing school does not establish a local vocational relicensure committee.
- (6) Field instructors employed by the department of education, division of vocational-technical education, may affiliate with the district in which they last taught or the district or center nearest their residence or place of employment.
- b. Applicants not subject to a local vocational relicensure committee.
  - (1) authorized local vocational administrators and supervisors,
- (2) personnel currently holding a two-year vocational license or renewal, a one-year permit or renewal, or a three-year adult supplementary license, and
- (3) personnel currently holding limited licenses (e.g., adult supplementary or limited services personnel).
- c. Applicant's responsibility. An applicant shall be responsible for forwarding the form endorsed by the committee to the commissioner of education. An applicant shall be individually responsible for initiating the necessary work of the local relicensure committee in renewing the regular five-year vocational license of such applicant. Any failure to initiate and/or complete the procedure shall be the responsibility of the holder of the license and not the local vocational relicensure committee.
- 7. Local vocational relicensure committee duties. The local vocational relicensure committee shall:
- a. hold an organizational meeting called no later than the last day of September on a date which is agreeable to the majority of committee members,
- b. set rules for its own operation establishing election procedures, a method of filling vacancies, and a system or recordkeeping and reporting. Records shall be maintained so that they are safe from loss and kept on file at least through the duration of the license to which they apply,
- c. establish such written guidelines as may be necessary to implement its duties. The guidelines shall not be in conflict with these rules.

- d. determine the number of clock hours to be granted for experiences in accordance with the maximum clock hour allocations set forth in C. 2. c. (1)-(9) of this rule (below),
- e. act upon requests for preapproval of clock hours, and grant clock hours after participation in the approved activity,
- f. act, within a reasonable time, upon requests for recommendation for renewal of the vocational license by determining whether the applicant has met the requirements set forth in these rules,
- g. endorse the application for renewal of the vocational license of each qualified applicant as verified by the signature of the chairperson on the renewal application. The secretary shall co-sign the application of the chairperson,
- h. when appropriate, and when acting upon the advice of the vocational teaching staff, make recommendations to district vocational administrators responsible for inservice activities,
- i. forward to the commissioner of education verification of the membership of the local vocational relicensure committee on an annual basis by November 1 of each year,
- j. forward to the commissioner of education a copy of the local vocational relicensure committee guidelines. Guidelines shall be forwarded at least every five years and whenever substantial changes are made,
- k. hold an annual open hearing to allow the teachers in each district, center, or nonpublic school to review the guidelines established by the local vocational relicensure committee, and
- 1. provide those services and reports that may be required regarding continuing education relicensure.
- 8. Membership participation. A quorum shall be more than 50 percent of the total voting membership of the committee. A majority vote of those voting members in attendance shall be sufficient to take action.

#### C. Updating activities.

- 1. Local vocational relicensure committee preapproval. All upgrading activities (clock hours) required for renewal of the regular five-year vocational license shall be preapproved by the local vocational relicensure committee in the district, center, or nonpublic school, subject to review by the commissioner of education to insure compliance with these rules. The local guidelines shall include a procedure for emergency preapproval during periods when the committee is not regularly meeting.
  - 2. Types of activities.

- a. The requisite 108 clock hours of updating activities taken within the five-year period shall be relevant to the area of licensure sought.
- b. Learning objectives or new competencies to be developed by participating in the updating activity shall be included on the local preapproval form.
- c. The requisite 108 clock hours shall be earned from among the following categories and shall be allocated as follows:
- (1) Committee preapproved upgrading occupational experience relevant to the area of licensure shall be rated at one clock hour for every four hours of work.
- (2) Credit courses in the area of licensure or education courses shall be rated at 12 clock hours for every quarter credit earned.
- (3) Conferences, institutes, or seminars in business and industry in the occupation taught shall be rated up to one clock hour for each hour of participation by the local vocational relicensure committee, in accordance with the local guidelines established pursuant to this rule.
- (4) Educational workshops or continuing education in the occupation to be taught shall be rated up to one clock hour for each hour of participation by the local vocational relicensure committee, in accordance with the local guidelines established pursuant to this rule.
- (5) Leaves updating competencies relevant to the area of licensure taken in agencies, businesses, or industries shall be rated on a clock hour basis. A maximum of 60 clock hours may be credited toward the required 108 clock hours.
- (6) Regional, statewide, or national curriculum design activities shall be rated on a clock hour basis at the discretion of the local vocational relicensure committee, in accordance with the local guidelines established pursuant to this rule.
- (7) Service as a voting member of an occupational advisory committee shall be rated on a clock hour basis at the discretion of the local vocational relicensure committee, in accordance with the local guidelines established pursuant to this rule.
- (8) Organized technical research leading to the development of new or updated competencies in the area of licensure (e.g., research producing new knowledge preparatory to writing a related technical article, developing related curriculum, teaching a related specialized adult class, or producing a related technical invention) shall be rated on a clock hour basis at the discretion of the local vocational relicensure committee, in accordance with the local guidelines established pursuant to this rule. Notwithstanding local guidelines, a maximum of 20 clock hours may be credited toward the 108 clock

hours each five years. Clock hours shall not be granted for the subsequent manual process of writing, teaching, or producing, as these activities simply restate knowledge the applicant has acquired through prior research or experience and do not in themselves create new or updated competencies related to the area of licensure.

- (9) Service on a state evaluation team for vocational programs shall be rated on a clock hour basis. An individual evaluation shall equate to a maximum of 5 clock hours per day of evaluation. A maximum of 10 clock hours may be credited toward the 108 clock hours each five years.
- 3. Reevaluation procedure. If upgrading activities are initially disapproved by the local vocational relicensure committee, the decision may be reevaluated by the following sources in the following order pursuant to appeal procedures established in 5 MCAR §§ 3.005 and 3.020:
  - a. the local vocational relicensure committee,
- b. the board of teaching, which shall be considered the final decision.
- 4. Application for multiple relicensure. An applicant applying for relicensure in more than one area shall earn renewal clock hours in at least two activity categories with a part of the total 108 clock hours earned in each area of relicensure sought.
- D. Reactivation of lapsed regular five-year vocational licenses. Reactivation of lapsed regular five-year vocational licenses (expired one or more fiscal years) shall require satisfactory completion of no less than:
- 1. 108 clock hours of updating activities as required for renewal of the regular five-year vocational license set forth in A. 1. b. of this rule (above), and
- 2. initial entrance licensure requirements for the area of relicensure sought existing at the time of application for reactivation of the lapsed license.
- E. Nonapplicability. The provisions of 5 MCAR S 1.0786 do not apply to an adult supplementary license.

# 5 MCAR § 1.0787 Vocational teacher education licensing programs.

A. Approval by board of teaching. Minnesota institutions approved by the board of teaching to prepare persons for vocational teaching licensure shall obtain approval from the board of teaching for vocational teacher education licensing programs.

#### B. Programs subject to approval.

1. Vocational teacher education licensing programs. Approval procedures shall apply to all vocational teacher education licensing programs used to satisfy:

- a. requirements for the initial entrance vocational license, and
- b. specific competencies mandated for renewal licenses or endorsements of additional licensure categories or levels of student.
- 2. Form. Vocational teacher education licensing programs may consist of one course, a series of courses, or a complete degree program.

# C. Approval procedure.

- 1. Vocational teacher education licensing program descriptions. Each approved Minnesota institution shall forward a program description of each vocational teacher education licensing program from the administrator of the defined administrative and instructional unit of that institution to the board of teaching for approval.
- 2. Consultative services. The board of teaching shall route the program description to the division of vocational-technical education pursuant to the agreement for the provision of consultative services.

# D. Program approval.

- 1. Board of teaching options. Based upon appraisal of the vocational teacher education licensing program descriptions prepared by the approved Minnesota institution and the evaluation report of the auditors the board of teaching shall:
  - a. grant initial approval pursuant to D. 2, of this rule (below), or
- b. grant conditional approval pursuant to D. 3, of this rule (below), or
- c. grant continuing approval pursuant to E. 2. of this rule (below), or
- d. revoke or suspend approval pursuant to D. 4. of this rule (below), or
- e. disapprove the vocational teacher education licensing program pursuant to D. 5. of this rule (below).

# 2. Initial approval.

- a. Criteria for approval. A vocational teacher education licensing program which meets the following criteria shall be approved to prepare vocational teachers. The program description shall include:
- (1) a statement which verifies the institutional commitment to the vocational teacher education licensing program,

- (2) a description of the institutional organizational structure and procedure for implementing the vocational teacher education licensing program,
- (3) a description of the vocational teacher role for which persons who enroll in the vocational teacher education licensing program are being prepared.
- (4) an enumeration of the specific knowledge, skills and understandings to be achieved by persons completing the vocational teacher education licensing program,
- (5) evidence that the vocational teacher education licensing program meets the licensure requirements for the particular licensure field and level for which the specific program is designed, as set forth in the correponding rule section,
- (6) a specific description of the plans for assessing the performance of each person verified as having successfully completed the vocational teacher education licensing program,
- (7) evidence that the necessary faculty and physical resources are allocated to implement and maintain the vocational teacher education licensing program. Faculty who teach professional vocational courses shall be certificated as vocational teacher educators in accordance with the requirements of the joint council for vocational teacher educators,
- (8) verification that the following persons or groups have participated in the development of the vocational teacher education licensing program:
  - (a) licensed, practicing vocational teachers;
  - (b) vocational school administrators;
  - (c) institutional advisory council:
  - (d) joint council of vocational teacher educators;
- (e) college departments which may be involved with the vocational teacher education licensing program;
  - (f) interested citizens; and
  - (g) appropriate state supervisory staff.
- (9) a description of the procedures to establish and maintain an internal process for systematic evaluation of the vocational teacher education licensing program, and
  - (10) when the licensure rule so stipulates, a student teaching and/

or internship component and a statement which verifies that those experiences are planned, supervised and evaluated in the licensure field in which the individuals will seek their vocational teaching licenses.

b. Variations in curricular design. Vocational teacher education licensing programs which vary in curricular design shall be approved provided that program components meet the criteria for approval set forth in D. 2. a. (1)-(10) of this rule (above), and the components are designed to provide persons completing each teacher education licensing program with the knowledge, skills, and understandings enumerated therein.

#### 3. Conditional approval.

- a. Procedure. When granting conditional approval, the board of teaching shall state the conditions, establish timelines for meeting the stated conditions, and reconsider the approval status of the vocational teacher education licensing program upon verification by the executive secretary of the board of teaching that the stated conditions have been met.
- b. Withdrawal of conditional approval. If stated conditions are not met within the established timelines, conditional approval shall be withdrawn.
  - 4. Revocation or suspension of approval.
- a. Noncompliance. Failure to comply with the criteria for approval set forth in D. 2. a. (1)-(10) of this rule (above) after initial approval is granted, shall result in revocation or suspension of approval by the board of teaching.
- b. Revision of program. When an institution makes revisions in an approved vocational teacher education licensing program, the administrator of the administrative and instructional unit of the institution shall forward to the executive secretary of the board of teaching a written description of the vocational teacher education licensing program revision.
- (1) Audit. An audit, which need not include an on-site visit, shall be made to verify that the revised approved vocational teacher education licensing program continues to meet these rules.
- (2) Revocation or suspension. The board of teaching shall revoke or suspend the approval of a vocational teacher education licensing program if it determines that, as revised, the vocational teacher education licensing program no longer meets the criteria required for approval set forth in D. 2. a. (1)-(10) of this rule (above).
- c. Termination date. The board of teaching shall stipulate a date upon which program approval shall be terminated if the vocational teacher education licensing program fails to regain compliance with the criteria required for approval set forth in D. 2. a. (1)-(10) of this rule (above) by said date.

- 5. Disapproval. When a program description fails to meet the criteria for approval set forth in D. 2. a. (1)-(10) of this rule (above) upon the initial application for approval, the board of teaching shall disapprove such program and shall specifically state reasons for disapproval.
- E. Evaluation procedure and subsequent audits. Programs for which approval is requested shall be evaluated for initial approval and audited for continued approval thereafter in accordance with the provisions herein.
- 1. Initial approval. The approved Minnesota institution shall submit to the board of teaching the vocational teacher education licensing program description for evaluation and recommendation regarding approval status. The board of teaching staff, or persons designated as auditors by the board of teaching staff, may visit the institution to verify the program description, if deemed necessary.

# 2. Continuing approval.

- a. Consultation audit. During the operation of an approved vocational teacher education licensing program, an audit visit to verify that the approved program meets the provisions of this rule may be arranged in consultation with the institution. Auditors shall forward a report of their findings to the executive secretary of the board of teaching and to the institution.
- b. Five-year audit. The board of teaching staff, or persons designated as auditors by the board of teaching staff, in consultation with the institution, shall make audit visits on a five-year cycle to verify program descriptions and to make a recommendation regarding initial or continuing approval status of each vocational teacher education licensing program. Expenses of auditors shall be reimbursed in accordance with Minnesota travel regulations in force at the time the expenses are incurred.
- F. Reevaluation procedure. Decisions regarding the status of vocational teacher education licensing program(s) rendered by the board of teaching pursuant to D. 1. of this rule (above), may be reevaluated by the board of teaching, which shall be considered to be the final decision.

(5 MCAR 1980)

#### 5 MCAR § 1.0788 Committee review.

- A. Availability. An individual not meeting the vocational licensure requirements set forth in these rules may petition the commissioner of education for a qualification reevaluation through committee review.
  - B. Review committee formation.
- 1. Appointment procedure. The commissioner of education shall appoint a review committee of a minimum of three people.
  - 2. Members. The review committee shall include:

- a. a vocational educator,
- b. a licensed practitioner in the petitioned educational licensure area,
  - c. an occupational representative,
- d. a member of a community organization related to the educational licensure area, if the member designated in e. (below) is available.
  - e. a member of the public, if the member in d. (above) is available.

The committee shall be comprised of an uneven number of members to insure that a majority decision shall be reached.

3. Votes. Each member of the review committee shall have one vote.

#### C. Committee duties.

- 1. Qualification reevaluation. The review committee shall reevaluate the petitioner's qualifications, concentrating on deficiencies identified by the licensure process.
- 2. Committee judgment. Committee review members shall exercise professional judgment based upon their expertise and their relevant work experience in the petitioned area.
- 3. Competency evaluation. The petitioner's competencies shall be evaluated in relation to the following criteria in accordance with the educational objectives and the appropriate rules pertaining to the particular area and level of licensure requested:
- a. the vocational objectives and implementation methods of the program in the petitioned area and/or,
  - b. the components of the program in the petitioned area and/or,
  - c. the job descriptions for the petitioned area.
- 4. Committee recommendations. Recommendations of the review committee shall be reported in writing to the commissioner of education.
- 5. Recommendation of licensure. Licensure shall be recommended if the review committee finds that the petitioner's qualifications are equivalent to the licensure standards set forth in these rules.
- D. Petitioner demonstration. The petitioner shall demonstrate a basic understanding in the following areas as they relate to deficiencies identified by the licensure process.

- 1. Vocational philosophy and organization. The petitioner shall demonstrate:
- a. an understanding of state and federal vocational policies, rules, regulations, and laws, and
- b. an understanding of the principles and skills incorporated in the broad objectives of the teacher education sequence core courses.
- 2. Vocational teacher education and application. The petitioner shall demonstrate:
- a. the ability to communicate and to develop in students the knowledge and skills needed for employment,
- b. an awareness of current occupational opportunities and needs, and
  - c. knowledge and skills essential to identify, construct, initiate, implement, and evaluate relevant vocational curriculum.
  - 3. Occupational skills and understanding. The petitioner shall demonstrate:
  - a. knowledge of, and skills in, current and relevant technologies and occupational practices, and
  - b. an understanding of the employment context in such areas as unions, governmental regulations, and employer-employee relationships.
  - 4. Relationship between vocational education and community. The petitioner shall:
  - a. understand and demonstrate a concern for the student as an individual and community member, for the economic progress of the community, and for the relationship and responsibility of the school to both its students and its community, and
  - b. demonstrate knowledge of community resources useful in the development and implementation of relevant vocational programs.
  - E. Reexamination by committee review. Petitioners who have been denied licensure or relicensure by the review committee shall be eligible for reexamination by committee review only after one year has elapsed since the previous examination.
  - F. Appeal procedure. A petitioner questioning an adverse recommendation by the review committee may submit a written appeal relative to the areas over which there is disagreement with the committee's recommendation pursuant to the appeal procedures of the board of teaching established in 5 MCAR § 3.020.

