

5 MCAR 1

5-17-82

- 1 State Board of Education
- 2 (State Board for Vocational Education)
- 3 Department of Education
- 4 Vocational-Technical Education Division
- 5
- 6 Adopted Rules Governing Criteria for Adult Vocational Program
- 7 Funding (5 MCAR SS 1.0111-1.0117)
- 8
- 9 Rules as Adopted

10 5 MCAR S 1.0111 Scope. Rules 5 MCAR SS 1.0111-1.0117 govern the
 11 operation of adult vocational-technical programs offered by a
 12 school district or cooperative center for which state aids are
 13 paid.

14 5 MCAR S 1.0112 Program criteria. An adult vocational-technical
 15 program shall meet the following criteria to be approved as
 16 eligible for state aid.

17 A. Enrollees. The enrollees shall have completed or
 18 terminated secondary school. They shall be at least 16 years
 19 old.

20 B. Instructor licensure. For the purpose of B., instructor
 21 includes a specialist, a guest lecturer and a resource person.
 22 An instructor shall hold a valid adult vocational-technical
 23 license in the area taught. An instructor who teaches more than
 24 500 clock hours annually shall meet full-time adult licensure
 25 requirements or post-secondary licensure requirements in the
 26 area taught if full-time adult licensure requirements do not
 27 exist. An instructor who teaches six hours or less in three
 28 consecutive months in any individual program is not required to
 29 hold a license in order to teach in that program.

30 C. Administrative services. Administrative services shall
 31 be provided to administer the adult vocational-technical program
 32 needs.

33 D. Advisory committee. The district or center shall have
 34 either an adult vocational-technical advisory committee or
 35 program advisory committees for each occupational area in which

1 courses are offered. A district or center may have both types
 2 of committees. A committee shall meet at least once a year.
 3 District or center employees shall not be voting members of the
 4 advisory committees in the district or center in which they are
 5 employed but may serve as ex officio nonvoting members.

6 E. Evaluation. The district or center shall conduct an
 7 annual evaluation. The evaluation shall be based on the
 8 following concepts:

- 9 1. planning and development;

- 10 2. needs assessment;

- 11 3. diversity of offerings;

- 12 4. management; and

- 13 5. program operations.

14 F. Review by accrediting body. If a program is subject to
 15 review by a national or state accrediting body, the district or
 16 center shall notify the Department of Education of the review
 17 date at least 30 days before the review. The district or center
 18 shall copy all information supplied to the accrediting body and
 19 retain the copies.

20 5 MCAR S 1.0113 Course criteria, procedures and priorities. For
 21 purposes of this rule, a course includes an adult vocational
 22 course, workshop or instructional services.

23 A. Course criteria. A course shall meet one or more of the
 24 following criteria to be approved as eligible for state aid.

25 1. The course is vocational in nature. Courses which
 26 train, retrain or upgrade adults for paid employment in
 27 agriculture, businesses, offices, marketing, distribution,
 28 health occupations, trades, industries, technical occupations,
 29 and service occupations are vocational in nature. Courses in
 30 which adults are pursuing avocational or leisure time activities
 31 or hobbies are not vocational in nature.

32 2. The course trains, retrains or upgrades adults who are
 33 responsible for public health and safety even if the adults are
 34 not financially compensated for the services.

35 3. The course trains, retrains or upgrades adults in
 36 occupational areas which have employment opportunities.

1 4. The course trains, retrains or upgrades adults in
2 response to area or state businesses.

3 5. The course trains, retrains or upgrades adults to own,
4 operate or manage a business or farm.

5 6. The course trains, retrains or upgrades adults for
6 occupations in a particular business if the skills and knowledge
7 taught are transferable to other businesses.

8 7. The course teaches consumer skills, resource
9 management, nutrition, parent, individual, and family
10 development, and the care and nurturing of children. Home
11 crafts, home cooking and home sewing courses are not eligible.

12 8. The course trains, retrains or upgrades adults who are
13 required to meet local, state, or federal government standards
14 to enter or maintain an occupation.

15 9. The course has been offered in the past and has been
16 determined by the community to be successful in meeting
17 occupational or public service needs. The term "public service"
18 means courses which promote public health and safety.

19 10. The course provides specialized assistance for
20 disadvantaged persons with special needs who are preparing for
21 economic self-sufficiency when those persons are also enrolled
22 or plan to become enrolled in vocational courses. The term
23 "persons with special needs" includes but is not limited to
24 persons who are disadvantaged, handicapped or have limited
25 English proficiency.

26 11. The course is economical and efficient either as
27 calculated per student, per student per hour, per employer, per
28 family business or when necessary specialized equipment is
29 available at low cost or no cost through a business or school.

30 12. The course provides training in new technology or new
31 equipment and enables adults to retain their present employment.

32 B. List of approved courses. The Department of Education
33 shall make available to districts and centers a list of course
34 descriptions that meet the criteria in A.

