

# MINNESOTA RULES 1987

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## EDUCATIONAL AND COMMUNITY SERVICES

### CHAPTER 3530

### STATE BOARD OF EDUCATION

### EDUCATIONAL AND COMMUNITY SERVICES

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## LIBRARIES

**3530.0200 GRANT APPLICATION.**

Subpart 1. **Who may apply.** Regional library systems designated as eligible under provisions of Minnesota Statutes, section 134.34, subdivision 3, may apply for establishment grants as specified in part 3530.0800 and for regional library basic system support grants as specified in parts 3530.0900 to 3530.1200 and for special project grants as specified in parts 3530.1300 and 3530.1400. County and city public libraries which are participating in the aforementioned regional library systems may also apply for special project grants as specified in parts 3530.1300 and 3530.1400. The Minnesota Department of Corrections and the Minnesota Department of Human Services may apply for grants for institution library service and for library service for the blind and physically handicapped as specified in part 3530.1500. Multicounty multitype library systems designated by the State Board of Education as eligible under provisions of Minnesota Statutes, section 134.351, subdivision 1, may apply for development grants as specified in parts 3530.1600 to 3530.2100 and for operating grants as specified in parts 3530.2200 to 3530.2600.

Subp. 2. **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 State Department of Education. Content of application form varies with each type of grant and is specified in parts 3530.0800 to 3530.2600.

Subp. 3. **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 12-month period. Applications for special project grants and for multicounty multitype library cooperation development grants shall be filed on a date established by the State Board of Education and published in the newsletter of OPLIC not less than 90 days before such date.

Subp. 4. **Assurances.** Grant applicants shall sign a statement of assurance that:

A. 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 parts 3530.0600 and 3530.0700;

B. 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;

C. 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; and

D. it will comply with the provisions of title VI of the Civil Rights Act of 1964, (United States Code, title 42, section 2000d et seq.), its regulations and all other applicable federal and state laws, rules, and regulations.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

**History:** *L 1984 c 654 art 5 s 58*

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### 3530.0300 FEDERAL FUNDS.

Subpart 1. **Funds.** The provisions of the Library Services and Construction Act, United States Code, title 20, section 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.

Subp. 2. **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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### 3530.0400 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:

A. clarification of project or program objectives to better communicate functions or services to be performed;

B. clarification of proposed project or program implementation to better communicate how functions or services will be performed;

C. clarification of proposed project or program evaluation to better communicate evaluation methods to be used; and

D. 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### 3530.0500 GRANT AWARDS.

Grants shall be awarded by the State Board of Education for projects and programs in compliance with the law and parts 3530.0200 to 3530.2600, 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### 3530.0600 PROPOSED 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 budget 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:

A. 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;

B. 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; and

C. 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 budget, 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### **3530.0700 REVIEW OF AMENDMENTS.**

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:

A. the basic purposes for which funds were granted are not altered by the modifications; and/or

B. the proposed modifications result in improved project or program efficiency in terms of cost savings for equipment, materials, time, or personnel; and/or

C. the proposed modifications result in improved project or program effectiveness in terms of greater quantities or qualities of service provided; and/or

D. 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### **3530.0800 ESTABLISHMENT GRANTS.**

**Subpart 1. Application.** Regional library systems may apply for establishment grants to extend library service to additional counties. Applicants shall submit the following information:

A. name, address, and telephone number of applicant;

B. name of contact person;

C. name of county joining regional library system;

D. a copy of the resolution adopted by the county board of commissioners in which they agree to provide minimum levels of local support;

E. purposes for which grant funds are requested, including a statement of program objectives and identification of results to be accomplished; and

F. proposed expenditures to be made from grant funds.

**Subp. 2. Establishment grant formula.** The amount of the establishment grant to a regional library system for each additional county to extend services shall be \$1 per capita plus \$10 per square mile for the first year, and 50 cents per capita plus \$5 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.

**Subp. 3. 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### **3530.0900 REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS.**

Regional library systems may apply for regional library basic system support grants. Applicants shall submit the following information:

A. name, address, and telephone number of applicant;

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B. name of contact person;

C. names of participating governmental units and identification of nonparticipating governmental units within participating counties;

D. name, educational background, and library work experience of the chief administrative officer;

E. purposes for which grant funds are requested, including a statement of program objectives and identification of results to be accomplished;

F. provision for each participating governmental unit of the following financial information: the amount provided by the governmental unit for operating purposes of public library service during the preceding fiscal year; the amount provided by the governmental unit for operating purposes of public library service during the current fiscal year; and

G. proposed expenditures to be made from grant funds.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### 3530.1000 CRITERIA FOR ELIGIBILITY.

Regional library systems shall be designated as eligible by the State Board of Education provided they meet the criteria in Minnesota Statutes, section 134.34, and the following:

A. 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.

B. 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:

(1) service area; including steps to encourage participation of appropriate adjacent nonparticipating counties and cities;

(2) funding; including cost projections to implement the first year of the plan;

(3) personnel; including projections of numbers and qualifications needed to implement the plan;

(4) 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;

(5) programs of service; including minimum hours of operation of public service outlets and provision of bookmobile service;

(6) physical facilities; including accessibility by the physically handicapped;

(7) multitype library cooperation; and

(8) any other topics deemed appropriate by the regional library system.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### 3530.1100 CALCULATION OF GRANT AMOUNTS.

Regional library basic system support grants shall be calculated as specified in Minnesota Statutes, section 134.35. 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

**3530.1200 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 Minnesota Statutes, sections 6.64 to 6.71.

*Statutory Authority: MS s 134.32 subd 8; 134.36*

**3530.1300 SPECIAL PROJECT GRANTS.**

Subpart 1. **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 Minnesota Statutes, section 134.32, subdivision 4.

Subp. 2. **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.

*Statutory Authority: MS s 134.32 subd 8; 134.36*

**3530.1400 REVIEW.**

Subpart 1. **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.

Subp. 2. **Grants committee review.** Applications for special project grants shall be reviewed by a grants committee of five persons appointed by the chairperson 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:

- A. relationship to categories of emphasis;
  - B. purposes for which grant funds are requested;
  - C. statement of project objectives and identification of results to be accomplished;
  - D. methodology for evaluating project results;
  - E. the project budget;
  - F. clear identification that the project activity would not or could not take place without a grant;
  - G. evidence that the project is either: a one-time project of limited duration to accomplish an objective of long-term benefit; or a pilot for contemplated future operation with a specific plan for absorbing it into ongoing operations;
  - H. the comments from the regional library system review, when received;
- and
- I. qualifications of project staff.

The grants committee shall report its recommendations for projects to be funded to the director of OPLIC.

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**Subp. 3. 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.

**Subp. 4. 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

### **3530.1500 GRANTS FOR INSTITUTION LIBRARY SERVICE AND FOR LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED.**

**Subpart 1. Application.** The Minnesota Department of Corrections and the Minnesota Department of Human Services may apply annually for grants to improve library services for institutionalized persons and for the blind and physically handicapped as authorized by Minnesota Statutes, section 134.32, subdivision 6, and by the Library Services and Construction Act, United States Code, title 20, section 351 et seq. (1970). Applicants shall submit the following information:

- A. name, address, and telephone number;
- B. name of contact person;
- C. locations where program activities will be carried out;
- D. purposes for which grant funds are requested, including a statement of program objectives and identification of results to be accomplished;
- E. proposed expenditures to be made from grant funds;
- F. dollar amounts provided for library services by the department during the preceding fiscal year; and
- G. numbers of services provided and numbers of persons served during the preceding year.

Funds are granted for library services for residents of corrections and welfare institutions and shall not be expended for library services for institution staff.