(5 MCAR 1980)

# 5 MCAR § 1.0789 Secondary vocational instructional personnel.

A. Qualification for licensure. An applicant (excluding secondary provisional license applicants) shall meet the requirements in the secondary licensure chart set forth in 5 MCAR § 1.0798 and the general provisions and procedure for licensure of instructional and supportive personnel.

# B. Personnel who shall be licensed.

- 1. Secondary vocational instructor and instructor-manager of programs where simulation is the basis for the program. Any person holding a position as a secondary vocational instructor or instructor-manager of programs where simulation is the basis for the program shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. developing, teaching, and evaluating instruction in areas assigned, including programs involving simulation and laboratory activities,
  - b. facility and resource management,
  - c. forming and utilizing a vocational advisory committee,
  - d. relevant school-community relations.
  - e. vocational student organizations,
- f. student vocational and occupational guidance and evaluation in development of skills meeting vocational objectives, as set forth in 5 MCAR § 1.00811 B. 1.-3., and required for proficiency in the identified area of employment, and
  - g. personal professional and technical development.
- 2. Secondary vocational instructor-coordinator. Any person holding a position as a secondary vocational instructor coordinator shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. identifying and selecting appropriate training stations and placing students in those respective stations,
- b. student training plans, student training agreements, completing all state and federal labor law forms required, and complying with those respective state and federal labor law rules and regulations,
- c. supervising students on the job and communicating with the employer relative to the student's performance and the objectives of the student's training plan, and
  - d. all activities set forth in B. 1. a.-g. of this rule (above).

# C. Secondary provisional license.

- 1. Eligibility. An applicant for secondary provisional licensure as an instructor, model office instructor-manager, or instructor coordinator shall meet the requirements set forth in this rule.
- a. Instructor. An applicant shall be eligible for a secondary provisional license which allows completion of up to the final one-third of the occupational experience required for the requested licensure during the provisional licensure period when such applicant:
- (1) is eligible for secondary provisional licensure pursuant to the secondary licensure chart set forth in 5 MCAR § 1.0798, and
  - (2) has completed an education degree, and
- (3) has completed at least two-thirds of the occupational experience required for the requested licensure, and
- (4) has submitted a request for provisional licensure signed by the authorized local vocational administrator. Such request shall include verification by the requesting administrator that no fully qualified, licensed individual is available to fill an existing position, and
- (5) has met all other licensure requirements pursuant to the secondary licensure chart set forth in 5 MCAR § 1.0798.
  - b. Model office instructor-manager.
- (1) An applicant may complete the final one-third of the occupational experience required for the requested licensure during the provisional licensure period when such applicant has met all requirements of C. 1. a. (1)-(5) of this rule (above).
- (2) An applicant may complete the final one-third of the specialized courses required for model office licensure, excluding the materials and methods of model office course, when such applicant has met all requirements of C. 1. a. (1)-(5) of this rule (above).

#### c. Instructor-coordinator.

- (1) An applicant (excluding business and office instructor-coordinator applicants) may complete the final one-third of the specialized course requirements, excluding the coordination techniques course, when such applicant:
- (a) is eligible for secondary provisional licensure pursuant to the secondary licensure chart set forth in 5 MCAR § 1.0798, and
  - (b) has completed an education degree, and

- (c) has completed the total occupational experience required for the requested licensure, and
- (d) has submitted a request for provisional licensure signed by the authorized local vocational administrator. Such request shall include verification by the requesting administrator that no fully qualified, licensed individual is available to fill an existing position, and
- (e) has met all other licensure requirements pursuant to the secondary licensure chart set forth in 5 MCAR § 1.0798.
- (2) An applicant for business and office instructor-coordinator licensure may complete the final one-third of the specialized course requirements, excluding the coordination techniques and materials and methods of business and office cooperative education courses, when such applicant has met the requirements set forth in C. 1. c. (1) (a)-(e) of this rule (above).
  - 2. Secondary provisional license validity.
- a. Expiration. The secondary provisional license shall expire two years from the July 1 nearest issuance.
- b. Nonrenewable. The secondary provisional license is nonrenewable. Full licensure pursuant to the secondary licensure chart set forth in 5 MCAR § 1.0798 shall be accomplished prior to the expiration date set forth in C. 2, a, of this rule (above).
  - 3. Applicability.
    - a. Provisional licensure provisions apply to the following areas:
      - (1) agriculture education (instructor-coordinator),
      - (2) business and office education,
      - (3) community service occupations education,
      - (4) health occupations education,
      - (5) industrial education,
      - (6) service occupations, and
      - (7) other vocational clusters.
- b. Consult the corresponding licensure chart for provisional licensure in agriculture education (instructor), consumer homemaking, family life education, marketing and distributive education, and nutrition specialist.
- c. Consult the corresponding licensure chart and 5 MCAR § 1.0792 C. of these rules for provisional licensure in special needs areas.

  (5 MCAR 1980)

# 5 MCAR § 1.0790 Post-secondary vocational instructional personnel.

A. Qualification for licensure. An applicant shall meet the requirements in the post-secondary licensure chart set forth in 5 MCAR § 1.0798 and the general provisions and procedure for licensure of instructional and supportive personnel.

#### B. Personnel who shall be licensed.

- 1. Post-secondary vocational instructor. Any person holding a position as a post-secondary vocational instructor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. developing, teaching, and evaluating instruction in areas assigned, including programs involving simulation and laboratory activities,
  - b. facility and resource management,
  - c. forming and utilizing a vocational advisory committee,
  - d. relevant school-community relations,
  - e. vocational student organizations,
- f. student vocational and occupational guidance and evaluation in the development of skills necessary to meet entry-level qualifications for defined employment,
  - g. personal professional and technical development, and
  - h. internship supervision, if included in the program.
- 2. Post-secondary vocational instructor-coordinator or internship supervisor. Any person holding a position as a post-secondary vocational instructor-coordinator or internship supervisor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. identifying and selecting appropriate training stations and placing students in those respective stations,
- b. student training plans, student training agreements, completing all state and federal labor law forms required, and complying with those respective state and federal labor law rules and regulations,
- c. supervising students on the job and communicating with the employer relative to the student's performance and objectives of the student's training plan, and
  - d. all activities set forth in B. 1. a.-h. of this rule (above). (5 MCAR 1980)

# 5 MCAR § 1.0791 Adult vocational instructional personnel.

- A. Qualification for licensure. An applicant (excluding adult supplementary license applicants) shall meet the requirements in the full-time adult licensure chart set forth in 5 MCAR § 1.0798 and the general provisions and procedure for licensure of instructional and supportive personnel. A full-time adult instructor not identified in the full-time adult licensure chart shall meet corresponding full-time post-secondary requirements. Post-secondary licensure shall automatically include adult licensure in the same area.
- B. Personnel who shall be licensed. Any person holding a position as an adult vocational instructor shall be licensed pursuant to these rules when responsible for any of the following activities:
- 1. developing, teaching, and evaluating instruction in areas assigned, including programs involving simulation and laboratory activities,
  - 2. facility and resource management,
  - 3. providing input into and utilizing a vocational advisory committee,
  - 4. relevant school-community relations,
- 5. student vocational and occupational guidance and evaluation in the development of skills meeting vocational objectives required for proficiency in the identified area of employment, and
  - 6. personal professional and technical development.
  - C. Adult supplementary license.
- 1. Authorizing signature. Applications for the initial entrance and subsequently renewed adult supplementary license shall be signed by the authorized local vocational administrator, subject to review by the commissioner of education.

#### 2. Issuance.

- a. Initial entrance adult supplementary license. The commissioner of education shall issue an initial entrance adult supplementary license to an applicant:
- (1) recommended for adult supplementary licensure by the authorized local vocational administrator, and
- (2) professionally and technically qualified in the specific occupational area to be taught, as verified by the authorized local vocational administrator.
- b. Renewed adult supplementary license. The commissioner of education shall issue a renewed adult supplementary license to an applicant:

- (1) recommended for renewed adult supplementary license by the authorized local vocational administrator, and
- (2) professionally and technically qualified through completion of upgrading activities recommended by the authorized local vocational official to maintain currency in the specific occupational area taught.
  - 3. Adult supplementary license validity.
- a. Annual hour limitation. Adult supplementary instructors shall not teach on an adult supplementary license in excess of 500 hours annually.
- b. Initial entrance and renewed adult supplementary license. An initial entrance or a renewed adult supplementary license is valid for five years.

# 5 MCAR § 1.0792 Special needs vocational instructional and supportive personnel.

- A. Qualification for licensure. An applicant shall meet the requirements in the special needs licensure chart set forth in 5 MCAR § 1.0798 and the general provisions and procedure for licensure of instructional and supportive personnel.
  - B. Personnel who shall be licensed.
- 1. Support service manager. Any person holding a position as a support service manager shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. operating under the direct supervision of the authorized local vocational administrator or special needs supervisor,
  - b. identifying students with special vocational needs,
- c. serving as an advocate for the student with special vocational needs in the following manner by:
  - (1) ascertaining the student's vocational special needs;
- (2) facilitating the entrance of students with special vocational needs into appropriate vocational programs;
  - (3) monitoring such student's progress; and
- (4) mobilizing the necessary supportive services required by such students.

- d. providing the necessary supportive service to students with special vocational needs in areas deemed appropriate,
- e. working with the regular vocational instructor in modifying the curriculum to meet the needs of the student with a special vocational need, in the absence of a supervisor of special needs,
- f. serving as a liaison between the student's support personnel and the student's instructor, and
- g. participating on an advisory committee related to the special needs program(s) managed.
- 2. Vocational evaluator. Any person holding a position as a vocational evaluator shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. providing prevocational and vocational assessment to identify each student's vocational training potential and identify vocational training choices or alternatives for the student.
- b. identifying the appropriate supportive services that the student may require and which are provided through the AVTI or other agency,
- c. assisting the student in understanding his/her interests and capabilities,
- d. serving as a liaison between the student and other personnel such as supportive service personnel or instructors.
  - e. providing follow-up necessary to assure proper placement, and
- f. participating on an advisory committee related to the special needs program(s) evaluated.
- 3. Instructor-coordinator for work experience program. Any person holding a position as an instructor-coordinator for work experience programs shall be licensed pursuant to these rules when responsible for any of the following activities:
  - a. conducting employability seminars,
- b. arranging for student placement in preselected jobs and coordinating such students through site visits,
- c. developing a training agreement and plan with the student and the employer agreed to by the parent,
- d. providing instruction in safety on the job prior to or concurrent with the student's preselected job.

- e. providing a minimum of skill instruction prior to or concurrent with the student's preselected job,
- f. providing the department of education with evidence necessary to assure that the special needs program operation is in compliance with relevant state and federal labor law rules and regulations,
- g. coordinating the special needs student's activities in regular courses in which the student is enrolled and serving as an advocate for the student.
- h. providing opportunities for students to participate in student organization activities, and
- i. participating on an advisory committee related to the special needs program(s) instructed and/or coordinated.
- 4. Post-secondary remedial related math instructor. Any person holding a position as a post-secondary remedial related math instructor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. ascertaining student competency in math skills by administering tests designed to indicate the level at which the student is presently functioning. Such tests shall relate to the math skills required to successfully complete the vocational program in which the student is enrolled,
- b. designing individualized math programs for students when such student's math competency test results indicate the need. Such programs shall be designed to achieve the math competency level required for the successful completion of the vocational training program in which the student is enrolled,
- c. providing individualized remedial instruction in math utilizing the math program developed for each student identified to have a special need for such, and
- d. participating on an advisory committee related to the special needs program(s) instructed.
- 5. Post-secondary remedial related reading instructor. Any person holding a position as a post-secondary remedial related reading instructor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. ascertaining student competency in reading skills by administering tests designed to indicate the level at which the student is presently functioning,
  - b. designing individualized reading programs for students when such

student's reading competency test results indicate the need. Such programs shall be designed to achieve the reading competency level required for the successful completion of the vocational training program in which the student is enrolled,

- c. providing individualized remedial instruction in reading, communication, and study skills, utilizing the reading program developed for each student identified to have a special need for such, and
- d. participating on an advisory committee related to the special needs program(s) instructed.
- 6. Bilingual/bicultural remedial related reading instructor. Any person holding a position as a bilingual/bicultural remedial related reading instructor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. ascertaining the competency in reading and communication skills of limited English-speaking students by administering tests designed to indicate the levels at which the student is presently functioning,
- b. designing individualized reading and/or communication programs for students when such student's competency test results indicate the need,
- c. providing individualized remedial instruction in reading and/or communication skills utilizing the reading and/or communication program developed for each student identified to have a special need for such, and
- d. participating on an advisory committee related to the special needs program(s) instructed.
- 7. Bilingual/bicultural remedial related math instructor. Any person holding a position as a bilingual/bicultural remedial related math instructor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. ascertaining the competency in math skills of limited English speaking students by administering tests designed to indicate the level at which the student is presently functioning,
- b. designing individualized math programs for students when such student's competency test results indicate the need,
- c. providing individualized remedial instruction in math utilizing the math program developed for each student identified to have a special need for such, and
- d. participating on an advisory committee related to the special needs program(s) instructed.

- 8. Vocational advisor. Any person holding a position as a vocational advisor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. recruiting minority students for enrollment into vocational training programs,
- b. serving as an advocate for minority students enrolled in a vocational training program through counseling, appropriate support service if necessary, and any other service needed for the students to succeed in their vocational training programs, and
- c. participating on an advisory committee related to the special needs program(s) advised.
- 9. Supplemental support staff-technical tutor. Any person holding a position as a supplemental support staff-technical tutor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. providing direct service to the student, under the supervision of a vocationally licensed person, in one of the following ways:
- (1) providing technical tutoring in a specific vocational skills training program;
- (2) providing instruction in related math, reading, or communication skills needed for a specific skills training program; and
- (3) ascertaining the competency level of students by administering tests so that supportive help may be supplied when the competency test results indicate the need.
- b. participating on an advisory committee related to the special needs program(s) in which he/she is a support staff member and/or tutor.
- 10. Interpreter for the deaf. Any person holding a position as an interpreter for the deaf shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. serving as an advocate for the hearing impaired student enrolled in a vocational training program,
- b. interpreting verbal communication to the hearing impaired student enrolled in a vocational training program,
- c. providing reverse interpreter services to the hearing impaired student, and
- d. participating on an advisory committee related to the special needs program(s) in which he/she is an interpreter.

- 11. Occupational English as a second language instructor. Any person holding a position as an occupational English as a second language instructor shall be licensed pursuant to these rules when responsible for any of the following activities:
- a. ascertaining the competency in English of learners whose first language is not English by administering diagnostic and/or placement tests,
- b. designing a curriculum which relates English listening, speaking, reading, and writing skills development to the vocational skills development of the learner,
- c. providing instruction which enables the learner whose first language is not English to enroll in and succeed in vocational training programs, and
- d. participating on an advisory committee related to the special needs program(s) instructed.
  - C. Special needs provisional license.
- 1. Authorizing signature. Applications for the special needs provisional license shall be signed by the authorized local vocational administrator.
- 2. Issuance. The commissioner of education shall issue a special needs provisional license to an applicant:
- a. eligible for a special needs provisional license pursuant to special needs licensure chart set forth in 5 MCAR § 1.0798, and
- b. recommended for special needs provisional licensure by the authorized local vocational administrator, and
- c. when no fully qualified, licensed individual is available for an existing position, as verified by the local vocational administrator on the request for provisional license form.
  - 3. Special needs provisional license validity.
- a. Expiration. The special needs provisional license shall expire a maximum of two years from the July 1 nearest issuance.
- b. Nonrenewable. The special needs provisional license shall be nonrenewable. Full licensure shall be accomplished prior to the expiration date set forth in C. 3. a. of this rule (above).
  - 4. Special needs provisional license course requirements.
- a. An applicant (excluding applicants for instructor-coordinator licensure) for licensure may complete the final one-third of the specialized

course requirements during the provisional licensure period when the applicant has complied with the authorizing signature, issuance, and license validity provisions set forth in C. 1.-3. of this rule (above).

b. An applicant for instructor-coordinator licensure may complete the final one-third of the specialized course requirements that are in addition to the philosophy of vocational education and coordination techniques courses during the provisional licensure period when the applicant has complied with the authorizing signature, issuance, and license validity provisions set forth in C. 1.-3. of this rule (above).

(5 MCAR 1980)

- 5 MCAR § 1.0793 Specialized vocational instructional and supportive personnel.
- A. Qualification for licensure. An applicant shall meet the requirements set forth in this rule, and the general provisions and procedure for licensure of instructional and supportive personnel except when superseded by the provisions of this rule.
  - B. Specialized instructional personnel.
- 1. Part-time preparatory instructor-resource specialist. A part-time (less than one-fourth time) preparatory instructor-resource specialist may be employed to teach a portion of a program directed by a qualified full-time instructor.
- a. Licensure requirement. Any person holding a position as a parttime preparatory instructor-resource specialist shall be licensed pursuant to this rule when responsible for performance of duties assigned by the qualified full-time instructor in charge of the class.
  - b. Licensure criteria. An applicant:
- (1) shall be professionally and technically qualified to practice in the specific occupational area to be taught,
- (2) shall have occupational experience equal to that required for a full-time instructor at the student level requested,
- (3) shall have completed six clock hours of vocational teaching techniques prior to issuance of an initial two-year entrance license, and
- (4) shall submit an application for vocational licensure which includes the recommending signature of the authorized local vocational administrator.
- c. Two-year initial entrance license renewal. The applicant shall have completed a minimum of 24 clock hours of vocational teaching techniques for renewal of the initial two-year entrance license. Upon expiration of the

two-year entrance license, successive three-year renewals shall be granted upon the recommendation of the authorized local vocational administrator.

- d. Relicensure. The applicant shall be required to maintain currency in the occupational field, as verified by the authorized local vocational administrator, in order to qualify for relicensure.
- 2. Consultants. Consultants (specialists, guest speakers, resource personnel, etc.) who are recognized authorities in the topics under consideration may be used for special assignments.
- a. Licensure requirement. Any person holding a position as a consultant shall be licensed pursuant to this rule when responsible for conducting a portion of the sessions of a class that is directed by a qualified full-time instructor.

# b. Licensure criteria.

- (1) Secondary and post-secondary programs. A consultant shall be licensed as an instructor pursuant to these rules when:
- (a) the consultant will provide services exceeding 30 clock hours per learning unit, or
- (b) the consultant will provide services exceeding 60 clock hours per year.
- (2) Adult programs. A consultant shall be licensed as an instructor pursuant to these rules to be eligible for aid payments pursuant to 5 MCAR § 1.0115 F.
  - 3. Post-secondary related subjects instructor.
- a. Licensure requirement. Any person holding a position as a postsecondary related subjects instructor shall be licensed pursuant to this rule when responsible for instructing students in foundational areas or occupational personal development areas in cooperation with instructional personnel in major occupational areas.

# b. Licensure criteria.

- (1) Foundational areas. (e.g., mathematics, science, communications) An applicant:
- (a) shall be a graduate of an accredited college with a fouryear degree, including a major in the area of licensure to be taught, or the equivalent, as verified by a teacher education institution that grants such degrees.
- (b) shall have completed 4,000 hours of occupational experience in an area other than education, and

- (c) shall meet the requirements of the post-secondary vocational teacher education sequence set forth in 5 MCAR § 1.0784.
- (2) Occupational personal development. (e.g., job seeking, interviewing, personal dynamics)

# (a) Option one-An applicant:

- (i) shall be a graduate of an accredited college with a four-year degree, including a major in the area of licensure to be taught (e.g., industrial relations, personnel management, employment counseling, business administration), or the equivalent, as verified by an institution that grants such degrees,
- (ii) shall have completed 4,000 hours of occupational experience in an area other than education, and
- (iii) shall meet the requirements of the post-secondary vocational teacher education sequence set forth in 5 MCAR § 1.0784.

# (b) Option two-An applicant:

- (i) shall have completed 8,000 hours of occupational experience in an area related to occupational personal development other than education, and
- (ii) shall meet the requirements of the post-secondary vocational teacher education sequence set forth in 5 MCAR § 1.0784.
  - 4. Support services—childhood education personnel.
    - a. Childhood education instructor.
- (1) Licensure requirement. Any person holding a position as a childhood education instructor shall be licensed pursuant to this rule when responsible for any of the following activities:
- (a) establishing and directing a learning and/or care center for children (infants through age 12) in an AVTI or an adult vocational program, or
- (b) assisting a secondary vocational teacher of child careguidance and education in the instructional program.
  - (2) Licensure criteria.
    - (a) Option one-An applicant:
- (i) shall hold a post-secondary certificate from a child development assistant training program (minimum of 1,080 hours), and

- (ii) shall have completed 1,560 hours of occupational experience as a child care assistant.
- (b) Option two—An applicant shall be a graduate of an approved college with a four-year degree, including a major related to the area of licensure appropriate for the age level to be taught.
- (c) Option three—An applicant shall comply with the competency requirements for child development associate certification.
- (3) Human relations requirement. All licensed childhood education personnel shall comply with the human relations requirement set forth in 5 MCAR § 1.0785.
- (4) Waiver. The philosophy of vocational education requirement shall be waived.

#### b. Childhood education aide.

- (1) Licensure requirement. Any person holding a position as a childhood education aide shall be licensed pursuant to this rule when responsible for any of the following activities:
- (a) assisting a preschool instructor or a vocational child care instructor in an AVTI or an adult vocational program, or
- (b) assisting a vocational child care instructor responsible for both a secondary vocational child care-guidance and education program.

#### (2) Licensure criteria.

- (a) Option one—An applicant shall have completed a high school vocational training program in child care-guidance and education.
- (b) Option two—An applicant shall have completed 1,200 hours of occupational experience in a related field.
- (3) Human relations requirement. All licensed childhood education personnel shall comply with the human relations requirement set forth in 5 MCAR § 1.0785.
- (4) Waiver. The philosophy of vocational education requirement shall be waived.

#### C. Supportive personnel.

# 1. AVTI administrative assistant.

a. Licensure requirement. Any person holding a position as an AVTI administrative assistant need not hold a license. However, should a person

choose to be licensed, such person shall be licensed pursuant to this rule when responsible for any of the following activities:

- (1) assisting and being responsible to the director in preparing new instructional program forms for preparation and review of a new program,
- (2) coordinating with the local district administration and the state department of education, division of vocational-technical education, in developing building plans, equipment, and budgeting,
- (3) assisting the director working with the local board of education,
- (4) maintaining regular communication between the business manager of either the AVTI or the district and the director,
  - (5) procedures related to inservice teacher education,
- (6) working with the assistant director or other designated local vocational administrators in the development of on-site and self-evaluation,
- (7) coordinating the activities of the clerical staff and recommending to the director employment of additional staff or adjustments in staff as deemed appropriate,
- (8) preparing a public relations program in consort with the administration of the AVTI, and
- (9) providing leadership, assisting in the delivery of information to visitors of the institute, and serving as host or hostess as required.
  - b. Licensure criteria. An applicant:
- (1) shall have completed 6,000 hours of occupational experience in one or more of the following areas:
  - (a) business;
  - (b) accounting;
  - (c) office management;
  - (d) public relations.
- (2) shall have completed five years of administrative experience in an AVTI. This AVTI administrative experience may be used to meet the requirement for 500 hours of occupational experience within the prior five years.

- (3) shall be familiar with the organization and operation of a local school district, as verified by the authorized local vocational administrator, and
- (4) shall have completed a course in philosophy of vocational education.

### 2. AVTI area program coordinator of agricultural education.

- a. Licensure requirement. Any person holding a position as an AVTI area program coordinator of agricultural education shall be licensed pursuant to this rule when responsible for any of the following activities:
  - (1) working in an assigned geographic area,
- (2) being responsible to the director in the district in which employed with coordination from the adult supervisor of agriculture education as spokesperson for the state supervisory staff of agriculture education,
- (3) coordinating adult agriculture education activities. Emphasis shall be on adult farm management education programs and veterans farm cooperative programs, including maintenance and development,
- (4) coordinating secondary and post-secondary agriculture education activities. Emphasis shall be on articulating secondary and post-secondary offerings in agriculture, and
- (5) making all reports required by the director and the state supervisor of adult agriculture education as spokesperson for the state supervisory staff of agriculture education.

# b. Licensure criteria. An applicant:

- (1) shall meet the licensure requirements for an adult teacher of vocational agricultural education, as specified in the licensure chart set forth in 5 MCAR § 1.0798, and
- (2) shall have completed three years of experience as a teacher of vocational agriculture.
  - 3. Post-secondary instructional resources specialist.
- a. Licensure requirement. Any person holding a position as a postsecondary instructional resources specialist need not hold a license. However, should a person choose to be licensed, such person shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) organizing, supervising, and maintaining the resource center within the AVTI,

- (2) establishing scheduling procedures for resource materials and equipment,
- (3) determining the resource materials and equipment needed for the AVTI and preparing a resource budget with the help of the director or assistant director,
- (4) maintaining an inventory of all instructional resource items within the AVTI.
- (5) keeping records and making reports on the use of materials and equipment and recommending needs to the director or assistant director,
- (6) supervising the general operation of the instructional resources program within the AVTI,
- (7) conducting inservice training for personnel on the use of materials and equipment and assisting in curriculum planning,
- (8) producing and supervising production of teaching and public relations materials that can be made within the school (e.g., tapes, transparencies, slides, 8-millimeter sound films, graphic arts materials, models, mockups, and any other materials specified as necessary by instructors), and
- (9) supervising the maintenance of resource materials and equipment within the AVTI.

#### b. Licensure criteria.

#### (1) Option one—An applicant:

- (a) shall be a graduate of an accredited college with a fouryear degree, including a major in library science, in instructional media, or in audio-visual,
- (b) shall have completed a course in philosophy of vocational education.
- (c) shall have completed 4,000 hours of occupational experience outside of education.

#### (2) Option two—An applicant:

- (a) shall have completed a graduate program for state licensure in library science, in instructional media, or in audio-visual,
- (b) shall have completed a course in philosophy of vocational education, and
- (c) shall have completed 4,000 hours of occupational experience outside of education.

c. Substitution. Librarian experience related to vocational-technical areas to be served may be substituted for the occupational experience outside of education.

## 4. Vocational program counselor.

- a. Licensure requirement. Any person holding a position as a vocational program counselor shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) providing individual and group counseling assistance to students and prospective students to help them with their personal development including self-evaluation, vocational decision-making, and life planning,
- (2) providing services which promote vocational development, assisting students to see the relationship between their goals and various courses or training opportunities which they are taking or may be considering.
- (3) assisting students during periods of education or vocational transitions through counseling and orientation procedures and educational placement, and
- (4) providing consultative services to help teachers and administrators understand the developmental needs and to determine the potential of individual students or groups of students.

# b. Licensure criteria. An applicant:

- (1) shall be a graduate of an accredited college with a master's degree in a program of counselor education or the equivalent, as verified by the institution that grants such degrees,
- (2) shall have demonstrated competencies in individual and group counseling, career development, consultation skills, assessment skills, research and evaluation, and human relations, as verified by the preparing institution.
- (3) shall have completed a course in philosophy of vocational education, and
- (4) shall have completed 4,000 hours of occupational experience outside of education or teaching.
- c. Secondary vocational program counselors. In addition to the requirements set forth in C. 4. b. (1)-(4) of this rule (above), secondary vocational program counselors shall also hold licensure as a secondary school counselor from the appropriate licensing board.

## 5. Student personnel services specialist.

- a. Licensure requirement. Any person holding a position as a student personnel services specialist shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) providing services assisting students to successfully move into and out of an AVTI or center, and make progress while so enrolled,
- (2) providing services to students and parents relative to the area(s) of occupational and educational information, appraisal, orientation, housing, financial aids, student activities, or student accounting, and
- (3) working cooperatively with other staff in duties related to student personnel services.

#### b. Licensure criteria.

(1) Option one—An applicant shall meet the criteria of a vocational program counselor set forth in C. 4. b. (1)-(4) of this rule (above).

## (2) Option two-An applicant:

- (a) shall be a graduate of an accredited college with a fouryear degree, including a major in an area related to personnel services (e.g., industrial relations, employment counseling, personnel management), or the equivalent, as verified by an institution that grants such degrees,
- (b) shall have completed 6,000 hours of occupational experience, with at least 2,000 hours in personnel services in a post-secondary educational institution or in industry or agencies, and
- (c) shall have completed a course in philosophy of vocational education.

#### 6. Secondary placement specialist.

- a. Licensure requirement. Any person holding a position as a secondary placement specialist shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) providing job-placement services to a district or a group of districts. Job-placement services:
- (a) include the procedures, practices, and activities that assist identified students in securing employment. Emphasis shall be on securing full-time employment for the student,
- (b) involve cooperation among the total community, parents, students, and education agencies, and
- (c) require consultation and coordination with school pupil personnel services and community services.

- (2) providing job development, employer contact, and job-seeking skills,
- (3) establishing adequate files pertaining to employer, student, and follow-up data,
- (4) promoting job openings and maintaining strong rapport with employers who hire identified students, and
- (5) providing an organized program of job procurement skills to the student population.
  - b. Licensure criteria, An applicant:
- (1) shall be a graduate of an accredited college with a four-year degree,
- (2) shall have completed a course in coordination techniques, and
- (3) shall have completed 4,000 hours of occupational experience, with 2,000 hours (at least 500 hours in the prior five years) in one of the following areas:
- (a) personnel management (i.e., job development, employer contact, and job placement) while employed by a government agency, by a private agency, in an industrial setting, or in an educational institution; or
- (b) job placement services while employed by a government agency, by a private agency, or in an industrial setting.
- c. First five-year sequence. The applicant shall complete a course in philosophy of vocational education prior to renewal of the two-year entrance license.

#### 7. AVTI student financial aids officer.

- a. Licensure requirement. Any person holding a position as an AVTI student financial aids officer need not hold a license. However, should a person choose to be licensed, such person shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) developing and administering the student financial aid program at an AVTI,
- (2) establishing uniform standards and procedures for the awarding of student financial aids to eligible recipients in accordance with state and federal rules and regulations governing the administration of student financial aid programs,

- (3) timely completion of the annual institutional application for federal student aid funds and for all periodic reports to federal and state agencies which grant such funds to students,
- (4) coordinating financial assistance to be paid to financial aid recipients from all agencies of the federal, state, and local government, and
- (5) serving as a resource person to the student personnel services administrator in providing ancillary services and assistance to needy and disadvantaged students.

## b. Licensure criteria. An applicant:

- (1) shall be a graduate of an accredited college with a four-year or graduate degree,
- (2) shall have completed a course in philosophy of vocational education,
- (3) shall have completed 2,000 hours of occupational experience outside of education or teaching, and
- (4) shall have completed three years of administrative and/or supervisory experience in the management of student financial aids or related programs for the disadvantaged student.
  - 8. Curriculum and personnel development specialist.
- a. Licensure requirement. Any person holding a position as a curriculum and personnel development specialist need not be licensed. However, should a person choose to be licensed, such person shall be licensed pursuant to this rule when responsible for any of the following activities:
  - (1) providing institutional orientation for new staff members,
- (2) advising staff of initial and continuing vocational licensure and relicensure requirements.
- (3) counseling and assisting professional staff in carrying out their educational responsibilities,
- (4) identifying needs and goals of the individual, and the institution which influence the tasks to be mastered by an instructor or other vocational personnel, and
- (5) identifying the needs for revision and assisting in the development of curriculum which instructors may use when carrying out their educational responsibilities.

## b. Licensure criteria. An applicant:

- (1) shall be a graduate of an accredited college with a master's degree in education,
- (2) shall have completed three years of teaching experience on a vocational license in at least one of the vocational areas related to the educational responsibilities.
- (3) shall have completed sufficient occupational experience to be licensed as a vocational teacher at the secondary or post-secondary level, and
- (4) shall have completed a course in philosophy of vocational education.
  - 9. Post-secondary health-safety specialist.
- a. Licensure requirement. A person holding a position as a health-safety specialist need not be licensed. However, should a person choose to be licensed, such person shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) coordinating ongoing emergency health and first aid care to all students and employees,
- (2) being a permanent member of the AVTI safety committee, participating in safety committee meetings and safety inspections,
- (3) providing services in emotional and physical health care, maintenance, and rehabilitation to all students and employees, including referral to the appropriate agencies (e.g., special needs, chemical dependency, and the handicapped),
- (4) coordinating health screening, immunization, and preventive health awareness programs,
- (5) coordinating or assisting with the implementation of ongoing emergency and disaster procedures and participating in the planning and administration of safety practices,
- (6) coordinating ongoing student and employee safety programs (e.g., eye safety, hearing conservation, proper lifting techniques, office safety, OSHA awareness, and first aid instruction for students and employees),
- (7) coordinating activities with the appropriate state and local agencies (e.g., OSHA, department of labor/industry, vocational rehabilitation, department of health),
- (8) maintaining current knowledge of safety, health, and social agency activity in the community, and
- (9) coordinating student health insurance programs and confidential health records.