**Subp. 2. 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.

**Subp. 3. 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

**History:** *L 1984 c 654 art 5 s 58*

### **3530.1600 MULTICOUNTY MULTITYPE LIBRARY COOPERATION DEVELOPMENT GRANTS.**

Multicounty multitype library systems approved by the State Board of Education under provisions of Minnesota Statutes 1979 Supplement, section 134.351, subdivision 1 may annually apply for development grants as authorized by Minnesota Statutes 1979 Supplement, section 134.353. Applicants shall submit the following information:

- A. name, address, and telephone number of applicant multicounty multitype library system;

- B. name, address, and telephone number of contact person in multicounty multitype library system;
- C. purposes for which grant funds are requested;
- D. narrative description of the project to be developed with grant funds;
- E. objectives of the project and results to be accomplished; and
- F. the project budget.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

**3530.1700 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 multicounty multitype 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:

- A. the degree to which the project relates to applicant's plan developed under provisions of Minnesota Statutes 1979 Supplement, section 134.352 and updated under provisions of part 3530.2000, subpart 2;
- B. evidence of careful planning of the project, including appropriateness of objectives in order to achieve results to be accomplished;
- C. evidence of compatibility with state and national bibliographic standards and practices, when pertinent;
- D. appropriateness of methodology for evaluating project results;
- E. cost-effectiveness of the project budget, which shall take into consideration sparse population and large geographic region as required by Minnesota Statutes, section 134.353; and costs incurred in providing the services required by the organizational agreement as specified in Minnesota Statutes 1979 Supplement, section 134.351, subdivision 3 and the costs of providing any additional cooperative services agreed to by participating libraries which are consistent with provisions of Minnesota Statutes 1979 Supplement, section 134.351, subdivision 2;
- F. evidence that the project activity would not or could not take place without a grant;
- G. evidence that the project is of limited duration to accomplish an objective of long-term benefit; and
- H. 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

**3530.1800 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.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*



**3530.1900 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 multitype library system grant programs.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

**3530.2000 CRITERIA FOR ELIGIBILITY.**

**Subpart 1. Eligibility.** In order to be eligible to apply for development grants, applicants shall have met the requirements in Minnesota Statutes 1979 Supplement, section 134.351, subdivisions 3, 4, and 5 and the following.

**Subp. 2. 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 Minnesota Statutes 1979 Supplement, section 134.351, subdivision 3 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.

**Subp. 3. Participation in regional public library system.** Each public library participating in a multicounty multitype 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 multicounty multitype library system.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

**3530.2100 AUDIT.**

Multicounty multitype library systems which receive grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the multicounty multitype 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 Minnesota Statutes, sections 6.64 to 6.71.

**Statutory Authority:** *MS s 134.32 subd 8; 134.36*

**3530.2200 MULTICOUNTY MULTITYPE LIBRARY COOPERATION OPERATING GRANTS.**

Multicounty multitype library systems approved under provisions of Minnesota Statutes 1979 Supplement, section 134.351, subdivision 1 may annually apply for an operating grant as authorized by Minnesota Statutes 1979 Supplement, section 134.353. Applicants shall submit the following information:

A. name, address, and telephone number of applicant multicounty multitype library system;

B. name, address, and telephone number of contact person representing the applicant;

C. identification of participating libraries by type of library;

D. copies of organizational agreements required by Minnesota Statutes 1979 Supplement, section 134.351, subdivision 3;

E. narrative descriptions of the programs to be operated with grant funds including objectives and results to be accomplished;

F. statement of relationship of programs to the plan developed under the provisions of Minnesota Statutes 1979 Supplement, section 134.352; and

G. proposed expenditures for costs incurred in providing the services required by the organizational agreement as specified in Minnesota Statutes 1979 Supplement, section 134.351, subdivision 3 and for the costs of providing any

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additional cooperative services agreed to by participating libraries and consistent with provisions of Minnesota Statutes 1979 Supplement, section 134.351, subdivision 2.

*Statutory Authority: MS s 134.32 subd 8; 134.36*

**3530.2300 OFFICE OF PUBLIC LIBRARIES AND INTERLIBRARY COOPERATION REVIEW.**

The director of OPLIC shall review all applications for compliance with Minnesota Statutes 1979 Supplement, section 134.351, and parts 3530.2200 to 3530.2600. The director of OPLIC shall report recommendations to the State Board of Education for action.

*Statutory Authority: MS s 134.32 subd 8; 134.36*

**3530.2400 CRITERIA FOR ELIGIBILITY.**

Subpart 1. **Eligibility.** In order to be eligible to apply for operating grants, applicants shall have met the requirements in Minnesota Statutes 1979 Supplement, section 134.351, subdivisions 3, 4, and 5 and the following.

Subp. 2. **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 Minnesota Statutes 1979 Supplement, section 134.351, subdivision 3 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.

Subp. 3. **Participation in regional public library system.** Each public library participating in a multicounty multitype 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 multicounty multitype library system.

*Statutory Authority: MS s 134.32 subd 8; 134.36*

**3530.2500 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 multicounty multitype library system grant programs. Of the amount to be provided as operating grants, 60 percent shall be divided into equal amounts for each eligible applicant, 20 percent shall be divided on an equal amount per capita and 20 percent shall be divided on an equal amount per square mile.

*Statutory Authority: MS s 134.32 subd 8; 134.36*

**3530.2600 AUDIT.**

Multicounty multitype library systems which receive grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the multicounty multitype 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 Minnesota Statutes 1978, sections 6.64 to 6.71.

*Statutory Authority: MS s 134.32 subd 8; 134.36*

**PUBLIC LIBRARY CONSTRUCTION GRANTS**

**3530.2610 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 3530.2610 to 3530.2644 have the meanings given them in this part.

Subp. 2. **LDS.** "LDS" means Office of Library Development and Services in the State Department of Education.

Subp. 3. **LSCA.** "LSCA" means the Library Services and Construction Act

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## EDUCATIONAL AND COMMUNITY SERVICES 3530.2614

Amendments of 1984, Public Law Number 98-480, published in Statutes at Large, volume 98, page 2236.

**Subp. 4. Project.** "Project" means a plan by an applicant for a grant under parts 3530.2610 to 3530.2644 for construction, as the term is defined in LSCA, which includes to erect a new public library building; or to acquire and alter a building for use as a public library building; or to remodel or expand an existing public library building; or to remove architectural barriers for the physically disabled; or to remodel to conserve energy or remodel to accommodate new technologies; and, if necessary, to acquire land for, and initially equip the resultant building; all to be financed in part by the grant. "Project" shall not include the purchase of books and other library materials and library supplies.

**Subp. 5. Recipient.** "Recipient" means an applicant who receives a grant for public library construction from the State Board of Education under parts 3530.2610 to 3530.2644.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

### 3530.2612 APPLICATIONS FOR CONSTRUCTION GRANTS.

**Subpart 1. Who may apply.** A regional public library system, or a city or county participating in a regional public library system may apply for a public library construction grant under parts 3530.2610 to 3530.2644 provided that the regional public library system also qualifies for a regional library basic system support grant under Minnesota Statutes, section 134.34.

**Subp. 2. Application forms.** An application for a public library construction grant must be made on an application form available from LDS. The form must include a copy of the list of standard assurances required by the federal government.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32.subd 8*

**History:** *10 SR 2075*

### 3530.2614 APPLICATION CONTENTS.

**Subpart 1. Information required.** The application must include the information required in this part.

**Subp. 2. Resolution by governing body.** The applicant must provide a copy of the resolution passed by the applicant's governing body approving the application and authorizing execution of the grant contract if grant funds are available.

**Subp. 3. Building program.** The applicant must provide a copy of the library building program which will serve as a guide for the project's architect to the purposes, functions, and operations of the library building that is to result from the project. The library building program must contain the following information for each project:

A. an introductory statement, history, and description of existing public library building and services provided; the population of the community and population characteristics; a brief description of businesses, industries, educational institutions, and government agencies in the community; the current library services and indicators of library use such as the number of registered library users and circulation of library materials; the number of library staff; the number of hours per week that the library is open; the current library operating budget;

B. the requirements for the new, expanded, or renovated library building, taking into account the population to be served and the services to be offered; a description of library site; the present and projected size of the library collection indicating all different formats of materials, shelving space required, and proximity relationships among adult, children's, reference, and audiovisual materials collections; user accommodations including circulation desk, numbers of tables

and chairs, type and size of library catalog, number of study carrels, audiovisual equipment, photocopiers, toilet facilities, exhibit spaces, and number of meeting rooms; the staff accommodations including offices, work rooms, maintenance rooms, provisions for delivery of library materials, provisions for bookmobile service if provided; the number of parking spaces, signs, heating and air conditioning systems needed, characteristics of lighting and floor coverings, number and location of telephones, types and location of conduit needed for cable television and computer terminals; and

C. a general summary with statement of need, library goals, and statement of how the project would meet the goals and project criteria in parts 3530.2624 and 3530.2630.