- b. Licensure criteria.
  - (1) Option one-An applicant:
- (a) shall be a registered nurse, licensed pursuant to Minn. Stat. § 148.211 to practice in Minnesota,
- (b) shall have completed 6,000 hours of nursing experience, with at least 500 hours of nursing experience within the last five years in one of the following areas:
  - (i) industry;
  - (ii) emergency-ICU-CCU-nursing;
  - (iii) school nursing; or
  - (iv) public health agency.
- (c) shall have certification in cardio-pulmonary resuscitation, as granted by the American Heart Association or American Red Cross, and
- (d) shall have certification in either standard first aid or multi-media first aid, as granted by the American Heart Association or American Red Cross.
  - (2) Option two-An applicant:
- (a) shall be a graduate of an accredited college with a four-year degree,
- (b) shall be a registered nurse, licensed pursuant to Minn. Stat. § 148.211 to practice in Minnesota,
- (c) shall have completed 4,000 hours of nursing experience with at least 500 hours of nursing experience within the last five years in one of the following areas:
  - (i) industry;
  - (ii) emergency-ICU-CCU-nursing;
  - (iii) school nursing; or
  - (iv) public health agency.
- (d) shall have certification in cardio-pulmonary resuscitation, as granted by the American Heart Association or American Red Cross, and

- (e) shall have certification in either standard first aid or multi-media first aid, as granted by the American Heart Association or American Red Cross.
- (3) Option three—An applicant shall be certified as an occupational health nurse by the national board of occupational health nurses.
  - c. Five-year licensure requirements.
- (1) Initial two-year entrance license renewal. The applicant shall complete the following requirements prior to renewal of the initial two-year entrance license. The applicant:
- (a) shall complete courses in human relations and philosophy of vocational education,
- (b) shall hold cardio-pulmonary resuscitation certification, as granted by the American Heart Association and American Red Cross,
- (c) shall hold standard first aid or multi-media first aid certification as granted by the American Heart Association and American Red Cross. Advanced first aid or emergency medical training may be substituted, and
- (d) shall complete 12 clock hours of instruction or experience in safety with the Minnesota safety council or an equivalent agency preapproved by the Minnesota safety council.
- (2) Subsequent one-year renewal. A subsequent one-year renewal shall be available to allow the applicant to complete an additional three credits in one of the following areas:
  - (a) chemical dependency;
  - (b) special needs; or
- (c) courses pertinent to the health services in the specific vocational institute, as approved by the authorized local vocational administrator.
- (3) Five-year licensure. The applicant shall complete all criteria set forth in C. 9. c. (1) and (2) of this rule (above), prior to approval of five-year licensure.
  - 10. Post-secondary health-safety assistant.
- a. Licensure requirement. Any person holding a position as a health-safety assistant need not be licensed. However, should a person choose to be licensed, such person shall be licensed pursuant to this rule when responsible for any of the duties prescribed by the health-safety specialist.

#### b. Licensure criteria.

# (1) Option one—An applicant:

- (a) shall be a practical nurse, licensed pursuant to Minn. Stat. § 148.291 to practice in Minnesota,
- (b) shall have completed 4,000 hours of nursing experience, with at least 500 hours of nursing experience within the last five years in one of the following areas:
  - (i) industrial safety;
  - (ii) emergency-ICU-CCU-nursing;
  - (iii) school nursing; or
  - (iv) public health agency.
- (c) shall have certification in cardio-pulmonary resuscitation, as granted by the American Heart Association or American Red Cross, and
- (d) shall have certification in either standard first aid or multi-media first aid, as granted by the American Heart Association or American Red Cross.

## (2) Option two-An applicant:

- (a) shall be a graduate of an accredited college with a degree (associate or baccalaureate level) in industrial-safety,
- (b) shall have completed 2000 hours of occupational experience in an industrial safety environment. Experience as a safety inspector or plant safety inspector shall satisfy the experience requirement.
- (c) shall have certification in cardio-pulmonary resuscitation, as granted by the American Heart Association or American Red Cross, and
- (d) shall have certification in either standard first aid or multi-media first aid, as granted by the American Heart Association or American Red Cross.
- (3) Option three—An applicant may meet any one of the options of a health safety specialist set forth in C. 9. b. (1)-(3) of this rule (above).
- c. Five-year licensure requirements. The applicant shall meet all requirements set forth in C. 9. c. (1)-(3) of this rule (above).

  (5 MCAR 1980)

# 5 MCAR § 1.0794 Procedure for licensure of vocational administrative and supervisory personnel.

- A. Qualification for licensure. An applicant shall meet the educational component and the occupational experience requirements stated in these rules for each area of licensure sought.
- B. Licensure procedure. Licensure shall be pursuant to the general provisions and procedure for licensure of instructional personnel, except when superseded by the provisions of this rule.

## 1. Initial entrance vocational license.

- a. Authorizing signature. Initial entrance licensure applications may be processed without an authorizing signature.
- b. Issuance. An applicant who meets the requirements of one of the initial entrance license options set forth in B. 1. c. of this rule (below), shall be issued an initial two-year entrance vocational license.

## c. Initial entrance license options:

- (1) Option one—An applicant who meets the educational component and the occupational experience licensure requirements for the specific administrative or supervisory personnel position sought, as set forth in these rules, shall be issued an entrance license.
- (2) Option two—An applicant who does not meet the educational component and/or the occupational experience licensure requirements for the specific administrative or supervisory personnel position sought may petition the commissioner of education in writing for a qualifications reevaluation through committee review as set forth in 5 MCAR § 1.0788.

## 2. Initial regular five-year vocational license.

- a. Authorizing signature. Applications for the initial regular fiveyear vocational license shall be signed by the local supervising vocational administrator. Secondary and post-secondary directors shall obtain the signature of the supervising superintendent.
- b. Issuance. An applicant who meets the requirements of one of the initial regular five-year vocational license options set forth in B. 2. c. of these rules (below), shall be issued an initial regular five-year vocational license.

## c. Initial regular five-year vocational license options:

(1) Option one—An entrance license holder who meets the educational component and the occupational experience requirements for the specific administrative or supervisory personnel position sought and who subsequently completes relevant upgrading activities shall be issued a regular five-

year vocational license upon the expiration of such initial entrance license. The number of hours and the content of relevant upgrading activities shall be determined by the local vocational administrator, subject to review by the commissioner of education.

- (2) Option two—An entrance license holder who meets the educational component and/or the occupational experience requirements for the specific administrative or supervisory personnel position sought through committee review, as set forth in 5 MCAR § 1.0788, and who subsequently completes relevant upgrading activities shall be issued a regular five-year vocational license upon the expiration of such initial entrance license. The number of hours and the content of relevant upgrading activities shall be determined by the local vocational administrator, subject to review by the commissioner of education.
- 3. Renewed regular five-year vocational license. A regular five-year vocational license holder who completes the continuing education requirements for relicensure set forth in 5 MCAR § 1.0795 shall be issued a renewed regular five-year vocational license.

(5 MCAR 1980)

- 5 MCAR § 1.0795 Continuing education requirements for relicensure of vocational administrative and supervisory personnel.
  - A. Renewed five-year vocational license.
- 1. Issuance. Vocational administrative and supervisory staff holding a valid regular five-year vocational license shall be issued a renewed regular five-year vocational license when the following requirements have been met during the five-year period immediately preceding the date on which the requested renewal is to be made effective.
- a. An applicant has completed 115 clock hours of approved administrative or supervisory vocational continuing education activity and evidence of completion is provided to the commissioner of education.
- b. An applicant has completed 85 additional hours of individual professional development activity related to vocational school administration or supervision and a record of completion is provided to the central office of the employing school district or agency.
- c. In the first six years following the effective date of this chapter, clock hours of approved vocational administrative or supervisory continuing education and clock hours of individual professional development activity shall be required as follows:
- (1) To renew licenses expiring June 30, 1980, an applicant shall complete 108 clock hours of upgrading activities related to administration. The clock hours shall be preapproved and verified by the local supervising vocational administrator.

- (2) To renew licenses expiring June 30, 1981, an applicant shall complete 108 total clock hours of relevant upgrading activities with 10 clock hours of approved vocational administrative or supervisory continuing education and 98 clock hours of individual professional development activity.
- (3) To renew licenses expiring June 30, 1982, an applicant shall complete 125 total clock hours of relevant upgrading activities with 35 clock hours of approved administrative or supervisory continuing education and 90 clock hours of individual professional development activity.
- (4) To renew licenses expiring June 30, 1983, an applicant shall complete 150 total clock hours of relevant upgrading activities with 60 clock hours of approved administrative or supervisory continuing education and 90 clock hours of individual professional development activity.
- (5) To renew licenses expiring June 30, 1984, an applicant shall complete 175 total clock hours of relevant upgrading activities with 85 clock hours approved administrative or supervisory continuing education and 90 clock hours of individual professional development activity.
- (6) To renew licenses expiring June 30, 1985, and thereafter, an applicant shall complete 200 total clock hours of relevant upgrading activities with 115 clock hours of approved administrative or supervisory continuing education and 85 hours of individual professional development activity.
- 2. Applications for renewal. Applications for renewal shall be accepted by the department of education after January 1 of the year of expiration; provided, however, that the renewal period shall commence on the expiration date (July 1).
- a. Excess hours. An applicant for renewal who earns approved clock hours in excess of the number required for renewal in this rule may not apply any excess hours to future renewals.
- b. Renewal cycles. Clock hours used to meet renewal requirements for one five-year renewal cycle may not be applied toward future five-year renewal cycles.
  - B. Reactivation of lapsed regular five-year vocational license.
- 1. Regular five-year continuing license. A five-year continuing license shall be granted if an applicant can provide evidence that 115 clock hours of approved administrative or supervisory continuing education activity and 85 hours of individual professional development activity have been completed during the five-year period immediately preceding the application for a five-year continuing license.
- 2. Two-year nonrenewable continuing license. A two-year nonrenewable continuing license shall be granted if an applicant can provide evidence that a position has been offered contingent upon holding a valid license, and

can demonstrate that there is insufficient time to complete 115 clock hours of approved administrative or supervisory continuing education activity and 85 hours of individual professional development activity as set forth in A. 1. a. and b. of this rule (above). Upon expiration of the two-year, nonrenewable continuing license, an applicant shall qualify for a regular five-year continuing license in accordance with requirements set forth in B. 1. of this rule.

(5 MCAR 1980)

- 5 MCAR § 1.0796 Continuing education programs for relicensure of vocational administrative and supervisory personnel.
- A. Approval by the state board for vocational education. The initiator of any vocational administrative or supervisory continuing education program for relicensure of directors and supervisors shall obtain approval from the state board for vocational education for the program and the clock hours to be earned in such program.
- 1. Preapproval. The initiator of the vocational administrative or supervisory continuing education program shall secure approval of the program before participants may be registered.
- 2. Term of approval. Vocational administrative or supervisory continuing education programs may be approved for a period up to, but not exceeding, two years.

#### B. Approval procedure.

- 1. Vocational administrative or supervisory continuing education program proposals. The initiator of any vocational administrative or supervisory continuing education program shall forward a proposal of the program to the commissioner of education for review by the state board for vocational education.
  - a. Program proposal requirements.
- (1) Clock hours. Each vocational administrative or supervisory continuing education program shall consist of at least three clock hours.
- (2) Contents. Each vocational administrative or supervisory continuing education program proposal shall contain the following information:
- (a) a description of planning activities including a list of names, addresses, and positions of those involved in planning,
- (b) a description of the client group, or groups, for whom the program is designed,
- (c) a statement of program goals which relates goals to client needs,

- (d) a statement concerning any prerequisite education or experience required for admission to the program,
- (e) a description of the proposed vocational administrative or supervisory continuing education program which includes:
  - (i) a statement of expected learning outcomes;
- (ii) a description of program components designed to develop specified learning outcomes; and
- (iii) the means by which achievement of specified learning outcomes will be determined for each program participant.
- (f) statements indicating the number of clock hours requested for the proposed program, length of time for which approval is being requested, and the number of times that the program is proposed to be offered during the approval period, and
- (g) evidence that qualified staff have been assigned to the program and that other resources necessary to the program have been allocated.
- b. Program approval. A vocational administrative or supervisory continuing education program shall be approved by the state board for vocational education if it meets the requirements set forth in B. 1. a. (2) (a)-(g) of this rule (above).
- C. Vocational administrative or supervisory continuing education program initiator.
- 1. Responsibilities. The program initiator shall be responsible for the following duties:
- a. developing proposals for vocational administrative or supervisory continuing education programs in areas of study which have been identified, in cooperation with licensed vocational administrators and supervisors practicing in Minnesota school districts,
- b. forwarding vocational administrative or supervisory continuing education program proposals to the commissioner of education for review by the state board for vocational education.
- c. conducting the vocational administrative or supervisory continuing education program,
- d. maintaining communication with the commissioner of education concerning the status of all approved vocational administrative or supervisory continuing education programs offered, and

- e. providing each participant with an attendance certificate indicating the number of clock hours earned.
- 2. Resources. The indicator of a vocational administrative or supervisory continuing education program may use resources from professional associations, governmental agencies, and the private business sector in conducting the program.
- D. Requirements for admission to approved vocational administrative or supervisory continuing education programs. Admission to all approved vocational administrative or supervisory continuing education programs shall be open to any licensed Minnesota vocational administrator or supervisor who meets the educational and experience requirements for admission as provided for in the particular continuing education program.
- E. Dissemination. The department of education shall disseminate lists of known approved vocational administrative and supervisory continuing education programs twice annually.

(5 MCAR 1980)

# 5 MCAR § 1.0797 Vocational administrative and supervisory personnel.

- A. Qualification for licensure. An applicant shall meet the requirements set forth in this rule and the general provisions and procedure for licensure of instructional and supportive personnel, except when superseded by the provisions of this rule.
- B. Personnel who shall be licensed. A person holding a position as a vocational director or vocational supervisor shall be licensed pursuant to C. 1.-5. of this rule (below) when the director or supervisor:
- 1. devotes more than 50 percent of assigned time to administrative or supervisory duties which require the use of independent judgment,
- 2. has the responsibility of directing other employees or adjusting their grievances on behalf of the employer, and
- 3. if so assigned by the vocational administrator, has the authority to recommend the hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other employees on behalf of the employer.
- C. Licenses required. Vocational directors and vocational supervisors falling within the provisions of B. 1.-3. of this rule (above) shall be licensed as follows:
- 1. Directors of vocational-technical education in districts operating an AVTI shall hold Minnesota vocational licenses as directors of vocational-technical education in districts operating an AVTI.
  - 2. Assistant directors of vocational-technical education in districts

operating an AVTI shall hold Minnesota vocational licenses as assistant directors of vocational-technical education in districts operating an AVTI or as directors of vocational-technical education in districts operating an AVTI.

- 3. Secondary local vocational program directors shall hold Minnesota vocational licenses as local vocational program directors.
- 4. Adult vocational education directors shall hold Minnesota vocational licenses as directors of adult vocational education.
- 5. Supervisors and nonteaching coordinators or managers shall hold Minnesota vocational licenses as supervisors of the program area or personnel services area to which assigned.