**Subp. 4. Engineer's report.** When the project is the remodeling of an existing building or expansion of an existing building, the applicant must provide a report by an engineer licensed in Minnesota which evaluates the structural soundness, fire, and safety hazards of the existing building.

**Subp. 5. Architect's certification.** The applicant must provide a certification by a Minnesota registered architect that the project's facilities are designed to make them accessible to and useable by physically disabled persons as required by Code of Federal Regulations, title 34, section 75.610, and Minnesota Statutes, sections 471.465 to 471.469.

**Subp. 6. Relationship to historic buildings.** The applicant must provide a statement of the relationship of the project to, and probable effect on, any historic district site, building, structure, or object that is included in the National Register of Historic Places as required in United States Code, title 16, section 470f or eligible under criteria established by the Secretary of the Interior for inclusion in the National Register of Historic Places, as required in Code of Federal Regulations, title 34, section 75.602.

**Subp. 7. Preliminary plans.** The applicant must provide preliminary plans for the project, prepared by a Minnesota registered architect, including a site plan and vicinity maps, subsurface soil analysis, schematic design studies, and outlined specifications.

**Subp. 8. Flood hazard evaluation.** The applicant must provide an evaluation of flood hazards in accordance with Executive Order 11988 and, as far as practicable, avoid uneconomic, hazardous, or unnecessary use of flood plains in connection with the project, as required in Code of Federal Regulations, title 34, section 75.611.

**Subp. 9. Impact on the environment.** The applicant must provide its assessment of the impact of the project on the quality of the environment in accordance with the National Environmental Policy Act of 1969, United States Code, title 42, section 4332(2)(c), and Executive Order 11514, as required by Code of Federal Regulations, title 34, section 75.601.

**Subp. 10. Budget.** The applicant must provide the project budget including estimated expenditures for site acquisition and preparation, consultant fees, planning costs, administration costs; contracts for the construction for a new building, expansion or remodeling of an existing building; architectural, engineering, and inspection costs; initial equipment, furniture, utilities, and floor coverings; and moving expenses for existing collection, equipment, and furniture.

The budget must also include a statement of sources of revenue which must include the nature and source of all funds available for the project and of all funds to be made available and dates when the funds will be available.

If the project is for a library in a multipurpose building, the costs of the entire building must be prorated so that the costs attributable to the library bears the same ratio to the total budget as the number of square feet of library space bears to the total number of square feet in the building, excluding the shared space.

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Costs of shared space such as lobbies, restrooms, and meeting rooms must be prorated with the same ratio. The project budget shall include only the prorated share of costs attributable to the library.

**Subp. 11. Evidence of title to land.** The applicant must provide evidence that it holds fee title to the project site including right of access, or that the applicant can complete negotiations for fee title to the site within 30 days of approval of the application. In obtaining fee title, provisions of Code of Federal Regulations, volume 34, part 15 apply.

**Subp. 12. Assurances.** The applicant must give written assurance of compliance with all applicable state and federal laws and rules, including the law and rules in items A to J.

**A.** The applicant must comply with each specific assurance listed on Part V, Assurances, on the Application for Federal Assistance for Construction Programs, Federal Register, volume 42, pages 45878 to 45879. The list is also included in the application form as specified in part 3530.2612, subpart 2.

**B.** As required by the General Education Provisions Act, United States Code, title 20, section 1232b, the applicant must comply with the Davis-Bacon Act, United States Code, title 40, sections 276a to 276a-7 as supplemented by Department of Labor regulations in Code of Federal Regulations, title 29, part 5. This applies to all construction contracts and subcontracts awarded by the recipients and subrecipients of more than \$2,000. Under this act contractors and subcontractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in wage determination made by the secretary of labor. In addition, contractors and subcontractors shall be required to pay wages not less than once per week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor, as published periodically in the Federal Register, in each solicitation and the award of contract or subcontract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the federal sponsoring agency.

**C.** As required by the General Education Provisions Act, United States Code, title 20, section 1232b, the applicant must comply with the Copeland Antikick Back Act, United States Code, title 18, section 874, as supplemented in Department of Labor regulations in Code of Federal Regulations, title 29, part 3. This applies to all construction and repair contracts and contracts of recipients and subrecipients in excess of \$2,000. It provides that each contractor or subcontractor shall be prohibited from inducing by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The recipient shall report all suspected or reported violations to the federal sponsoring agency.

**D.** The applicant must comply with Minnesota Statutes, sections 177.41 to 177.43, relating to prevailing wage rates.

**E.** For an applicant whose project site is in an area subject to recurrent flooding in a local government unit identified by Minnesota Statutes, section 104.08, subdivision 2, the applicant must comply with Minnesota Statutes, section 104.08, subdivision 3.

**F.** An applicant shall assure that it will display a sign at the project site stating that federal funds provided under LSCA are being used for the project.

**G.** An applicant shall assure that there will be a plaque in the completed building indicating the date of completion and source of funds, and that the plaque will state that funds were provided under LSCA.

**H.** The applicant shall assure that the funds allotted to it for public library construction will be used solely for the following purposes:

- (1) erection costs for new buildings for public library services;
- (2) costs for expansion, remodeling, and alteration of existing buildings for public library services;

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- (3) site grading and improvement of land on which facilities are located;
- (4) architectural, engineering, and inspection expenses incurred after site selection;
- (5) moving expenses for existing collection, equipment, and furniture;
- (6) expenses related to acquisition and installation of initial equipment including all necessary building fixtures, utilities, furniture;
- (7) services of consultants related to the project; and
- (8) expenses other than interest and the carrying charges on bonds related to the acquisition of an existing building or of land on which there is to be construction of new buildings or expansion of existing buildings to be used for public library facilities. The expenses must constitute an actual cost or transfer of public funds.

I. The applicant shall assure that the funds allotted to it as a recipient for public library construction shall not be used for the purchase of books or other library materials or library supplies.

J. The applicant must comply with the federal laws and regulations the state is made responsible for enforcing in Code of Federal Regulations, title 34, parts 74, 76, and 770; and sections 75.600 to 75.616.

Subp. 13. **Additional information.** The director of LDS may request additional information from the applicant to clarify and evaluate the application. If the additional information requested has not been received at LDS within ten working days after the request for additional information, the grant application shall be evaluated and approved or disapproved solely on the basis of the information it contains.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

**3530.2616 APPLICATION DATES.**

For state fiscal year 1986 only, the grant application must be filed on or before June 1, 1986. In subsequent years, applications for public library construction grants must be filed on a date established by the State Board of Education and published in the State Register and in the newsletter of LDS not less than 120 days before the application date.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

**3530.2618 NOTICE OF INTENT.**

Not less than 90 days before the application date, the applicant shall file with LDS a notice of intent to apply on a form available from LDS. The notice of intent shall contain a brief description of the project, the estimated cost, and the amount of the grant to be requested. No less than 60 days before the application date, LDS shall send application forms to all governmental units filing a notice of intent if their project, based on the information contained in the notice of intent, is eligible under federal and state law and rules and regulations. LDS shall send to all other applicants a statement indicating why the project is not eligible.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

**3530.2620 REGIONAL LIBRARY SYSTEM ASSISTANCE.**

A city or county applicant shall request that the staff of the regional public library system in which the applicant participates provide assistance in developing the building program, preliminary plans, the project budget, and the grant application.

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**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

### 3530.2622 REGIONAL REVIEW.

A city or county applicant shall provide a copy of the application to the board of the regional public library system in which the applicant participates no less than 15 working days prior to the application date. The system board may provide written comment to the director of LDS by the application date.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

### 3530.2624 MINIMUM PROJECT SIZES.

**Subpart 1. New construction.** For erection of a new building, remodeling of an existing building for use as a public library, or expansion of a public library building, the minimum project size is a total project cost of at least \$50,000. The resultant building shall have a minimum total interior floor space in relation to population to be served as follows:

Population	Minimum Total Floor Space
Up to 4,999	2,500 square feet or 0.7 square feet per capita, whichever is greater
5,000 to 9,999	3,500 square feet or 0.7 square feet per capita, whichever is greater
10,000 to 24,999	7,000 square feet or 0.7 square feet per capita, whichever is greater
25,000 to 49,999	15,000 square feet or 0.6 square feet per capita, whichever is greater
50,000 and above	0.6 square feet per capita

If the library functions of acquisitions, cataloging, and processing are provided elsewhere, the minimum total floor space may be reduced by five percent. If a community meeting room is available for library use in a nonlibrary portion of the building or in an adjacent building, or if heating and cooling equipment are housed outside the library building, or both, the minimum total floor space may be reduced by five percent.

If the project is for a library in a multipurpose building, shared space such as lobbies, restrooms, and meeting rooms may be attributed to the library based on the ratio of the number of square feet of library space to the total number of square feet of space in the building, excluding the shared space.

**Subp. 2. Construction for removal of architectural barriers or energy efficiency.** For projects solely for removal of architectural barriers for physically disabled persons, or renovation for energy efficiency, the minimum project size is a total project cost of at least \$10,000. The resultant building shall have a minimum total interior floor space in relation to population served as established in subpart 1.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

### 3530.2626 RECENT CONSTRUCTION INELIGIBLE.

No grant shall be made for a project involving a public library building on which construction was completed during the five years preceding the application date, unless the project involves a public library building destroyed or damaged by a major fire, flood, or other catastrophe.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

**3530.2628 MAXIMUM GRANT.**

Grant funds provided under this grant program may constitute up to 33 percent of the total project cost. No grant shall exceed \$200,000.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

**3530.2630 PROJECT CRITERIA.**

**Subpart 1. Scope.** The project site, design, and size as proposed in the application must meet the criteria in part 3530.2624 and this part.

**Subp. 2. Site.** The library site must provide maximum convenient access to the greatest number of people in the community during the normal course of their daily activities by being:

- A. located at or near the center of highest density of daily activity and near such facilities as post offices and retail stores;
- B. located on a primary street, preferably at an intersection;
- C. highly accessible to pedestrian traffic within the area;
- D. convenient to parking; and
- E. convenient to public transportation in cities where it is available.

**Subp. 3. Exterior.** The exterior of the library must be:

- A. easily identifiable as a library with an exterior sign with the name of the library in letters at least 12 inches high;
- B. lighted on the exterior for safe access during evening hours;
- C. designed so that the single public entrance or major public entrance is convenient for pedestrian traffic and to parking lots, and is barrier-free for physically disabled persons; and
- D. designed for convenient delivery of library materials.

**Subp. 4. Interior.** The interior of the library must be:

- A. designed to be as flexible and open as possible with a minimum of load bearing walls to allow for major rearrangement of services within existing spaces for future expansion;
- B. designed to be completely accessible to physically disabled persons;
- C. designed to be in compliance with state and local building, fire, safety, and other codes;
- D. provided with year-round humidity and temperature control, and in construction of new library buildings, natural ventilation in all parts of the building to be occupied by people;
- E. designed to include one circulation desk to serve the entire building and to serve as the control point for maximum sight supervision of the building;
- F. designed, with a functional arrangement of all public and nonpublic areas, for ease of movement through the building for users and staff, and for economical use of space;
- G. lighted at 50 to 70 sustained footcandles at tabletop height in public service areas and 30 to 50 sustained footcandles at tabletop height in storage areas, with lights in both areas evenly distributed and of a quality to provide adequate light without glare;
- H. in a new library building, designed on a single ground floor level, unless the new library building exceeds 20,000 square feet, when a second floor is permitted; and
- I. for additions to an existing building, designed so that at least the square footage required in part 3530.2624 is on a single level, or a maximum required of 20,000 square feet on a single level.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*



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### 3530.2632 APPLICATION RATING.

To measure relative need, all applications shall be rated by staff of LDS using the scales established in this part:

A. A numerical rating shall be determined for each project based on the capacity of the applicant governmental unit to raise revenue. The per capita state average adjusted assessed valuation, as determined by the equalization aid review committee under Minnesota Statutes, section 124.2131, shall be calculated for the most recent three years. The per capita average adjusted assessed valuation for each applicant government unit shall be calculated for the most recent three years. Projects will be awarded points as follows:

(1) projects where the average adjusted assessed valuation per capita is more than 50 percent below the state average for the most recent three years, 20 points;

(2) projects where the average adjusted assessed valuation per capita for the most recent three years is more than 25 percent below but less than 50 percent below the state average, 15 points;

(3) projects where the average adjusted assessed valuation per capita for the most recent three years is below the state average but less than 25 percent below the state average, ten points; and

(4) projects where the average adjusted assessed valuation for the most recent three years is at or above the state average, zero points.

B. A numerical rating of zero to ten points shall be assigned based on the age of the existing public library facility. The age of the facility will be determined by the date that construction was completed or the date that the most recent major renovation, remodeling, or expansion of the facility was completed. The date of completion of the most recent remodeling shall be used when the remodeling affected 50 percent or more of the total square footage of the library. The date of completion of the most recent expansion shall be used when the expansion increases the total square footage of the library by 50 percent or more. Projects will be awarded points as follows:

(1) no existing building or library in leased facility, ten points;

(2) 50 years or more, ten points;

(3) 40 years but less than 50 years, eight points;

(4) 30 years but less than 40 years, six points;

(5) 20 years but less than 30 years, four points;

(6) 10 years but less than 20 years, two points; and

(7) less than ten years, zero points.

C. A numerical rating of one to ten points shall be assigned based on the relationship of the size of the present public library facility to the minimum project sizes established in part 3530.2624, as follows:

(1) there is no present building or the size of the present facility is up to ten percent of the minimum project size, ten points;

(2) the size of the present facility is 11 percent to 20 percent of the minimum project size, nine points;

(3) the size of the present facility is 21 percent to 30 percent of the minimum project size, eight points;

(4) the size of the present facility is 31 percent to 40 percent of the minimum project size, seven points;

(5) the size of the present facility is 41 percent to 50 percent of the minimum project size, six points;

(6) the size of the present facility is 51 percent to 60 percent of the minimum project size, five points;

(7) the size of the present facility is 61 percent to 70 percent of the minimum project size, four points;

(8) the size of the present facility is 71 percent to 80 percent of the minimum project size, three points;

(9) the size of the present facility is 81 percent to 90 percent of the minimum project size, two points; and

(10) the size of the present facility is more than 90 percent of the minimum project size, one point.

D. A numerical rating of zero to 12 points shall be assigned based on the relationship of the size of the project to the minimum project sizes established in part 3530.2624, as follows:

(1) if the project is up to ten percent larger than the minimum project size, two points;

(2) if the project is from 11 to 20 percent larger than the minimum project size, four points;

(3) if the project is from 21 to 30 percent larger than the minimum project size, six points;

(4) if the project is from 31 to 40 percent larger than the minimum project size, eight points;

(5) if the project is from 41 to 50 percent larger than the minimum project size, ten points; and

(6) if the project is more than 50 percent larger than the minimum project size, 12 points.

E. If the project replaces a public library building destroyed or damaged by a major fire, flood, or other catastrophe, five points shall be assigned.

F. If the project is for a public library facility in a city or neighborhood that does not now have a public library, and it is located at least ten miles from another Minnesota public library facility, and it will serve a population of 2,500 or more, five points shall be assigned.

G. If the public library building meets or exceeds the number of hours open per week in the following table, five points shall be assigned.