## D. Administrative personnel.

- 1. Director of vocational-technical education in districts operating an AVTI. A district designated and approved by the state board for vocational education to operate an AVTI shall employ a director.
- a. Licensure requirement. Any person holding a position as a director of vocational-technical education in districts operating an AVTI shall be licensed pursuant to this rule when responsible for any of the following activities:
  - (1) post-secondary and adult vocational education,
- (2) recruiting teachers, coordinators, and supervisors and recommending to the superintendent the appointment of all personnel under such director's supervision,
  - (3) vocational-technical programming at all levels in the district,
- (4) preparing plans for new programs, expansion, buildings, facilities, equipment, and budget,
- (5) providing for the effective articulation of all levels of programming within the district and as feasible in the service area,
- (6) preparing brochures for general distribution, visiting surrounding high schools, and conferring with school superintendents, principals, counselors, and prospective students,
- (7) providing preservice and inservice teacher training, assisting teachers in preparing a course of study and planned lessons, and providing instructional supervision of students in the building,
- (8) requisitioning and recommending the purchase of equipment, supplies, instructional materials, and other needed items for the effective operation of the vocational program,

- (9) preparing vocational reports (financial, statistical, and descriptive) required by the local board of education, the superintendent, the state director, and the state board for vocational education,
- (10) promoting good public relations through publications, speeches, news media, and the use of advisory committees, and
- (11) periodically reviewing the effectiveness of the program by analyzing job placement, follow-up of students on the job, and consultation with industries that are employing the students.
  - b. Licensure criteria. An applicant:
- (1) shall be a graduate of an accredited college, with a degree (baccalaureate or graduate level), including a major in one of the vocational services (agriculture, business and office, health, home economics and service, marketing and distribution, technical, trade and industrial) or the equivalent, or in vocational guidance and counseling. This degree shall include or shall have added to it:
  - (a) a course in philosophy of vocational education; and
  - (b) nine quarter credits in courses such as:
    - (i) administration,
    - (ii) conference leading,
    - (iii) coordination,
    - (iv) management,
    - (v) supervision.
- (2) shall have completed one year of supervisory of administrative experience in business, industry, or education,
- (3) shall have completed 6,000 hours of occupational experience outside of education or teaching,
- (4) shall have completed five years of experience in one or more of the following capacities:
  - (a) vocational teaching;
  - (b) vocational supervision;
  - (c) vocational administration;
- (d) licensed vocational counseling in a Minnesota post-secondary AVTI;

- (e) licensed vocational related subjects instruction in a Minnesota post-secondary AVTI.
- c. The director may also serve as a secondary vocational director if no vocational administrator is employed by the district, either alone or with a cooperative center, for secondary vocational education. This responsibility may be reassigned to insure that there will be a vocational administrator responsible for secondary vocational education.
- 2. Assistant director of vocational-technical education in districts operating an AVTI.
- a. Licensure requirement. Any person holding a position as an assistant director of vocational-technical education in districts operating an AVTI shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) assisting the director in the performance of those responsibilities set forth in D. 1. a. (1)-(11) of this rule (above),
- (2) vocational-technical programming at assigned levels in the district,
- (3) performing additional duties assigned by local school district, and
- (4) providing general leadership for the service area of the AVTI and coordinating such leadership with surrounding districts in keeping with the overall state plan for developing vocational-technical education in the state.
  - b. Licensure criteria. An applicant:
- (1) shall be a graduate of an accredited college, with a degree (baccalaureate or graduate level), including a major in one of the vocational services (agriculture, business and office, health, home economics and service, marketing and distribution, technical, trade and industrial) or the equivalent, or in vocational guidance and counseling. This degree shall include or shall have added to it:
  - (a) a course in philosophy of vocational education; and
  - (b) nine quarter credits in courses such as:
    - (i) administration,
    - (ii) conference leading,
    - (iii) coordination,

- (iv) management,
- (v) supervision.
- (2) shall have 6,000 hours of occupational experience outside of education or teaching,
- (3) shall have two years of experience in one or more of the following capacities:
  - (a) vocational teaching;
  - (b) vocational supervision;
  - (c) vocational administration;
- (d) licensed vocational counseling in a Minnesota post-secondary AVTI;
- (e) licensed vocational related subjects instruction in a Minnesota post-secondary AVTI.
- 3. Secondary local vocational program director. A local vocational director may be employed by a school district or a combination of school districts to administer and supervise vocational programs and courses in grades kindergarten through 12 and adult vocational education.
- a. Licensure requirement. Any person holding a position of a secondary local vocational program director shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) serving in one of three possible administrative structures as follows:
- (a) an established or developing state board for vocational education approved center;
- (b) an intermediate district as an administrative coordinator for secondary programs;
- (c) a single school district or a combination of school districts.
- (2) providing leadership for local planning in vocational education (e.g., public and community relations, program planning and development, budgeting, procurement, staffing, evaluation, accountability, teacher education, communications, career education, guidance, placement and follow-up), and
  - (3) all vocational programs and personnel reimbursed from fed-

eral and state vocational funds except for post-secondary and adult vocational programs assigned to other licensed vocational administrators.

#### b. Licensure criteria. An applicant:

- (1) shall be a graduate of an accredited college, with a degree (baccalaureate or graduate level), including a major in one of the vocational services (agriculture, business and office, health, home economics and service, marketing and distribution, technical, trade and industrial) or the equivalent,
- (2) shall have completed a course in philosophy of vocational education,
- (3) shall qualify for a vocational license in one of the vocational administrative or service areas pursuant to these rules, and
- (4) shall have completed 6,000 hours of occupational experience in a variety of occupations outside of education or teaching.

#### c. Initial license.

(1) Requirements. An applicant who has met the requirements of D. 3. b. (1)-(4) of this rule (above) shall be granted an initial license after demonstrating proficiency in four competency areas, including Minnesota educational system.

#### (a) Competency areas:

- (i) school finance,
- (ii) public relations,
- (iii) communications,
- (iv) school law,
- (v) leadership and personnel management,
- (vi) program planning and development,
- (vii) Minnesota educational system.

## (b) Demonstration of proficiency.

(i) Minnesota educational system. The applicant shall demonstrate proficiency in competency seven, Minnesota educational system, by submitting verification of three years of experience in vocational education in Minnesota in one or more of the following vocational education capacities:

- (aa) vocational teaching,
- (bb) vocational supervision,
- (cc) vocational administration.

Two of those three years shall have been spent in teaching, licensed as a vocational instructor or as a vocational post-secondary related subjects instructor.

- (ii) Other competency areas. The applicant shall demonstrate proficiency in each of the other competency areas by satisfying one of the following criteria:
- (aa) successful practical experience in the appropriate competency area within a public or private educational system, as verified by the employer,
  - (bb) successful practical experience in the appropriate competency area within a noneducational setting, as verified by the employer,
  - (cc) successful completion of a workshop in the appropriate competency area, as approved by the division of vocational-technical education, or
  - (dd) successful completion of a college course or courses in the appropriate competency area.
  - (2) Applicants with experience in other states. An applicant whose educational experience is not in a Minnesota educational system shall also complete a workshop or course approved by the commissioner of education and designed to orient the applicant in the Minnesota educational system prior to initial licensure.
  - (a) Determination of workshop or course content. The content of the required workshop or course shall be determined based upon the following factors:
  - (i) the applicant's familiarity with educational administration in Minnesota, and
  - (ii) the applicant's background relative to previous work experience and training.
  - (b) Workshop or course content. The state manager of secondary vocational education shall structure and direct a workshop designed to meet the individual needs of the applicant and addressing the following areas:
    - (i) vocational funding,

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tion.

- (ii) secondary education funding,
- (iii) Minnesota school law,
- (iv) cooperative center structure,
- (v) AVTI system, and
- (vi) vocational-technical education division administra-
- d. Renewed regular five-year vocational licensure.
- (1) Repeated initial license. An individual holding an initial license for a director of local vocational programs is eligible to apply for an additional two-year initial license when not employed as a local vocational administrator.
  - (2) First five-year license.
- (a) Peer review. The renewal procedure to gain the first fiveyear license shall include a review by a team of peers at the end of the applicant's initial year of licensed service as a director.
- (i) Competency plan. The peer review shall result in a plan for the applicant to complete the competency requirements set forth in D. 3. c. (1) (a) and (b) of this rule (above) during the second year of licensed service as a director.
- (ii) Permanent licensure file. The competency plan established pursuant to D. 3. d. (2) (a) (i) of this rule (above), shall become a part of the applicant's permanent licensure file.
- (b) Renewal. Renewal for the first five-year license will require demonstration of proficiency in all seven competency areas.
  - 4. Adult vocational director.
- a. Licensure requirement. Any person holding a position as an adult vocational director shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) assisting the director in the performance of the duties set forth in D. 1. a. (1)-(11) of this rule (above), as they relate to adult vocational programs,
- (2) performing additional duties assigned by the local school district.
  - b. Licensure criteria. An applicant:

- (1) shall be a graduate of an accredited college with a degree (baccalaureate or graduate level), including a major in one of the vocational services (agriculture, business and office, health, home economics and service, marketing and distribution, technical, trade and industrial), or the equivalent. This degree shall include or shall have added to it:
  - (a) a course in philosophy of vocational education; and
  - (b) nine quarter credits in courses such as:
    - (i) administration,
    - (ii) conference leading.
    - (iii) coordination,
    - (iv) management,
    - (v) supervision.
- (2) shall have completed 6,000 hours of occupational experience in a variety of occupations outside of education or teaching,
- (3) shall qualify for a vocational license in one of the vocational administrative or service areas pursuant to these rules, and
- (4) shall have completed three years of teaching experience or administration in vocational education. Two of those three years shall have been spent in teaching, licensed as a vocational instructor or as a vocational post-secondary related subjects instructor.
- E. Supervisory personnel. Vocational supervisory licensure areas include the areas of supervisor of vocational program areas or supervisor of vocational personnel services areas.
- 1. Local secondary, post-secondary and adult program supervisors of vocational education.
- a. Licensure requirement. Any person holding a position as a local secondary, post-secondary, or adult program supervisor shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) developing, organizing, implementing, supervising, and promoting vocational programs in the assigned vocational discipline or personnel services area,
- (2) evaluating programs and instruction, equipment, facilities, and condition for effective instruction,
- (3) preparing vocational reports (descriptive and statistical) required by local, state, and federal agencies,

- (4) recommending the purchase of equipment, supplies, and reference materials to the authorized local vocational administrator,
- (5) organizing and consulting with advisory committees in cooperation with vocationally interested individuals, organizations, associations, and companies,
- (6) providing leadership and encouraging the development and improvement of vocational student organizations for all levels of programs assigned,
- (7) coordinating the assigned vocational program with other educational programs,
- (8) providing for preservice and inservice teacher training in cooperation with teacher education institutions, business, and industry,
- (9) participating in relevant conferences and meetings to maintain currency in the assigned vocational discipline,
- (10) when assigned to do so by the authorized local vocational administrator, directing other employees and adjusting any grievances on behalf of the employer, and
- (11) when assigned to do so by the authorized local vocational administrator, making recommendations to hire, transfer, suspend, promote, discharge, assign, reward or discipline other employees.
- b. Licensure criteria. Supervisors of agriculture occupations, business and office occupations, health occupations, home economics and service occupations, marketing and distribution occupations, technical occupations, trade and industrial occupations. An applicant:
- (1) shall be a graduate of an accredited college with a degree (baccalaureate or graduate level) in the corresponding area set forth below:
- (a) supervisor of agriculture occupations—agriculture education or technical agriculture;
- (b) supervisor of business and office occupations—business education or business administration;
- (c) supervisor of health occupations—occupational health area. The supervisor of health shall also hold a current, valid Minnesota license to practice in the field;
- (d) supervisor of home economics and service occupations—home economics education;
  - (e) supervisor of marketing and distribution occupations-

program area with distributive education technical and professional components included or added;

- (f) supervisor of technical occupations—technical subject area;
- (g) supervisor of trade and industrial occupations—industrial education.
- (2) shall have completed three years of teaching experience in the past five years as a vocationally licensed instructor in one of the approved vocational programs that will be supervised,
- (3) shall have completed 6,000 hours of occupational experience in program area(s) supervised,
- (4) shall have completed nine quarter credits or 108 clock hours in supervisory techniques, and
- (5) shall have completed a course in philosophy of vocational education.
  - 2. Supervisor in specialized program area.
- a. Licensure requirement. Any person holding a position as a supervisor in a specialized post-secondary and adult program area shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) providing management of staff, instructional leadership, and coordination for all levels of instruction assigned,
- (2) scheduling program instruction, including required related instruction for all levels of programs assigned,
- (3) maintaining student monitoring and evaluation process for all levels of programs assigned,
- (4) program advisory committees for all levels of programs assigned, and
- (5) providing leadership and encouraging the development and improvement of vocational student organizations for all levels of programs assigned.
  - b. Licensure criteria. An applicant:
- (1) shall meet the five-year licensure requirements for a postsecondary vocational education instructor in one of the program areas that will be supervised,

- (2) shall have completed four years of vocational experience in teaching, supervision, or administration in one of the assigned vocational program areas. At least two of those four years shall have been in teaching under a vocational license,
  - (3) shall have completed:
- (a) 2,000 hours of vocational education supervision experience; or
  - (b) 72 clock hours or six credits of training in supervision.
- (4) shall have completed course work in one of the following areas:
  - (a) curriculum development; or
  - (b) evaluation of programs; or
  - (c) legal aspects of vocational education.
- (5) shall have completed a course in philosophy of vocational education, and
- (6) shall have completed a course in organization and administration of vocational education
- (7) shall hold a current, valid license, registration, and/or certificate, as issued by the appropriate board, professional association, or accrediting agency, to practice in the specialized field.
  - 3. Supervisor of special needs.
- a. Licensure requirement. Any person holding a position as a supervisor of special needs shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) preparing and implementing a delivery system which addresses itself to services for students with special needs,
- (2) providing the necessary support services to the student with special needs where deemed appropriate,
- (3) coordinating and facilitating inservice training to aid regular personnel to more adequately understand and meet the needs of the students with special needs, and
- (4) providing annual reports to the state regarding progress of the local special needs programs.
  - b. Licensure criteria. An applicant:

- (1) shall be a graduate of an accredited college with a degree (baccalaureate or graduate level) in one of the following areas:
  - (a) education;
  - (b) counseling;
  - (c) psychology; or
  - (d) vocational rehabilitation.
- (2) shall have completed three quarter credits in each of the following:
  - (a) philosophy of vocational education;
  - (b) organization and administration of vocational education;
  - (c) the exceptional child; and
  - (d) teaching students with learning problems.
- (3) shall have completed 12 quarter credits chosen from the following:
  - (a) community resources, including corrections;
  - (b) techniques of counseling and guidance;
  - (c) chemical dependency;
- (d) interpersonal relations (other than the human relations course for educational personnel);
- (e) curriculum development and modification for special needs students;
  - (f) education of the disadvantaged;
  - (g) special learning problems in vocational education.
- (4) shall have completed 18 clock hours of internship in existing special needs programs which include:
  - (a) six clock hours of program management; and
  - (b) six clock hours of student assessment; and
  - (c) six clock hours of curriculum modification.

- (5) shall have completed 2,000 hours of occupational experience outside of education or teaching (500 hour recency requirement not applicable).
- c. License renewal. Prior to renewal of the first license, the applicant shall:
- (1) complete the human relations requirement set forth in 5 MCAR § 1.0785, and
- (2) complete six clock hours of special needs inservice training approved by the authorized local vocational administrator.
  - 4. Supervisor of bilingual-bicultural special needs vocational programs.
- a. Licensure requirement. Any person holding a position as a supervisor of bilingual-bicultural vocational education shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) coordinating support service for the student with limited English-speaking ability special needs in the following manner:
- (a) supervising the method utilized to facilitate entry into appropriate vocational course offerings;
- (b) mobilizing the necessary supportive service needed by the limited English-speaking student to compete in and complete the vocational program; and
- (c) monitoring the progress of the limited English-speaking student while in a vocational program.
- (2) serving as a liaison between the limited English-speaking population, support personnel, and instructional personnel, and
- (3) participating on an advisory committee for the program supervised.
  - b. Licensure criteria. An applicant:
- (1) shall meet the licensure criteria of a supervisor of special needs set forth in E. 3. b. (1)-(5) of this rule (above),
- (2) shall be bilingual-bicultural as appropriate to the student population served, and
- (3) shall have completed one year of educational experience in the past five years in a bilingual program setting.
  - 5. Student personnel services supervisor.

- a. Licensure requirement. Any person holding a position as a student personnel services supervisor shall be licensed pursuant to this rule when responsible for any of the following activities:
- (1) services which assist students to successfully move into and out of an AVTI or center, and make progress while so enrolled. Such services may include preenrollment services to students and parents, occupational and educational information, appraisal, orientation, housing, financial aids, student activities, and student accounting.
- (2) working cooperatively with other personnel in follow-up, research, public relations, advisory committees, industry-relations, and job placement,
- (3) establishing and maintaining liaison with schools in the geographic service area and other agencies and institutions relative to student services, and
- (4) coordinating dissemination of information relevant to the pupil personnel services program in the AVTIs and/or centers.

## b. Licensure criteria. An applicant:

- (1) shall meet the licensure criteria of a vocational program counselor set forth in 5 MCAR § 1.0793 C. 4. b. (1)-(4) or a student personnel services specialist set forth in 5 MCAR § 1.0793 C. 5. b. (1) or (2), and
- (2) shall have completed two years of experience as a vocational program counselor or a student personnel specialist in a post-secondary vocational-technical institution.

(5 MCAR 1980)

5 MCAR \$1.0798 Licensure charts.

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applicants seeking a provisional license.

VE: Vocational Education.