Service Area Population	Hours Per Week
Up to 4,999	20
5,000 to 9,999	40
10,000 to 24,999	50
25,000 or more	68

H. A numerical rating of zero to five points shall be assigned based on the average per capita expenditure of the library for library materials as reported to LDS on annual report forms for the most recent three years. The per capita state average expenditure for library materials by all public libraries shall be calculated for the same three year period and projects shall be awarded points as follows:

(1) projects where the average expenditure per capita for library materials is 100 percent or more above the state average for the most recent three years, five points;

(2) projects where the average expenditure per capita for library materials is at least 75 percent but less than 100 percent above the state average for the most recent three years, four points;

(3) projects where the average expenditure per capita for library materials is at least 50 percent but less than 75 percent above the state average for the most recent three years, three points;

(4) projects where the average expenditure for library materials is at least 25 percent but less than 50 percent above the state average for the most recent three years, two points;

(5) projects where the average expenditure for library materials is at or above the state average but less than 25 percent above the state average for the most recent three years, one point; and

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(6) projects where the average expenditure for library materials is below the state average for the most recent three years, zero points.

I. A numerical rating of one to five points shall be assigned based on the population to be served by the new facility as follows:

- (1) up to 4,999, one point;
- (2) 5,000 to 9,999, two points;
- (3) 10,000 to 24,999, three points;
- (4) 25,000 to 49,999, four points; and
- (5) 50,000 and above, five points.

J. A numerical rating of zero to five points shall be assigned based on the percentage of the population to be served by the new facility that is over the age of 65 years, according to the most recent United States census. The percentage must be based on the most recent United States census, the 1980 Census of Population, volume 1: Characteristics of the Population, chapter B: General Population Characteristics, part 25: Minnesota, which is incorporated by reference. The census is available at the State Law Library. It is not subject to frequent change. Points must be assigned to the projects as follows:

- (1) projects where the percentage of population over the age of 65 years is 100 percent or more above the state average, five points;
- (2) projects where the percentage of population over the age of 65 years is 75 to 99 percent above the state average, four points;
- (3) projects where the percentage of population over the age of 65 years is 50 to 74 percent above the state average, three points;
- (4) projects where the percentage of population over the age of 65 years is 25 to 49 percent above the state average, two points;
- (5) projects where the percentage of population over the age of 65 years is at the state average to 24 percent above the state average, one point; and
- (6) projects where the percentage of population over the age of 65 years is below the state average, zero points.

K. If the project is a new or expanded headquarters for a regional public library system, five points shall be assigned.

L. If the project, when completed, will contain books and other library materials that will serve individuals with limited English-speaking proficiency, as evidenced by the building program, three points shall be assigned.

M. If the project, when completed, will contain books and other library materials that will serve individuals who are illiterate, as evidenced by the building program, three points shall be assigned.

N. If the project, when completed, will provide facilities for use of telecommunications and computer technology, as evidenced by the building program, three points shall be assigned.

O. In case of a tie, the project or projects having the lowest average per capita adjusted assessed valuations for the most recent three years shall be awarded grants in order from lowest to highest average until all funds have been granted.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

### **3530.2634 PROJECT PRIORITIES.**

All projects shall be funded in order by total points assigned in the application rating until all available funds have been granted.

In order to ensure the use of all available funds, the first priority project for which insufficient funds remain to award the amount of grant requested shall be offered a grant amount less than the dollar amount requested. The applicant shall

then be requested to indicate whether or not the project as proposed could be implemented with a smaller grant amount, and shall be requested to show how the project could be modified, if necessary, to meet all criteria with a smaller project budget. That applicant shall have 60 days to modify its project to comply with parts 3530.2610 to 3530.2644 and applicable law. If the applicant is unable to so modify the project, the same request shall be made to applicants in descending order of priority until all funds are granted.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

### **3530.2636 CONSTRUCTION GRANTS REVIEW COMMITTEE.**

The library building program and the preliminary plans for the project shall be evaluated by a construction grants review committee of five persons appointed by the chairperson of the advisory council to LDS as required by LSCA. At least one member of the committee shall be an architect registered in the state of Minnesota and at least two members shall be public librarians. The committee shall evaluate each of the programs and plans in terms of the degree to which program requirements are met by the preliminary plans, indicating any program requirements which are not included in the preliminary plans; and the degree to which the preliminary plans meet project criteria established in parts 3530.2624 and 3530.2630, indicating any project criteria which are not met and suggesting modifications to the plans so that criteria can be met.

Within ten working days after the application date, the committee shall present its evaluations to the director of LDS. Within five working days after receiving the committee evaluation, the director of LDS shall report all deficiencies to the applicant. The applicant may modify building plans to correct the deficiencies identified. The modification must be received at the LDS within ten working days after receiving the report of deficiencies. No project shall be submitted to the State Board of Education for funding unless the project is modified to comply with parts 3530.2610 to 3530.2644 and applicable law. No grant shall be made to a project unless the building plans have been modified to meet the building program and the project criteria.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

### **3530.2638 APPROVAL OF PROJECTS.**

The director of LDS shall advise the State Board of Education of applications meeting the project criteria specified in part 3530.2630, and the results of application rating performed as specified in part 3530.2632. The State Board of Education shall award grants in order by total points assigned in the application rating until all available funds have been granted. The commissioner of education shall notify the United States Department of Education of the approved projects for which federal funds are to be used.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

### **3530.2640 HEARINGS.**

An applicant whose application for funds is denied may, within ten days of receipt of notification of denial from the State Board of Education, request a hearing on the denial in accordance with Code of Federal Regulations, title 34, section 770.50.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

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## 3530.2642 GRANT AGREEMENTS.

Subpart 1. **Grant contract required.** A grant contract shall be offered to each applicant whose project application is approved for funding by the State Board of Education. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

Subp. 2. **Contents of grant contract.** The grant contract shall include:

A. a work program which indicates completion dates for major parts of the project and the projected budget supporting the work program;

B. a description of the manner in which payments will be made to grant recipients;

C. a clause providing that the books, records, documents, and accounting procedures of the recipient, relevant to the contract, are subject to examination by the LDS and the state auditor, as required by Minnesota Statutes, section 16B.06;

D. provision for an audit of the receipts and disbursements of all funds for the project, to be performed by the staff of the state auditor's office, a certified public accountant, or a public accountant, under procedures in Minnesota Statutes, sections 6.64 to 6.71;

E. assurance that the grant recipient will comply with all applicable state and federal laws, including the federal laws or regulations for which the state is made responsible for enforcement in Code of Federal Regulations, title 34, parts 74, 76, and 770; and sections 75.600 to 75.616;

F. assurance that final working drawings and specifications will be submitted for review for compliance with the state building code as required in Minnesota Statutes, section 16B.61, subdivision 4;

G. assurance that the grant recipient will supply to LDS a tabulation of all bids received, showing the bids accepted;

H. assurance that construction on the project shall be initiated by having workers on the job placing materials on the job, within 150 days of notification by the department that the grant has been awarded;

I. assurance that construction on the project will be completed within:

(1) 15 months from the project initiation date for projects with budgets of less than \$500,000;

(2) 18 months from the project initiation date for projects with budgets of less than \$1,000,000; and

(3) 24 months from the project initiation date for projects with budgets exceeding \$1,000,000;

J. assurance that LDS shall be supplied with weekly payroll reports submitted by contractors and subcontractors;

K. assurance of compliance with Public Law Number 98-480, section 202, subpart (c);

L. assurance that if the grant recipient discontinues participation in, or is unable to qualify for participation in, the regional library basis system support grant program under provisions of Minnesota Statutes, section 134.34, it shall refund to the state five percent of the grant amount for each year from the year of discontinuation of participation to the year that is 20 years after the project completion date; and

M. assurance that LDS will be notified of project completion within 30 days after project completion so that it may notify the United States Department of Education as required by Code of Federal Regulations, title 34, section 770.21(a)(2).

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

**3530.2644 RETURN OF GRANT FUNDS.**

If a project is completed for an amount lower than the amount in the project budget in the application, the recipient shall amend its grant contract and return any unexpended funds to the State Department of Education. The grant amount shall be reduced by the same percentage as the total project budget has been reduced. The State Board of Education shall first offer those returned funds to the first recipient under part 3530.2634 whose project was funded at less than the requested amount. That recipient shall have 60 days to modify its project to the satisfaction of the director of LDS to expend an increased grant amount up to the amount in its application. If additional funds remain, grants shall be offered to remaining applicants, in priority order as established in part 3530.2634 provided that projects still meet all criteria and provisions of federal and state rules and regulations as determined by the director of LDS.

**Statutory Authority:** *MS s 121.09; 121.11 subd 12; 134.32 subd 8*

**History:** *10 SR 2075*

**SCHOOL LUNCH, USDA DONATED FOOD AND MILK PROGRAMS****3530.2700 SCHOOL LUNCH PROGRAM.**

Subpart 1. **Eligibility.** All public schools, secondary grade level and under, and all public school pupils, kindergarten and grades 1 to 12, are eligible to participate in the school lunch program.

Subp. 2. **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.

Subp. 3. **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.

Subp. 4. **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.

Subp. 5. **Records and reports.** The school district shall maintain such records and the school officials submit such reports as the commissioner of education may require.

Subp. 6. **Accounting.** The receipts and expenditures for the programs of all participating schools shall be accounted for in the financial records of the district.

Subp. 7. **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 United States Department of Agriculture for review and audit at any reasonable time and place.

**Statutory Authority:** *MS s 121.05*

**3530.2800 DIRECT DISTRIBUTION OF UNITED STATES DEPARTMENT OF AGRICULTURE DONATED FOODS.**

The rules stated in part 3530.2700 shall apply.

**Statutory Authority:** *MS s 121.05*

**3530.2900 SPECIAL MILK PROGRAM.**

The rules stated in part 3530.2700 shall apply.

**Statutory Authority:** *MS s 121.05*

**EARLY CHILDHOOD HEALTH AND DEVELOPMENTAL SCREENING****3530.3000 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 3530.3000 to 3530.4310, the terms defined in this part have the meanings given them.

Subp. 2. **Assessment.** "Assessment" has the same meaning as "screening."

Subp. 3. **Developmental screening.** "Developmental screening" means identification of the motor, language, social-emotional, and cognitive status of the child.

Subp. 4. **Health maintenance referral.** "Health maintenance referral" means a referral made for periodic medical or dental examinations, immunizations, or health or nutritional counseling.

Subp. 5. **Licensed, registered, or certified.** "Licensed," "registered," or "certified" means licensed, registered, or certified in Minnesota.

Subp. 6. **Parent.** "Parent" means the mother, father, or legally appointed guardian. If a child is a ward of the commissioner of human services or other public official, the parent is the commissioner or such official. If the parent or guardian is unknown or cannot be found after reasonable efforts have been made, the parent is an agency or other person appointed pursuant to Minnesota Statutes or court order.

Subp. 7. **Early childhood health and developmental screening program.** "Early childhood health and developmental screening program" or "screening program" means the systematic procedures developed to conduct screening of preschool children.

Subp. 8. **Referral.** "Referral" means an organized system for providing information to the parent at the summary interview about the names of agencies or providers to possibly be used for evaluation or diagnosis.

Subp. 9. **Screening.** "Screening" means the use of procedures to sort out apparently well children from those in need of more definitive study of health or developmental problems.

Subp. 10. **Screening personnel.** "Screening personnel" means professional, paraprofessional, and volunteer staff who conduct activities as part of the screening program.

**Statutory Authority:** *MS s 123.703*

**History:** *L 1984 c 654 art 5 s 58; 1Sp1985 c 12 art 6 s 27*

**3530.3100 PARTICIPATION IN PROGRAM AND DELIVERY OF SERVICES.**

Subpart 1. **Available screening.** All children shall have available without cost the services of trained personnel to screen for possible health and developmental problems once prior to entering school.

Subp. 2. **Voluntary screening.** Participation in the screening program by children is voluntary, and can not be required for entry into school. A parent may elect to participate in only a part of the screening program.

Subp. 3. **Methods of providing screening.** A screening program shall be provided by all school boards, with the consultation of local societies of health providers. If possible school boards, individually or in cooperation with other schools or agencies, shall contract with or purchase services from approved early and periodic screening programs. If 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. An agreement to provide a component of the screening program must be in writing, describe the responsibilities, and state the date and location of the component to be provided.

Subp. 4. **Coordination with other screening programs.** Screening programs and follow-up shall be coordinated as far as possible with other health screening programs and providers to eliminate duplication of services and provide more efficient administration. School boards shall arrange for exchange of information on students with other health screening programs and providers. The exchange shall be consistent with part 3530.3700.

Subp. 5. **Exclusion from providing screening.** If an individual or group is excluded from performing a screening component it may submit a complaint to the school board. The school board must take action it determines is advisable.

**Statutory Authority:** *MS s 123.703*

### 3530.3200 SCHOOL DISTRICT PLAN AND PROGRAM REPORT.

Subpart 1. **Annual plan.** Annually each school district shall submit to the State Department of Education a plan for implementing an early childhood screening program. The plan must be in accordance with Minnesota Statutes, sections 123.701 to 123.705 and parts 3530.3000 to 3530.4310.

Subp. 2. **Content of plan.** The plan must be on forms supplied by the commissioner of education and contain substantially the following:

A. information identifying the district and an early childhood screening coordinator;

B. information about the screening, such as the number and age range of the children to be screened, the estimated screening date, and program components;

C. whether advanced funding is requested; and

D. the assurance of the clerk of the school board and the superintendent or other authorized agent of the district that the district is in compliance with state laws and rules requiring that:

(1) the public will be informed and actively encouraged to participate in an early childhood screening program;

(2) local societies of health care providers will be consulted about an early childhood screening program;

(3) all staff will meet the qualifications as defined in part 3530.3300;

(4) all required screening components will be offered in accordance with part 3530.3400;

(5) the required screening services will be offered at no direct cost to the participating parent;

(6) a referral and follow-up process will be available;

(7) no reimbursement request will be submitted for children whose screening has been paid for by other agencies or for costs reimbursed by other sources;

(8) no reimbursement will be claimed for more than one screening per child; and

(9) copies of the child screening form and the program cost report will be submitted to the State Department of Education.

Subp. 3. **Effect of plan.** The plan is submitted in consideration of and for the purpose of obtaining state aid from the State Department of Education. The district shall agree that state aid is paid in reliance on the representations and assurances made in the plan. The assurances in subpart 2, item D are binding on the district and the persons who sign on behalf of the district.

Subp. 4. **Exceptions.** Requests for exceptions to required components of the screening program must be made annually before the screening program is implemented. The State Board of Education shall grant an exception if the district provides evidence that it is not financially feasible for the district to provide one or more components.



Subp. 5. **Program report.** Annually each school district shall submit to the State Department of Education a report of the following information:

A. the number of children screened in required and optional components;

B. the number of children who were eligible for screening;

C. the district's cost by component; and

D. the average cost of any optional components and any fees charged for optional components.

Subp. 6. **Final aid payment.** The final aid payment shall be paid at the conclusion of the screening program or the fiscal year, whichever occurs first. A district's plan must have been approved and report submitted before the aid is paid.

**Statutory Authority:** *MS s 123.703*

**History:** *1Sp1985 c 12 art 6 s 27*

### 3530.3300 SCREENING PROGRAM STAFF.

Subpart 1. **Early childhood screening coordinator.** Each district shall designate an early childhood screening coordinator to be responsible for administering all components of the screening program. The coordinator may be a volunteer.

Subp. 2. **Screening personnel.** In selecting personnel for screening programs, school districts shall give first priority to volunteers who have the qualifications required by subparts 4 to 9. Second priority shall be given to others who possess at least minimum qualifications and who can provide services determined to be most cost effective. Personnel may perform one or more of the functions described in this part if they meet each of the qualifications.

Subp. 3. **Services delegated by professionals.** If a qualified professional delegates services, the professional must assure that all delegated services comply with parts 3530.3000 to 3530.4310 and that adequate supervision is provided. The professional is responsible for services delegated and provided by other persons.