ROX: Recent, relevant occupational experience. Unless otherwise

indicated, ROX means paid experience outside of education or teaching and includes at least 500 hours within the prior

five years.

Deg: Degree. Unless otherwise indicated, "Degree" means a four-

year baccalaureate degree from an accredited college or uni-

versity.

Education Degree:

Baccalaureate or higher degree in a recognized educational field including at least 27 quarter credits in education with

six quarter credits of student teaching.

#### **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

- The agriculture instructor provisionally licensed with a technical agriculture degree shall complete six quarter credits in agriculture education prior to licensure, and shall meet the requirements for the agriculture education degree within five years, earning a minimum of six quarter credits per year on a prearranged program.
- 2. 500 hours ROX within the prior five years in the specific area in which the license is requested. Up to ½ of the required 3000 hours may be earned through supervised internship programs. A minimum of 500 actual (not supervised internship) hours shall be accumulated in each area of licensure requested.
- 3. After initial full licensure, work experience in a specific area may be updated to meet the 500 hour recency requirement through state-approved workshops of six quarter credits of 72 clock hours or an equivalent industrial seminar. In accounting and/or data processing, a nonpaid supervised internship may be used to accumulate ½ of the required 500 hours.
- Non-Minnesota graduates shall complete these courses in Minnesota prior to licensure: six quarter credits in supervision of occupational experience, including a practicum in agriculture education.
- Materials and methods in business and office co-op education, and one additional approved vocational teacher education course.
- One year business and office teaching experience, or one quarter internship in cooperative education.
- 7. Materials and methods in model office, plus office manager workshop of three quarter credits or 36 clock hours or equivalent industrial seminar, or a variety of office management experience (§ 1.0780 Y.) equal to at least one-half of the required ROX.
- One year business and office teaching experience or one quarter internship in model office.

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Designates the requirements or schedule of requirements for S:

applicants seeking a provisional license.

VE: Vocational Education.

ROX: Recent, relevant occupational experience. Unless otherwise

indicated, ROX means paid experience outside of education or teaching and includes at least 500 hours within the prior

five years.

Degree. Unless otherwise indicated, "Degree" means a four-Deg:

year baccalaureate degree from an accredited college or uni-

versity.

Baccalaureate or higher degree in a recognized educational Education Degree:

field including at least 27 quarter credits in education with six quarter credits of student teaching.

## **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

- 1. Included in or added to the degree shall be a minimum of six quarter credits of college approved courses with consumer emphasis in each of the following areas: (1) child development including field experience, (2) clothing and textiles, (3) consumer education, (4) family life education and parenting, (5) foods and nutrition, and (6) housing.
- Degree inclusive of 27 quarter credits in college approved family life courses including a minimum of three quarter credits in each of the following areas: (1) family structure and function, (2) parent education, (3) relationships within the family and relationships of the family and its members to society, (4) development of human sexuality, and (5) curriculum methods and materials for family life education.
- 3. Included in or added to the degree shall be: (1) upper division college course in nutrition within the last five years, (2) methods and materials in teaching nutrition, pre-kindergarten through adult, (3) basic nutrition, (4) socio-cultural aspects of nutrition, and (5) physiology.
- 4. This requirement includes the courses listed in number three above.
- 5. Recommendation from an approved home economics program designee required when five years pass between the degree and the licensing, or between the expiration of the license and the renewal.
- 6. Provisional license for Family Life granted with a minimum of 18 quarter credits, with the balance of the 27 credits completed within two vears.
- 7. When no nutrition specialist is available, a provisional will be issued to consumer homemaking instructors wishing licensure. The courses required for this area shall be completed prior to relicensure in two years.
- 8. Provisional granted to a person with a vocational home economics education degree in Service occupations, including a minimum of 2/3 of the required consumer homemaking credits, with a minimum of three quarter credits in each of the six components prior to initial licensure. The remaining third of the credits shall be completed prior to relicensure in two years.

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S: Designates the requirements or schedule of requirements for

applicants seeking a provisional license.

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Degree. Unless otherwise indicated, "Degree" means a four-

year baccalaureate degree from an accredited college or uni-

versity.

Education Baccalaureate or higher degree in a recognized educational Degree: field including at least 27 quarter credits in education with

six quarter credits of student teaching.

#### **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

- Twenty-four quarter credits in technical areas, with a minimum of two
  credits or 24 clock hours in each area: selling, management, advertising
  and sales promotion, visual merchandising, retailing, marketing, principles of economics, and principles of accounting. In specialized programs, relevant technical areas may be substituted. Excess ROX may be
  substituted for relevant technical areas at the rate of three quarter
  credits for one year of experience.
- 2. When no fully licensed instructor is available, 1/3 technical, 1/3 ROX, and 1/3 professional requirements may be completed on a two year contract with the exclusion of coordination techniques for the instructor-coordinator.

For option "B" of the Model Store Instructor, 1/3 technical and 1/3 professional requirements may be completed on a two year contract.

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versity.

Education Baccalaureate or higher degree in a recognized educational Degree: field including at least 27 quarter credits in education with

six quarter credits of student teaching.

#### **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

- Approved VE degree in hospitality and recreation or personal service occupations or vocational home economics degree in wage-earning service occupations.
- Comprehensive program options require licensure as an instructor under the Service Occupations options A, C, D, or E. The 2000 hours ROX requirement must be earned in a minimum of two different areas, with 1500 hours in area of instructor licensure, and the remainder in one or more additional service occupation areas.
- 3. Single content area program options require licensure as an instructor under options A, C, D, or E of the Service Occupations requirements.
- 4. State-approved supervised non-paid work experience of up to 250 hours may be applied toward 500 hours required within the last five years.
- Maximum of four annual renewals allowed to complete technical component. Six quarter credits are required prior to initial licensure. The minimum rate of progression is six quarter credits per year.

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VE:

Vocational Education.

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Degree. Unless otherwise indicated, "Degree" means a fouryear baccalaureate degree from an accredited college or uni-

Education Degree:

Baccalaureate or higher degree in a recognized educational field including at least 27 quarter credits in education with six quarter credits of student teaching.

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#### **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

- 1. Only one-half of the required hours for licensure may be taken through an approved internship program.
- Office management workshop of three quarter credits or 36 clock hours, or a variety of office management experience (§ 1.0780 Y.) equal to at least one-half of the required ROX.
- 3. Shorthand and/or typing licensure requires verification of competency plus related methods course.
- 4. Word processing workshops of six quarter credits or 72 clock hours or equivalent industrial experience, covering both an orientation to word processing and the supervisor's role in a word processing center.

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- 2. Who has been trained by a program providing equivalent preparation as determined by the department of health.
  - D. Laboratory assistant, for programs with a laboratory component.
    - 1. Who must be registered as a laboratory technician, or
- 2. Who has been trained to perform the specific tests used in the screening session under the supervision of a nurse trained in accordance with 5 MCAR § 1.0723 A.

### E. Clinic assistant.

- 1. Who has been trained by department of education or department of health professional staff in administering one or more of the health or developmental screening measures, or
- 2. Who has been trained by a program providing equivalent preparation as determined by the department of health or the department of education.

#### F. Dental screener.

- 1. Who must be a licensed dental hygienist or a registered or certified dental assistant, or
- 2. Registered nurse who has been trained by the Minnesota department of health or approved by the Minnesota department of health as having been trained to perform dental screening.

(EDU 1978)

#### § 1.0724 Screening procedures.

- A. Screening procedures shall include the following components:
- 1. An individual review of past and present health status including perinatal, psychosocial, family health and immunizations;
- 2. Developmental screening tests of the child's development in the areas of motor development, language development, social-emotional development, and cognitive development by using procedures which shall include:
- a. Parent report of the child's functioning history in the areas of skills development, emotional and behavior status;
- b. Direct observation of the child's functioning utilizing standardized developmental screening instruments approved by the Minnesota department of education and which have;
  - (1) Written procedures for administration and scoring.

LICE S YES	Parent Education	EDUCATION	HOME ECONOMICS	Management Instructor	Adult Small Business	DISTRIBUTIVE EDUCATION			Ag Ed Specialty Instructor		Ag Ed Veteran's Provisional	Ag Ed Veteran's Instructor	Ag Ed Emergency Provisional License	AGRICULTURE EDUCATION	POLL—TINE ADULT LICENSURE CHART	
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VE: Vocational Education.

ROX: Recent, relevant occupational experience. Unless otherwise

indicated, ROX means paid experience outside of education or teaching and includes at least 500 hours within the prior

five years.

Deg: Degree. Unless otherwise indicated, "Degree" means a four-

year baccalaureate degree from an accredited college or university.

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Education Degree:

Baccalaureate or higher degree in a recognized educational field including at least 27 quarter credits in education with

six quarter credits of student teaching.

#### **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

- Maximum of five years to complete requirements for an agriculture education degree, at a minimum of six quarter credits per year on a prearranged program. The applicant shall have completed or be enrolled in courses worth six quarter credits at the time of licensure.
- In distributive education, this would be a degree in an area such as business administration, economics, or accounting.
- Vocational education degree in home economics education, inclusive of three quarter credits in each of the five areas in the family life core.\*
- 4. A degree in early childhood education, family life, child development, or general home economics, inclusive of three quarter credits in each of the five areas in the family life core.\*
- 5. Education degree plus 27 quarter hours in the family life core, with at least three quarter credits in each of the five areas.\*
- In distributive education, 6000 hours ROX must be in retailing, servicing, and/or manufacturing at the management level as owner, owner-manager, or manager, including 2000 hours within the prior five years.
- 7. Technical preparation includes: 48 clock hours in accounting, plus 24 clock hours in each of four areas chosen from: (1) business law, (2) consumerism, (3) credit and collections, (4) government regulations, (5) income tax, (6) inventory control, and (7) marketing. For fulfilling these requirements, excess management ROX may be substituted for relevant technical areas at the rate of one year for 24 clock hours.
- 8. The required schedule: completion of or pre-arrangement for workshop curriculum in small business management prior to initial licensure; human relations and one additional vocational education course during initial two year licensure; and one additional course per annual renewal.
  - \* Family Life Core: (1) family structure and function, (2) parent education, (3) relationships within the family and relationships of the family and its members to society, (4) child development, and (5) curriculum, methods, and materials for family life education.

Provisional license for Parent Education Instructor under option C granted with a minimum of 18 quarter credits, with the balance of the 27 credits completed within two years.

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S: Designates the requirements or schedule of requirements for

applicants seeking a provisional license.

ROX: Recent, relevant occupational experience. Unless otherwise indicated, ROX means paid experience outside of education or teaching and includes at least 500 hours within the prior

five years.

Deg: Degree. Unless otherwise indicated, "Degree" means a fouryear baccalaureate degree from an accredited college or uni-

versity.

Education Baccalaureate or higher degree in a recognized educational Degree: field including at least 27 quarter credits in education with

six quarter credits of student teaching.

#### **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

1. In addition to the general requirements, complete 12 quarter credits chosen from the following courses: Community Resources Including Corrections, Techniques of Counseling and Guidance, Chemical Dependency, Interpersonal Relations, Curriculum Development and Modification for Special Needs, Education of the Disadvantaged, and Special Learning Problems in Vocational Education.

To be eligible for the provisional license, applicants shall have completed all general course requirements, plus two-thirds of the credits required by the above sequence.

2. Internship consists of:

- 6 hours classroom observation
- 6 hours student assessment
- 6 hours curriculum modification
- Complete a total of 180 clock hours of course content through workshops covering all of the following areas: The Exceptional Child, Techniques of Guidance and Counseling, Work Evaluation, Occupational Analysis, Vocational Tests and Measurement, Curriculum Development and Modification for Special Needs.

To be eligible for the provisional license, applicants shall complete all general course requirements, plus two-thirds of the clock hours required by the above sequence.

4. As approved by the local education agency.

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S: Designates the requirements or schedule of requirements for

applicants seeking a provisional license.

ROX: Recent, relevant occupational experience. Unless otherwise

indicated, ROX means paid experience outside of education or teaching and includes at least 500 hours within the prior

five years.

Deg: Degree. Unless otherwise indicated, "Degree" means a four-

year baccalaureate degree from an accredited college or uni-

versity.

Education Baccalaureate or higher degree in a recognized educational Degree: field including at least 27 quarter credits in education with

six quarter credits of student teaching.

#### **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

- 1. Required for Work Experience Handicapped. (EDU 122-B-4-d)
- 2. In addition to the general requirements, complete 18 quarter credits chosen from the following courses: The Exceptional Child, Teaching Students With Learning Problems, Community Resources Including Corrections, Techniques of Guidance and Counseling, Chemical Dependency, Interpersonal Relations, Curriculum Development and Modification for Special Needs, Education of Disadvantaged, and Special Learning Problems in Vocational Education.

To be eligible for the provisional license, applicants shall have completed all general course requirements, plus two-thirds of the credits required by the above sequence.

- 3. Internship consists of:
  - 6 hours classroom observation
  - 6 hours curriculum modification
  - 6 hours on-job training observation
- 4. Complete nine quarter credits chosen from the following courses: Counseling the Culturally Disadvantaged, Interpreting Personal Assessment Results, Understanding Human Behavior, and Career Development.
- 5. As approved by the local education agency.

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ROX: Recent, relevant occupational experience. Unless otherwise

indicated, ROX means paid experience outside of education or teaching and includes at least 500 hours within the prior

five years.

Deg: Degree. Unless otherwise indicated, "Degree" means a four-

year baccalaureate degree from an accredited college or uni-

versity.

Education Baccalaureate or higher degree in a recognized educational

Degree: field including at least 27 quarter credits in education with six quarter credits of student teaching.

### **ELABORATION ON SPECIAL COURSES OR REQUIREMENTS**

1. English as a Second Language related degree in Linguistics, Foreign Language, or English.

2. As approved by the local education agency. (5 MCAR 1980)

5 MCAR § 1.0799 Effective date.

5 MCAR  $\S\S$  1.0780-1.0798 shall become effective as of July 1, 1980 or as of five working days after final publication in the state register, whichever date is later.

(5 MCAR 1980)

# Chapter Forty: Libraries 5 MCAR §§ 1.0800-1.0819

5 MCAR § 1.0800 Grant application and review procedures.

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

- B. Application forms. All applications for grants shall be made on application forms provided by the Office of Public Libraries and Interlibrary Cooperation (OPLIC), Division of Special Services, Minnesota Department of Education. Content of application form varies with each type of grant and is specified in 5 MCAR §§ 1.0801-1.0806.
- C. Application dates. All grant applications shall be filed on or before July 1 to be considered for funding during the succeeding state fiscal year provided that applications for establishment grants shall be filed by regional library systems on or before July 1 or on or before January 1, to be considered for funding for the succeeding twelve-month period. Applications for special project grants and for multi-county multi-type library cooperation development grants shall be filed on a date established annually by the State Board of Education and published in the newsletter of OPLIC not less than 90 days before such date. During Fiscal Year 1981 only, applications for multi-county multi-type library cooperation operating grants shall be filed on or before April 1, 1981.
  - D. Assurances. Grant applicants shall sign a statement of assurance that:
- 1. Grant funds shall be used only for the purposes for which granted as specified in the approved grant application or approved by the Director of OPLIC in an amendment to the original application filed under provisions of 5 MCAR § 1.0800, subd. 1;
  - 2. A narrative report indicating program or project results accomplished

and a report of grant expenditures shall be filed with OPLIC on forms supplied by OPLIC no later than 90 days after the completion of the project or program, or the end of the state fiscal year, whichever is earlier provided that such period allowed shall not be less than 90 days;

- 3. If participation by a regional library system or a member local governmental unit is discontinued, ownership of the discontinuing system or unit's assets, including cash or the fair market value thereof if such assets cannot be transferred by the grantee, acquired during the last three years of participation from establishment grant and regional library basic system support grant funds, shall revert to the Minnesota State Board of Education for reassignment for library services elsewhere;
- 4. It will comply with the provisions of title VI of the Civil Rights Act of 1964, (42 USC Sec. 2000d et seq.), its regulations and all other applicable federal and state laws, rules and regulations.
  - E. Federal funds. The provisions of the Library Services and Construction Act, 20 USC 351 et seq. (1970), and its regulations shall apply to all projects and programs which are wholly or partially funded from grants received under the act.
  - F. Pertinent sections of Minnesota law. The activities and operations of applicants which are wholly or partially carried out with funds received through library grant programs shall be in accordance with relevant sections of Minnesota law.
  - G. Notification, review, and request for additional information. Applicants shall be notified of the receipt of their applications. The Director of the Office of Public Libraries and Interlibrary Cooperation shall review all applications for accuracy and completeness. Within 15 working days of receiving the application the Director may request in writing the following additional information so that an applicant may more accurately or clearly describe the program or project for which grant funds are sought:
  - 1. clarification of project or program objectives to better communicate functions or services to be performed;
  - clarification of proposed project or program implementation to better communicate how functions or services will be performed;
  - 3. clarification of proposed project or program evaluation to better communicate evaluation methods to be used;
  - 4. any other information which would strengthen or clarify the application.