Subp. 4. **Professional health screener qualifications.** A person who performs professional health screening must be a licensed medical physician, dentist, registered nurse, chiropractor, optometrist, podiatrist, or psychologist. A professional health screener who is not a licensed physician, or a registered nurse must have successfully completed Department of Health training seminars or equivalent training programs to prepare individuals to perform child screening. The seminars or programs must be designated by the Department of Health in consultation with the State Department of Education.

Subp. 5. **Developmental screener qualifications.** A person who performs developmental screening without supervision must be licensed as a special education teacher, school psychologist, kindergarten teacher, prekindergarten teacher, registered nurse, or licensed physician and must have completed training seminars provided by the State Department of Education or equivalent training as determined by the State Department of Education in consultation with the Department of Health. Other persons who perform developmental screening must meet supervision requirements in subpart 8.

Subp. 6. **Vision and hearing screener qualifications.** A person who performs vision or hearing screening must have been trained by the Department of Health to perform vision or hearing screening; or a program providing equivalent preparation as determined by the Department of Health in consultation with the State Department of Education.

Subp. 7. **Laboratory assistant qualifications.** A person who performs laboratory tests must have been trained by the Department of Health to perform the specific tests used in the screening program; or a program providing equivalent

preparation as determined by the Department of Health in consultation with the State Department of Education.

**Subp. 8. Clinic assistant qualifications.** A clinic assistant is a lay person or a paraprofessional who may perform any component of the screening program. The clinic assistant must be under the supervision of a professional qualified for the screening component for which the clinic assistant is used. The professional must be present at the screening site. A clinic assistant must have been trained by State Department of Education or Department of Health professional staff to administer the health or developmental screening measures to be performed by the clinic assistant; or a program providing equivalent preparation as determined by the State Department of Education or the Department of Health.

**Subp. 9. Dental screener qualifications.** A person who performs dental assessments must be a:

A. licensed dental hygienist or a registered or certified dental assistant; or

B. registered nurse who has been trained by the Department of Health or approved by the Department of Health in consultation with the State Department of Education, as having been trained to perform dental screening; or

C. licensed dentist, licensed physician, school nurse practitioner, or pediatric nurse practitioner using screening procedures according to parts 3530.3400 to 3530.4310.

**Subp. 10. Equivalent training programs.** The Department of Health, in consultation with the State Department of Education, shall approve a program as providing equivalent training for the purpose of subparts 4, and 6 to 8 if the program meets all of the following:

A. it provides information and training required to perform the specific screening and referral activities specified in subparts 4, and 6 to 9;

B. it must offer the same or greater number of course contact hours as the Department of Health training seminars;

C. the instructor qualifications must be at least equivalent to the instructor qualifications of Department of Health training seminar instructors; and

D. the course materials must be consistent with materials used in Department of Health training seminars.

**Subp. 11. Volunteer.** A volunteer may be a lay person, paraprofessional, or professional who performs screening without fee or payment. A volunteer may perform any of the screening components if the volunteer meets the qualifications established in this part.

**Statutory Authority:** *MS s 123.703*

**History:** *ISp1985 c 12 art 6 s 27*

### 3530.3400 SCREENING PROCEDURES.

**Subpart 1. Required components.** Screening procedures shall include the components in subparts 2 to 7, unless an exception has been granted according to part 3530.3200, subpart 4.

**Subp. 2. Health history.** A professional health screener must obtain a health history at an individual parent interview to review past and present health status including immunization status and perinatal, psychosocial, and family health information.

**Subp. 3. Developmental tests.** A developmental screener must measure the child's cognition, fine and gross motor skills, speech and language, and social-emotional development. The procedures must include at least:

A. a parent report of the child's functioning history in skills development, emotional status, and behavior status; and

B. direct observation of the child's functioning. Standardized develop-

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mental screening instruments approved by the State Department of Education must be used. They must contain norms for the age range tested and written procedures for administration, scoring, and interpretation.

**Subp. 4. Hearing test.** A hearing screener must screen for deviations from the normal range of auditory acuity using the Puretone Audiometer or the Verbal Auditory Screening of Children (VASC) or equivalent procedures as determined by the Department of Health in consultation with the State Department of Education.

**Subp. 5. Vision test.** A vision screener must screen for eye health, deviations from the normal range of visual acuity, and muscle balance. The procedures include:

A. an external inspection of the eyes, including lids, lashes, and surrounding area;

B. muscle balance screening procedures, including at least an observation, alternate cover test, and corneal light reflection or equivalent screening procedures as determined by the Department of Health in consultation with the State Department of Education; and

C. an instrument to screen for visual acuity such as the HOTV Chart, the Snellen E cube, the Snellen Alphabet E-Chart, or an instrument with equivalent standards, as determined by the Department of Health in consultation with the State Department of Education.

**Subp. 6. Height, weight, blood pressure.** A screener must measure the child's height, weight, and blood pressure.

**Subp. 7. Review with parent.** After all screening is completed, a professional health screener must conduct a summary interview with the parent to discuss the health and developmental findings and make referral recommendations.

**Statutory Authority:** *MS s 123.703*

### 3530.3500 OPTIONAL COMPONENTS.

Screening procedures may also include the components in items A to E.

A. Dental inspection of the child's mouth to detect obvious oral or dental abnormalities may be provided. If dental education is provided, it should include at least information about fluorides, snacks, sealants, and regular dental visits.

B. Physical inspection of the unclothed child may be provided. If provided, it must include an inspection of pulse, respiration, head, eyes, ears, nose, pharynx, neck, chest, heart, lungs, abdomen, spine, extremities, joints, muscle tone, and skin according to normal procedures.

C. Laboratory tests may be provided and if provided, must be appropriate for the age and sex of the child. The tests may include:

(1) urine (bililabstix);

(2) anemia testing (microhematocrit, hemoglobin);

(3) blood lead test for increased lead absorption and lead poisoning in children whose history indicates the possibility of exposure to undue levels of lead in the environment or atmosphere; and

(4) sickle cell test administered when indicated by the child's health history or physical inspection, and only with specific consent of the parent.

D. Nutrition assessment of the child's food intake may be provided.

E. Other optional components must be explained in the district's annual plan. Providers of optional components must meet the standards for screening personnel described in part 3530.3300.

**Statutory Authority:** *MS s 123.703*

**3530.3600 DUPLICATION OF SERVICES.**

No screening program shall provide a laboratory test, health history, or physical assessment to any child who has had the laboratory test, health history, physical assessment, or physical examination as part of a well-child evaluation within the previous 12 months. The school district shall request the results of any laboratory test, health history, or physical examination conducted within 12 months preceding a scheduled early childhood screening program, for inclusion in the school records in lieu of comparable information collected in the screening program. Procedures shall be developed for exchange of information in accordance with part 3530.3700.

**Statutory Authority:** *MS s 123.703*

**History:** *1Sp1985 c 12 art 6 s 27*

**3530.3700 PRIVATE DATA.**

Data on individual children is 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 parent.

**Statutory Authority:** *MS s 123.703*

**3530.3800 INCLUSION IN SCHOOL RECORDS.**

Data on individual children obtained in the screening program shall be incorporated into school district records, except as indicated in part 3530.3700. Screening data that are not substantiated may not be incorporated in the child's school record as confirmed health or developmental problems.

**Statutory Authority:** *MS s 123.703*

**3530.3900 REFERRALS.**

The State Department of Education in consultation with the Department of Health shall develop guidelines for referral criteria for each screening component.

**Statutory Authority:** *MS s 123.703*

**3530.4000 FOLLOW-UP ON REFERRALS.**

A minimum of two attempts shall be made, at least one of which shall be in writing with return postage, to determine whether the recommended referrals were used and were valid. The school district is not required to follow up on health maintenance referrals.

**Statutory Authority:** *MS s 123.703*

**3530.4100 MEDICAL ASSISTANCE INFORMATION.**

School districts shall request information from parents concerning medical assistance eligibility to make it possible for the district to comply with part 3530.3200, subpart 2, item D, subitem 6.

**Statutory Authority:** *MS s 123.703*

**3530.4200 SERVICES PROHIBITED.**

Diagnosis, treatment, or therapy shall not be provided in the screening program but may be provided as a part of a related program.