If the additional information requested is not provided by the applicant within ten working days after the date of the request for additional information the grant application shall be evaluated solely on the basis of the information it contains.

- H. Grant awards. Grants shall be awarded by the State Board of Education for projects and programs in compliance with the law and these rules, subject to the availability of funds and such standards as are set forth for a grant program. All grant applicants shall be notified in writing within five working days of the action of the State Board of Education.
- I. Amendments. If after a project or program has been funded, the grant recipient determines that modifications are necessary, the grant recipient shall file an amendment to the grant application. Budget modifications resulting in transfer from one budget category to one or more other budget categories of less than 20 percent of the total grant amount need not be filed as amendments. The grant amendment shall not change the purpose for which the grant was awarded. It shall, however, address at least one of the following:
- 1. modification of the scope or duration of the project or program, judged by the grant recipient to be necessary based on the amount of funds granted or knowledge acquired in operating the project or program;
- 2. modification of project or program objectives, steps in implementation or evaluation judged by the grant recipient to be necessary based on knowledge acquired in operating the project or program;
- 3. modification of the budget of the project or program, within limits of the amount of the grant and amounting to more than 20 percent of the total grant amount, judged by the recipient to be necessary to most economically and practically achieve project objectives.

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

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

- 1. the basic purposes for which funds were granted are not altered by the modifications; and/or
- the proposed modifications result in improved project or program efficiency in terms of cost savings for equipment, materials, time or personnel; and/or
- the proposed modifications result in improved project or program effectiveness in terms of greater quantities or qualities of services provided; and/or
- 4. the proposed modifications improve the applicant's ability to achieve the objectives of the project or program.

Approval or disapproval of all amendments shall be communicated to a grant

recipient within ten working days following OPLIC's receipt of the proposed amendment.

(EDU 1979: 5 MCAR 1980)

5 MCAR § 1.0801 Establishment grants.

ORO23357

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

- 1. name, address and telephone number of applicant;
- 2. name of contact person;
- 3. name of county joining regional library system;
- 4. a copy of the resolution adopted by the county board of commissioners in which they agree to provide minimum levels of local support as required by Laws of 1978, ch. 546, § 4;
- 5. purposes for which grant funds are requested, including a statement of program objectives and identification of results to be accomplished;
  - 6. proposed expenditures to be made from grant funds.
- B. Establishment grant formula. The amount of the establishment grant to a regional library system for each additional county to extend services shall be \$1.00 per capita plus \$10.00 per square mile for the first year, and \$.50 per capita plus \$5.00 per square mile for the second year, reduced by the population and land area of any nonparticipating governmental units. The most recent United States census is used to determine the population and land area.
- C. Counties joining regional library systems. When a county has ceased to participate in a regional library system and at a later date rejoins a regional library system, no establishment grant shall be made. (EDU 1979)

5 MCAR § 1.0802 Regional library basic system support grants.

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

- 1. name, address and telephone number of applicant;
- 2. name of contact person;
- 3. names of participating governmental units and identification of nonparticipating governmental units within participating counties;

- 4. name, educational background and library work experience of the chief administrative officer;
- 5. purposes for which grant funds are requested, including a statement of program objectives and identification of results to be accomplished;
- 6. for purposes of determining compliance with Laws of 1978, ch. 546, § 5, provision for each participating governmental unit of the following financial information:
- a. the amount provided by the governmental unit for public library service during the preceding fiscal year;
- b. the amount provided by the governmental unit for public library service during the current fiscal year.
  - 7. proposed expenditures to be made from grant funds.
- B. Criteria for eligibility. Regional library systems shall be designated as eligible by the State Board of Education provided they meet the criteria in Laws of 1978, ch. 546, § 5, and the following:
- 1. Employment of a chief administrative officer who has had at least two years of public library administrative experience and has received the master's degree in library science from a library education program accredited by the American Library Association.
- 2. Long range plan. Regional library systems shall provide to OPLIC by June 30 of each even-numbered year a long range plan which addresses the succeeding five years. Upon request by the regional library system, OPLIC staff shall provide consultation and advice on the content of the long range plan. The plan shall include narrative descriptions, goals and objectives which address the following:
- a. service area; including steps to encourage participation of appropriate adjacent nonparticipating counties and cities.
- b. funding; including cost projections to implement the first year of the plan.
- c. personnel; including projections of numbers and qualifications needed to implement the plan.
- d. collection development; including types and quantities, written materials selection policies of the applicant or of its members, a coordinated program of acquisition, identification and rectification of deficiencies, and sharing of resources.
- e. programs of service; including minimum hours of operation of public service outlets and provision of bookmobile service.

- f. physical facilities; including accessibility by the physically handicapped.
  - g. multi-type library cooperation.
- h. any other topics deemed appropriate by the regional library system.
- C. Calculation of grant amounts. Regional library basic system support grants shall be calculated as specified in Laws of 1978, ch. 546, § 6 or in subsequent law. The most recent United States census shall be used in calculation of all per capita and land area amounts, reduced by the population and land area of any nonparticipating governmental units.
- D. Audit. Regional library systems which receive regional library basic system support grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the regional library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minn. Stat. §§ 6.64-6.71 (1976).

(EDU 1979)

5 MCAR § 1.0803 Special project grants. ション さんだ ゲー ハレいこ

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- A. Application. Regional library systems and county and city public libraries which are participating in regional library systems may apply for special project grants as authorized by Laws of 1978, ch. 546, § 3, subd. 4.
- B. Categories of emphasis. The Advisory Council to OPLIC, required in federal regulations, may select one or more categories of programs which are designated as eligible in the federal law and regulations as the highest priority for funding during a fiscal year. The categories so designated shall be published in the newsletter of OPLIC no less than 90 days prior to the application date and supplied to any potential applicant on request. Applications for projects or programs in the highest priority category shall be given extra consideration in the review process.
- C. Regional library system review. County and city libraries which submit applications to OPLIC shall also submit a duplicate copy of the application to their regional library system for review and comment not less than 30 days prior to the application date. The regional library system may submit to OPLIC by the application date comments stating how the proposed project or program relates to the system long range plan and how the proposed project or program could benefit the system or its members.
- D. Grants committee review. Applications for special project grants shall be reviewed by a grants committee of five persons appointed by the chair-person of the advisory council to the Office of Public Libraries and Interlibrary Cooperation. Special project grants shall be awarded on a competitive basis. Applications shall be evaluated in terms of:

- 1. relationship to categories of emphasis;
- 2. purposes for which grant funds are requested;
- 3. statement of project objectives and identification of results to be accomplished;
  - 4. methodology for evaluating project results;
  - 5. the project budget;
- 6. clear identification that the project activity would not or could not take place without a grant;
  - 7. evidence that the project is either:
- a. a one-time project of limited duration to accomplish an objective of long-term benefit; or
- b. a pilot for contemplated future operation with a specific plan for absorbing it into on-going operations;
- 8. the comments from the regional library system review, when received:
  - 9. qualifications of project staff.

The grants committee shall report its recommendations for projects to be funded to the Director of OPLIC.

- E. Office of Public Libraries and Interlibrary Cooperation review. The Director of OPLIC shall review all applications and the funding recommendations of the grants committee for special project grants using the same standards applied by the grants committee and shall report recommendations for projects to be funded to the State Board of Education.
- F. State Board of Education action. The State Board of Education shall review the funding recommendations of the Director of OPLIC and shall award grants using the same standards applied by the grants committee and subject to the availability of funds.

(EDU 1979)

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

- 1. name, address and telephone number;
- 2. name of contact person;
- 3. locations where program activities will be carried out;
- 4. purposes for which grant funds are requested, including a statement of program objectives and identification of results to be accomplished;
  - 5. proposed expenditures to be made from grant funds;
- 6. dollar amounts provided for library services by the department during the preceding fiscal year;
- 7. numbers of services provided and numbers of persons served during the preceding year.
- B. Eligible costs for institution library service. Funds are granted for library services for residents of corrections and welfare institutions and shall not be expended for library services for institution staff.
- C. Office of Public Libraries and Interlibrary Cooperation review. The Director of OPLIC shall review applications received and shall make recommendations to the State Board of Education regarding grant amounts based on the applicants' ability to provide services according to the information in the application.
- D. State Board of Education action. The State Board of Education shall review the funding recommendations of the Director of OPLIC and shall award grants using the same information used by the Director of OPLIC and subject to the availability of funds.

(EDU 1979)

# 5 MCAR § 1.0805 Multi-county multi-type library cooperation development grants. Self Self CRO23357

A. Application. Multi-county multi-type library systems approved by the State Board of Education under provisions of Minn. Stat. § 134.351, subd. 1 (Supp. 1979) may annually apply for development grants as authorized by Minn. Stat. § 134.353 (Supp. 1979). Applicants shall submit the following information:

- 1. name, address and telephone number of applicant multi-county multi-type library system;
- name, address and telephone number of contact person in multicounty multi-type library system;
  - 3. purposes for which grant funds are requested;

- 4. narrative description of the project to be developed with grant funds:
  - 5. objectives of the project and results to be accomplished;
  - 6. the project budget.
- B. Development Grants Committee review. Applications shall be reviewed by a committee of seven persons appointed by the chairperson of the Advisory Council to the Office of Public Libraries and Interlibrary Cooperation. One person shall be appointed to the committee from each of the seven multi-county multi-type library system areas. The committee shall consist of two representatives of public libraries, two representatives of school media services, one representative of special libraries, one representative of public supported academic libraries and one representative of private academic libraries. Development grants shall be awarded on a competitive basis. Applications shall be evaluated in terms of the content of the application form with particular emphasis on:
- 1. the degree to which the project relates to applicant's plan developed under provisions of Minn. Stat. § 134.352 (Supp. 1979) and updated under provisions of 5 MCAR § 1.0805 E. 1.;
- 2. evidence of careful planning of the project, including appropriateness of objectives in order to achieve results to be accomplished;
- 3. evidence of compatibility with state and national bibliographic standards and practices, when pertinent;
  - 4. appropriateness of methodology for evaluating project results;
- 5. cost-effectiveness of the project budget, which shall take into consideration sparse population and large geographic region as required by Minn. Stat. § 134.353; and costs incurred in providing the services required by the organizational agreement as specified in Minn. Stat. § 134.351, subd. 3 (Supp. 1979) and the costs of providing any additional cooperative services agreed to by participating libraries which are consistent with provisions of Minn. Stat. § 134.351, subd. 2 (Supp. 1979);
- 6. evidence that the project activity would not or could not take place without a grant;
- 7. evidence that the project is of limited duration to accomplish an objective of long-term benefit;
  - 8. evidence that the project will benefit at least two types of libraries.

The Development Grants Committee shall report its recommendations for projects to be funded to the Director of OPLIC.

C. Office of Public Libraries and Interlibrary Cooperation review. The

Director of OPLIC shall review all applications and the funding recommendations of the Development Grants Committee for development grants using the same standards applied by the Development Grants Committee and shall report recommendations for projects to be funded to the State Board of Education.

- D. State Board of Education action. The State Board of Education shall review funding recommendations of the Director of OPLIC and shall award development grants using the same standards applied by the Development Grants Committee and subject to the availability of funds. The State Board of Education shall annually determine the amount of funds to be provided as development grants after considering the availability of funds for multicounty multi-type library system grant programs.
- E. Criteria for eligibility. In order to be eligible to apply for development grants, applicants shall have met the requirements in Minn. Stat. § 134.351, subds. 3, 4, and 5 (Supp. 1979) and the following:
- 1. Plan. Applicants shall provide to OPLIC by the application date a five-year plan which addresses the provision of the five qualifying services required in Minn. Stat. § 134.351, subd. 3 (Supp. 1979) and any other cooperative services to which participants have agreed and for which funding is sought. The plan shall include projected dates for implementation, and cost estimates for implementing the first year of the plan.
- 2. Each public library participating in a multi-county multi-type library system shall also participate in its regional public library system, and a public library which has remained independent of its regional public library system shall not participate in a multi-county multi-type library system.
- F. Audit. Multi-county multi-type library systems which receive grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the multi-county multi-type library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minn. Stat. § § 6.64-6.71 (1978).

(5 MCAR 1980)

# 5 MCAR § 1.0806 Multi-county multi-type library cooperation operating grants.

- A. Application. Multi-county multi-type library systems approved under provisions of Minn. Stat. § 134.351, subd. 1 (Supp. 1979) may annually apply for an operating grant as authorized by Minn. Stat. § 134.353 (Supp. 1979). Applicants shall submit the following information:
- 1. name, address and telephone number of applicant multi-county multi-type library system;
- 2. name, address and telephone number of contact person representing the applicant;

- 3. identification of participating libraries by type of library;
- 4. copies of organizational agreements required by Minn. Stat. § 134.351, subd. 3 (Supp. 1979);
- 5. narrative descriptions of the programs to be operated with grant funds including objectives and results to be accomplished;
- 6. statement of relationship of programs to the plan developed under the provisions of Minn. Stat. § 134.352 (Supp. 1979);
- 7. proposed expenditures for costs incurred in providing the services required by the organizational agreement as specified in Minn. Stat. § 134.351, subd. 3 (Supp. 1979) and for the costs of providing any additional cooperative services agreed to by participating libraries and consistent with provisions of Minn. Stat. § 134.351, subd. 2 (Supp. 1979).
- B. Office of Public Libraries and Interlibrary Cooperation review. The Director of OPLIC shall review all applications for compliance with Minn. Stat. § 134.351 (Supp. 1979) and this rule. The Director of OPLIC shall report recommendations to the State Board of Education for action.
- C. Criteria for eligibility. In order to be eligible to apply for operating grants, applicants shall have met the requirements in Minn. Stat. § 134.351, subds. 3, 4, and 5 (Supp. 1979) and the following:
- 1. Plan. Applicants shall provide to OPLIC by the application date a five-year plan which addresses the provisions of the five qualifying services required in Minn. Stat. § 134.351, subd. 3 (Supp. 1979) and any other cooperative services to which participants have agreed and for which funding is sought. The plan shall include projected dates for implementation and cost estimates for implementing the first year of the plan.
- 2. Each public library participating in a multi-county multi-type library system shall also participate in its regional public library system, and a public library which has remained independent of its regional public library system shall not participate in a multi-county multi-type library system.
- D. Calculation of operating grant amounts. The State Board of Education shall annually determine the amount of funds to be provided as operating grants after considering the availability of funds for multi-county multi-type library system grant programs. Of the amount to be provided as operating grants, sixty percent shall be divided into equal amounts for each eligible applicant, twenty percent shall be divided on an equal amount per capita and twenty percent shall be divided on an equal amount per square mile.
- E. Audit. Multi-county multi-type library systems which receive grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the multi-county multi-type library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minn. Stat. § § 6.64-6.71 (1978).

(5 MCAR 1980)

# Chapter Forty-One: Textbooks, Individualized Instructional Materials, and Standardized Tests for Pupils Attending Nonpublic Schools

5 MCAR § 1.0820 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, textbooks, individualized instructional materials, and standardized tests as provided by Minn. Stat. § § 123.931-123.947, shall be made available to pupils in nonpublic schools.

(EDU 1979, 5 MCAR 1981)

# 5 MCAR § 1.0821 Definitions.

- A. "Eligible materials" means textbooks, individualized instructional materials, and standardized tests. All textbooks and individualized instructional materials must be:
- 1. designed primarily for use by individual students at their desks or in small groups, in a particular class or program in the school the pupil regularly attends.
- 2. used by the student to reach certain educational objectives within a particular subject or course of study,
- 3. secular, neutral, nonideological, and not capable of diversion for religious use,
  - 4. available and of benefit to Minnesota public school pupils, and
  - 5. not specifically excluded from eligibility by 5 MCAR § 1.0821 B.
- B. "Ineligible materials" means, in addition to educational materials excluded from eligibility by 5 MCAR § 1.0821 A. the following materials: chemicals, wall maps, wall charts, pencils, pens or crayons, notebooks, blackboards, chalk and erasers, duplicating fluids, paper, 16mm films, unexposed films, blank tapes, cassettes or videotape, instructional equipment, reference materials, and teachers' aids.
- C. "Textbook" means any book, workbook, manual, or book substitute which a pupil uses as a text or text substitute, copies of which are:
- 1. used as a principal source of study materials for a given class or group of students, and
  - 2. available for individual use of each pupil in the class or program.
- D. "Individualized instructional materials" means educational materials in addition to textbooks which fall into any of the following areas: published materials, periodicals, documents, pamphlets, photographs, reproductions,

pictoral or graphic works, filmstrips, prepared slides, prerecorded video programs, prerecorded tapes, cassettes and sound recordings, manipulative materials, desk charts, games, study prints and pictures, desk maps, models, learning kits, blocks or cubes, flashcards, individualized multi-media systems, prepared instructional computer software programs, and prerecorded film cartridges.