**Statutory Authority:** *MS s 123.703*

**3530.4300 SPECIAL EDUCATION.**

Educational placement decisions, diagnostic conclusions, and objectives for individual educational plans may not be based solely or primarily on the screening data made available to the district from the screening program.

**Statutory Authority:** *MS s 123.703*

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### 3530.4310 FEES.

Districts may charge parents a fee for any of the optional screening components. Parents may refuse the optional components and receive the required components free of charge.

**Statutory Authority:** *MS s 123.703*

## CIVIL DEFENSE

### 3530.4400 DISASTER PLAN.

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.

The plan shall be organized in accordance with the Minnesota School Disaster Planning Guide, published and distributed by the State Department of Education.

A current copy of the plan shall be available for review and evaluation by a representative of the State Department of Education.

The plan shall be tested and evaluated at least once a year.

**Statutory Authority:** *MSs 121.11 subd 7*

### 3530.4500 PLANNING COORDINATOR.

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.

**Statutory Authority:** *MS s 121.11 subd 7*

### 3530.4700 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.

**Statutory Authority:** *MS s 121.15*

## COMMUNITY SERVICES

### 3530.5500 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.

**Statutory Authority:** *MS s 121.86*

### 3530.5600 COMMUNITY SERVICES DEFINED.

Community services, as defined for school districts, includes services rendered by a school district beyond the regular K to 12 program, as recommended by the community services advisory council and approved by the local board of education.

**Statutory Authority:** *MS s 121.86*

### 3530.5700 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.

**Statutory Authority:** *MS s 121.86*

**3530.5800 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 moneys may be transferred into the community service fund for equipment or other capital expenditures. In addition, general fund moneys 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.

**Statutory Authority:** *MS s 121.86*

**3530.5900 THE DISTRICT ADVISORY COUNCIL.**

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. 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. Each advisory council shall have a minimum of four meetings per year.

**Statutory Authority:** *MS s 121.86*

**3530.6000 COMMUNITY SCHOOL DIRECTORS.**

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

**Statutory Authority:** *MS s 121.86*

**3530.6100 LEVY EFFORT.**

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

**Statutory Authority:** *MS s 121.86*

**3530.6200 ANNUAL REPORT.**

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

**Statutory Authority:** *MS s 121.86*

**VETERAN'S EDUCATION****3530.6300 TEACHER CERTIFICATION.**

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

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

**Statutory Authority:** *MS s 124.625*

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### 3530.6400 EMPLOYABILITY REQUIREMENT.

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

**Statutory Authority:** *MS s 124.625*

### PRIVATE BUSINESS, TRADE, AND CORRESPONDENCE SCHOOLS

#### 3530.6500 CONTRACTS BY UNLICENSED SCHOOLS.

When any contract is deemed unenforceable pursuant to Minnesota Statutes, section 141.25, subdivision 2, all moneys paid by a student or prospective student shall be immediately refunded.

**Statutory Authority:** *MS s 141.23*

#### 3530.6600 APPLICATION FOR LICENSURE.

**Subpart 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 Minnesota Statutes, section 141.25, subdivision 3, the school shall immediately inform the commissioner of such change.

**Subp. 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.

**Subp. 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 Minnesota Statutes, section 141.25, subdivision 3. If this information is the same for each location the school shall so specify.

**Subp. 4. List of equipment.** The list of equipment required under Minnesota Statutes, section 141.25, subdivision 3, clause (d) shall be the major items of equipment, listed separately for each specified field of instruction.

**Subp. 5. Information to be submitted on instructor qualifications.** To satisfy the requirements of Minnesota Statutes, section 141.25, subdivision 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 part 3530.6900 and has been approved by the State Department of Education to teach in that specified field.

**Statutory Authority:** *MS s 141.23*

#### 3530.6700 STANDARDS FOR 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 require-

ments; it must be based on the skills and 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.

**Statutory Authority:** *MS s 141.23*

### 3530.6800 STANDARDS FOR SCHOOL FACILITIES AND STUDENT HOUSING.

**Subpart 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.

**Subp. 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.

**Statutory Authority:** *MS s 141.23*

### 3530.6900 STANDARDS FOR INSTRUCTORS.

**Subpart 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.

**Subp. 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."

**Subp. 3. Instructor standards.** All instructors shall meet the following four requirements:

A. 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;

B. acceptable general formal education as evidenced by a high school diploma;

C. written confirmation by the commissioner of education that the instructor has complied with items A, B, and C before assuming teaching duties; and

D. 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:

(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:

(a) a baccalaureate degree from an accredited college or university with a major in medical technology;

(b) a baccalaureate degree from an accredited college or university with a major in science related to the practice of laboratory medicine;

(c) successful completion of the following academic courses at an accredited college or university: a minimum of 16 semester (24 quarter) hours of chemistry, including organic or biological chemistry, and a minimum of 16 semester (24 quarter) hours of biological sciences including microbiology or bacteriology, and a course in mathematics at or above the level of algebra; or

(d) hours or distribution of hours, as set forth in unit (c), in professional workshops, seminars, and on-the-job training of comparable and



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acceptable quality. Evidence of the quality and acceptability of such training shall be submitted in writing to and approved by the commissioner of education.

(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;

(b) successful completion of a college curriculum leading to a baccalaureate degree in this specialty and a minimum of one year or 2,000 clock hours of programming experience;

(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.

**Subp. 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.

**Statutory Authority:** *MS s 141.23*

### **3530.7000 CATALOG OR BROCHURE; SUPPLEMENTARY PAGES.**

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. The supplement page or pages shall be clearly identified as pertaining to the state of Minnesota. 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 supersedes that which is contained elsewhere in the catalog or brochure.

**Statutory Authority:** *MS s 141.23*

### **3530.7100 CONTENTS OF CATALOG OR BROCHURE.**

**Subpart 1. Course outline.** In the information required by Minnesota Statutes, section 141.25, subdivision 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.

**Subp. 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.

**Subp. 3. Refund policy.** The catalog or brochure shall contain the refund

policy printed in its entirety. The policy shall be in accordance with Minnesota Statutes, section 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 part 3530.7500.

Subp. 4. **Legibility.** The contents of the catalog or brochure required by Minnesota Statutes or rules of the State 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.

**Statutory Authority:** *MS s 141.23*

### **3530.7200 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 Minnesota Statutes, section 141.25, subdivision 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 parts 3530.7000 and 3530.7100.

**Statutory Authority:** *MS s 141.23*

### **3530.7300 PLACEMENT RECORDS.**

Subpart 1. **Contents.** 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. 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.

Subp. 2. **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.

**Statutory Authority:** *MS s 141.23*

### **3530.7400 SOLICITORS.**

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. 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. In lieu of the solicitor's bond required by Minnesota Statutes, section 141.26, subdivision 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 \$2,000 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 \$2,000.

**Statutory Authority:** *MS s 141.23*

### **3530.7500 CONTRACTS.**

Subpart 1. **Student defined.** "Student" used in Minnesota Statutes, section 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.

Subp. 2. **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.

**Statutory Authority:** *MS s 141.23*

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## EDUCATIONAL AND COMMUNITY SERVICES 3530.7800

### **3530.7600 DEGREE GRANTING.**

A school which offers both degree and nondegree programs shall obtain a license for its nondegree programs. The school is not exempt by reason of Minnesota Statutes, section 141.35, clause (a).

**Statutory Authority:** *MS s 141.23*

### **3530.7700 INSPECTIONS.**

**Subpart 1. Guidelines.** The commissioner, with advice from the advisory commission, shall establish guidelines for use by his delegates when conducting inspections pursuant to Minnesota Statutes, section 141.30.

**Subp. 2. Qualifications of inspectors.** Any delegate appointed by the commissioner to conduct an inspection as authorized in Minnesota Statutes, section 141.30, shall be qualified to make the judgments which are necessitated by such an inspection. He shall be impartial and shall have no personal interest in the outcome of the inspection.

**Statutory Authority:** *MS s 141.23*

### **3530.7800 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.

**Statutory Authority:** *MS s 141.23*