- E. "Standardized tests" means tests and scoring services available from commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.
- F. "Secular, neutral, and nonideological" materials are materials which are not regarded as religious, spiritual, or sacred, and present events, facts, and theories that pertain to religion or religious doctrine in an impartial manner. (EDU 1979, 5 MCAR 1981)

#### 5 MCAR § 1.0822 State administration.

- A. The Department of Education shall administer funds allocated for the purchase of eligible materials to be loaned or provided to nonpublic school pupils.
- B. The Department of Education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of eligible materials to be loaned or provided to nonpublic school pupils.
- C. Computation of pupil allocation available. On or before March 1 the Department of Education shall determine, from the most recent data available, the allocation available per pupil for eligible materials to be used for the following school year. The allocation per pupil shall be determined by dividing the total expenditure for eligible materials by all public school districts in the state for pupils enrolled in public schools by the average daily membership of pupils enrolled in the districts during the same fiscal year. This amount shall then be increased by a percentage equal to the percentage increase in foundation aid, between the prior school year and the coming year. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.
- D. Termination of eligibility. Whenever the Department receives information regarding improper use of eligible materials loaned under the program, it shall:
- 1. Provide prompt written notification to the pupil, the pupil's parents or guardians and the nonpublic school administrator of the alleged program abuse, and
- 2. Allow 30 calendar days from the date of mailing for written or oral response.

Following receipt of responses during the 30 day period, if it appears that materials may have been used contrary to law, the Department shall institute Chapter 15 contested case procedures. After due consideration of all evidence presented pursuant to those procedures, if the Department determines that the materials have been used contrary to law, the Department shall notify the pupil, the pupil's parents or guardians, nonpublic school administrator, and the public school district or intermediary service area that:

- a. The eligibility of the pupil for all materials during the current school year is terminated, and
- b. The allocation for the current year for the nonpublic school must be reduced accordingly.

(EDU 1979, 5 MCAR 1981)

## 5 MCAR § 1.0823 Local administration.

- A. Preliminary application. On or before April 1 the nonpublic school shall submit to the public school district or intermediary service area a preliminary application for participation in the textbooks, individualized instructional materials, and standardized tests aid program, for eligible materials to be used the following school year. The preliminary application shall be on forms provided by the Department of Education and shall include:
- 1. An estimate of the nonpublic school pupils, kindergarten through grade twelve, who may be enrolled as of September 15 of the following school year and who may be signing request forms for eligible materials.
- 2. An estimate of the total allocation available to the nonpublic pupils attending the nonpublic school for eligible materials. The estimated allocation is determined by multiplying the estimated count of participating pupils by the allocation available per pupil for eligible materials. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.
- B. Purchase of materials. On or before May 1, the public school district or intermediary service area shall have completed its review of the preliminary application and shall notify the nonpublic school that it may begin submitting requests for eligible materials for the following school year based on the estimated allocation. The materials requested by the nonpublic school shall be purchased by the public school district or intermediary service area within a reasonable time of the receipt of the requests. After the materials have arrived, they shall be promptly transmitted to each nonpublic school in the public school district or intermediary service area for distribution to the pupil applicants.
- C. Request form. Each year the Department of Education shall provide a form, for pupils, to be used to request textbooks, individualized instructional materials and standardized tests. This form shall be separate from the form used by pupils to request health services and the form used to request guidance and counseling services. It shall be processed as follows:

- 1. The nonpublic school administrator shall distribute a copy of the request form to each pupil, parent, or guardian and shall collect and maintain the forms on file.
- 2. A request form must be properly completed, signed, and on file with the nonpublic school by September 25, in order for that pupil to be counted on the final application form for aid.
- 3. The nonpublic school shall maintain on file the request forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.
- D. Final application. On or before September 25 the nonpublic school shall make final application for participation in the textbooks, individualized instructional materials, and standardized tests aid program to the district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall be on forms provided by the Department of Education and shall include:
- 1. A count of the nonpublic school pupils, kindergarten through grade twelve, who are enrolled as of September 15 of the current school year and for whom request forms have been properly completed.
- 2. The allocation for eligible materials to the nonpublic pupils attending the nonpublic school. The actual allocation shall be determined according to 5 MCAR § 1.0822 C. above.
- E. Inventory. The public school district or intermediary service area shall maintain an inventory of each of the eligible materials loaned under the program for the material's useful life. The useful life of eligible materials is as follows: (a) for workbooks and manuals in which the students write 1 year, (b) paperbacks, computer programs, and audio-visual materials 3 years, (c) hardbound materials and textbooks 5 years. Thereafter the public school district or intermediary service area may divest itself of the materials in any manner it deems appropriate. A compilation of invoices, showing descriptions and destinations of eligible materials purchased under the program, satisfies the inventory requirement.
- F. Reimbursement. Upon completion of the distribution of the eligible materials, each public school district or intermediary service area may claim from the Department of Education (1) the cost of materials, including the quantity of each item and the unit cost, not to exceed the allocation available, and (2) a sum for the actual cost of administration which shall not exceed five percent of the cost of the materials distributed. The administrative costs shall be in addition to the allocation available for eligible materials. Handling and shipping charges by the vendor shall be included in the allocation for eligible materials for each nonpublic school. A public school district shall not be considered a vendor.
  - G. Certificate of compliance. Each claim for reimbursement shall include a

certificate of compliance from the public school district or intermediary service area indicating that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in 5 MCAR § 1.0821.

(EDU 1979, 5 MCAR 1981)

# Chapter Forty-One-B: Health Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0860 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, health services as provided by Minn. Stat. § § 123.931-123.947, shall be made available to pupils in non-public schools.

(EDU 1979, 5 MCAR 1981)

## 5 MCAR § 1.0861 Definitions and general requirements.

- A. "Health services" means physical and mental health services provided by licensed health services personnel or their assistants. Licensed health services personnel includes physicians, dentists, professional nurses or optometrists
- B. Health services shall not include the direct educational instruction of nonpublic pupils by health services personnel.
- C. Health services shall not include those services which are required under the Special Education Law, Minn. Stat. § 120.17 (1976, as amended), or which are eligible to receive reimbursement under the Special Education Aid Law, Minn. Stat. § 124.32 (1976, as amended).
- D. The public school district or intermediary service areas shall provide those specific health services which it offers to its public school pupils, provided the costs for such services do not exceed the amount allocated for health services by the Department of Education.
- E. Costs relating to the provision of health services shall include (1) the salaries of licensed health services personnel and their assistants and (2) expenses for supplies, equipment, travel, and necessary in-service training and other eligible expenses that are associated with the provision of health services by the licensed health services personnel or their assistants.
- F. Health services may be provided at the nonpublic school, a neutral site, or at the public school.

(EDU 1979, 5 MCAR 1981)

#### 5 MCAR § 1.0862 State administration.

- A. The Department of Education shall administer funds for the provision of health services to nonpublic school pupils.
- B. The Department of Education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records associated with the provision of health services to nonpublic school pupils.

- C. Computation of pupil allocation available. On or before March 1 the Department of Education shall determine from the most recent data available the allocation available per pupil for health services to be used for the following school year. The allocation per pupil for health services shall be the average expenditure per public school pupil in average daily membership for these services by those Minnesota public elementary and secondary schools which provide health services to public school pupils. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.
- D. Computation of actual allocation. Based on the year-end report filed by each district, the Department shall allot to each district or intermediary service area for the provision of health services the actual cost of the services provided during the school year. The actual allotment shall not exceed the pupil allocation available.
- E. December 1 payment. On or before December 1, the Department shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved budget.
- F. Final payment. On or before September 1 following the school year, the Department shall make the final adjustment payment to the district or intermediary service area based on the year-end report.

(EDU 1979, 5 MCAR 1981) -

## 5 MCAR § 1.0863 Local administration.

- A. Preliminary application. On or before April 1 the nonpublic school shall submit to the district or intermediary service area a preliminary application for health services beginning with the following school year. The preliminary application shall be on forms provided by the Department of Education and shall include an estimate of the nonpublic school pupils, kindergarten through grade twelve, who may be enrolled as of September 15 of the following school year and who may be signing request forms for health services. The preliminary application shall also include an assessment of the type and level of health services desired for the following school year.
- B. Annual consultation. On or before June 1 the district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the type, level, and location of health services for nonpublic school pupils. Final decision as to location shall be made by the public school district or intermediary service area, subject to review and approval by the State Department of Education.
- C. Notification of services. Based on the annual consultation with the private school, the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of health services that are to be made available to the nonpublic school students by August 15.
  - D. Request form. Each year the Department of Education shall provide a

form, for pupils, to be used to request health services. This form shall be separate from the form used by pupils to request textbooks, individualized instructional materials and standardized tests and the form used to request guidance and counseling services. It shall be processed as follows:

- 1. The nonpublic school administrator shall distribute a copy of the request form to each pupil, parent, or guardian and shall collect and maintain the forms on file.
- 2. A request form must be properly completed, signed, and on file with the nonpublic school by September 25, in order for that pupil to be counted on the final application form for aid.
- 3. The nonpublic school shall maintain on file the request forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.
- E. Final application. On or before September 25 the nonpublic school shall make final application for health services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of nonpublic school pupils who are enrolled as of September 15 and for whom request forms have been properly completed.
- F. Submission of program and budget. On or before October 15 the public school district or intermediary service area shall submit to the Department of Education a program and budget of the health services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the Department of Education and shall include:
- 1. Projected health services expenditures for salaries, supplies, equipment and other expenses, which expenditures shall not exceed the amount allocated for health services to the public school district or intermediary service area by the Department of Education. The allocation for health services is determined by multiplying the total number of participating pupils by the allocation available per pupil for health services as set forth in 5 MCAR § 1.0862 C. Pupils in grades one through twelve are counted as one pupil each; kindergarten pupils are counted as one-half pupil each.
- 2. Projected expenditures for health services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for health services for nonpublic school pupils and which shall be in addition to the health services allocation.
- G. Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the Department of Education a year-end report of health services provided to nonpublic school pupils. The report shall be on forms made available by the Department of Education.

(EDU 1979, 5 MCAR 1981)

# Chapter Forty-One-C: Guidance and Counseling Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0880 Policy. In order to promote equal educational opportunity for every school child in Minnesota and to assure all Minnesota pupils and their parents freedom of choice in education, guidance and counseling services as provided by Minn. Stat. § § 123.931-123.947 shall be made available to secondary pupils in nonpublic schools.

(EDU 1979, 5 MCAR 1981)

# 5 MCAR § 1.0881 Definitions and general requirements.

- A. "Guidance and counseling services" means all activities of a licensed counselor in counseling pupils and parents, providing counseling on learning problems, evaluating the abilities of pupils, assisting pupils in personal and social development and providing referral assistance.
- B. Guidance and counseling services provided to nonpublic school pupils shall not include the planning or selection of particular courses or classroom activities of the nonpublic school.
- C. The district where the nonpublic school is located shall provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided guidance and counseling services.
- D. The public school district or intermediary service areas shall provide those specific guidance and counseling services which it offers to its public school secondary pupils, provided the costs for such services do not exceed the amount allocated for guidance and counseling services by the Department of Education.
- E. Costs relating to the provision of guidance and counseling services shall include (1) the salaries of licensed guidance and counseling services personnel and their assistants and (2) expenses for supplies, equipment, travel, and other eligible expenses that are directly attributable to the provision of guidance and counseling services by the licensed guidance and counseling services personnel or their assistants.
- F. Guidance and counseling services may be provided to nonpublic school pupils only at a neutral site or at the public school.

(EDU 1979, 5 MCAR 1981)

### 5 MCAR § 1.0882 State administration.

- A. The Department of Education shall administer funds for the provision of guidance and counseling services to nonpublic school pupils.
- B. The Department of Education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund

accounting, and the maintenance of records associated with the provision of guidance and counseling services to nonpublic school pupils.

- C. Computation of pupil allocation available. On or before March 1 the Department of Education shall determine from the most recent data available the allocation available per secondary pupil in average daily membership for guidance and counseling services to be used for the following school year. The allocation available per secondary pupil for guidance and counseling services shall be the average expenditure per public secondary school pupil for these services by those Minnesota public school districts which provide guidance and counseling services to public secondary school pupils. Pupils shall be counted as one pupil each.
- D. Computation of actual allocation. Based on the year-end report filed by each district, the Department shall allot to each district or intermediary service area for the provision of guidance and counseling services the actual cost of the services provided in that school year. The actual allotment for guidance and counseling services for the nonpublic secondary pupils shall not exceed the total pupil allocation available.
- E. December 1 payment. On or before December 1, the Department shall distribute to the public school district or intermediary service area an amount equal to 90 percent of the approved allocation.
- F. Final payment. On or before September 1, the Department of Education shall make the final adjustment payment to the district or intermediary service area based on the year-end report.

(EDU 1979, 5 MCAR 1981)

#### 5 MCAR § 1.0883 Local administration.

- A. Preliminary application. On or before April 1 the nonpublic school shall submit to the district or intermediary service area a preliminary application for guidance and counseling services beginning with the following school year. The preliminary application shall be on forms provided by the Department of Education and shall include an estimate of the nonpublic secondary school pupils who may be enrolled as of September 15 of the following school year and who may be signing request forms for guidance and counseling services. The preliminary application shall also include an assessment of the type and level of guidance and counseling services desired for the following school year.
- B. Annual consultation. On or before June 1 the district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the type, level, and location of guidance and counseling services for nonpublic school pupils. Final decision as to location shall be made by the public school district or intermediary service area, subject to review and approval by the State Department of Education.
  - C. Notification of services. Based on the annual consultation with the

private school, the public school district or intermediary service area shall inform the nonpublic school of the type, level, and location of guidance and counseling services that are to be made available to the nonpublic school students by August 15.

- D. Request form. Each year the Department of Education shall provide a form, for pupils, to be used to request guidance and counseling services. This form shall be separate from the form used by pupils to request textbooks, individualized instructional materials and standardized tests and the form used to request health services. It shall be processed as follows:
- 1. The nonpublic school administrator shall distribute a copy of the request form to each pupil, parent, or guardian and shall collect and maintain the forms on file.
- 2. A request form must be properly completed, signed, and on file with the nonpublic school by September 25, in order for that pupil to be counted on the final application form for aid.
- 3. The nonpublic school shall maintain on file the request forms for three years. The forms shall be available for inspection by the Department of Education, the public school district, or the intermediary service area.
- E. Final application. On or before September 25 the nonpublic school shall make final application for guidance and counseling services to the public school district or intermediary service area by or on behalf of each participating nonpublic school pupil. The final application shall indicate the number of nonpublic school pupils who are enrolled as of September 15 and for whom request forms have been properly completed.
- F. Submission of program and budget. On or before October 15 the public school district or intermediary service area shall submit to the Department of Education a program and budget of the guidance and counseling services that are being offered to the nonpublic school pupils for the current school year. The program and budget shall be on forms made available by the Department of Education and shall include:
- 1. Projected guidance and counseling services expenditures for salaries, supplies, equipment and other eligible expenses, which expenditures shall not exceed the amount allocated for guidance and counseling services to the public school district or intermediary service area by the Department of Education. The allocation for guidance and counseling services is determined by multiplying the total number of participating secondary pupils by the allocation available per pupil for guidance and counseling services as set forth in 5 MCAR § 1.0882 C. Pupils shall be counted as one pupil each.
- 2. Projected expenditures for guidance and counseling services administration, which expenditures shall not exceed an amount equal to five percent of the public school district's or intermediary service area's expenditures for guidance and counseling services for nonpublic school pupils and which shall be in addition to the guidance and counseling services allocation.

G. Year-end report. On or before July 15, following each school year, the public school district or intermediary service area shall submit to the Department of Education a year-end report of guidance and counseling services provided to nonpublic school pupils. The report shall be on forms made available by the Department of Education.

(EDU 1979, 5 MCAR 1981)