35 C. Prior written approval. A district or center shall not
36 offer a course which is not on the list if it intends to claim

1 state aid unless the district or center has obtained prior
2 written approval for that fiscal year from the department. The
3 department shall approve or disapprove a course within 30 days
4 after it receives a complete, written request for approval.

5 D. Course selections and priorities. When moneys available
6 for adult vocational-technical education are insufficient to
7 fund all the courses and services desired, the district or
8 center shall develop and maintain a breadth of course
9 selections. The department shall review course selections to
10 assure that breadth is developed and maintained throughout the
11 state. The department shall give priority to the following when
12 it approves courses for funding:

13 1. Courses addressing needs of adults who are currently
14 unemployed or employed in unskilled, low-paying positions and
15 who have potential for employment in more highly skilled, higher
16 paying positions;

17 2. Courses which are planned, coordinated, and jointly
18 offered with other districts, public or nonpublic agencies or
19 organizations;

20 3. Programs mandated by the Legislature, if any; and

21 4. Courses likely to improve the economy of the
22 community, area or state by attracting or expanding business.

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

25 5 MCAR S 1.0114 General and special requirements.

26 A. Applicability. The requirements of B. and C. apply only
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to courses other than adult farm management and small business
28 management. The provisions of ~~B.-J.~~ D.-K. apply only to adult
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farm management and small business management. The provisions
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of L. apply to the variances available under C. and I.

31 B. Minimum enrollment. A course shall have at least ten
32 people enrolled for vocational purposes to be eligible for state
33 aid. If more than one section of a course is offered, the
34 average enrollment shall be at least ten.

35 C. Variance. If the minimum enrollment is not met, the
36 district or center shall apply to the Commissioner of Education

1 for a variance. The commissioner shall grant a variance when:

2 1. The course is required by law; or

3 2. Fewer than ten people need specialized training to
4 become employed; or

5 3. Fewer than ten people need specialized services to
6 prepare for economic self-sufficiency; or

7 4. Equipment limitations require fewer than ten people.

8 D. Full-time adult farm management instructor. A full-time
9 adult farm management instructor shall have a minimum enrollment
10 of ~~42~~ cooperators, ~~30~~ of whom representing not less than ~~42~~
11 farms, 30 farms of which shall be represented by cooperators who
12 have been enrolled six years or fewer. If the minimum
13 enrollment is not met, the district or center shall apply to the
14 Commissioner of Education for a variance.

15 E. New adult farm management. When a district or center
16 first offers instruction in adult farm management or when a new
17 instructor is employed, the minimum enrollment of ~~42~~ cooperators
18 representing ~~42~~ farms shall be reached within four years. After
19 the first four years, the district or center shall apply to the
20 Commissioner of Education for a variance if the minimum
21 enrollment is not met.

22 F. Part-time adult farm management instructor. An adult
23 farm management instructor shall be employed at least 40 percent
24 of full-time. The minimum enrollment in D. and E. shall be
25 reduced proportionately for an instructor employed less than
26 full-time. A fraction smaller than one-half shall be rounded
27 down and a fraction of one-half or larger shall be rounded up to
28 the nearest whole number.

29 G. Full-time business management instructor. A full-time
30 small business management instructor shall have a minimum
31 enrollment of 30 adults who have been enrolled three years or
32 fewer. If the minimum enrollment is not met, the district or
33 center shall apply to the Commissioner of Education for a
34 variance.

35 H. New small business management. When a district or center
36 first offers instruction in small business management or when a

1 new instructor is employed, the minimum enrollment of 30 adults
2 shall be reached within three years. After the first three
3 years, the district or center shall apply to the Commissioner of
4 Education for a variance if the minimum enrollment is not met.

5 I. Variance for completion. The Commissioner of Education
6 shall grant a variance from the enrollments required in D.-H. if
7 the variance would allow enrollees to complete the instruction.
8 The variance granted shall be only for the amount of time needed
9 for enrollees to complete the instruction. No adults may begin
10 instruction in adult farm management or small business
11 management unless the number of adults beginning would be
12 sufficient to meet the required minimum enrollments.

13 J. Cooperator defined. For the purposes of D., E., F., I.,
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14 the term "cooperator" means a farm family, consisting of any
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15 number of natural persons, responsible for the management of a
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16 farm business.
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17 J- K. Account analysis. Eighty percent or more of the
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18 enrolled adults who have been enrolled in adult farm management
19 or small business management for one year or more, from July 1
20 of any year, shall annually have an analysis of their farm or
21 business accounts.

22 L. Procedures for obtaining a variance. Any school district
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23 or center which desires to obtain a variance pursuant to C. or
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24 I. shall make a request for such a variance in writing addressed
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25 to the Commissioner of Education. The request may be in the
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26 form of a letter and shall identify the specific rule and
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27 subsection under which the variance is requested and shall state
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28 the facts which support the request. The Commissioner of
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29 Education shall issue a response in the form of a letter
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30 addressed to the school district or center not more than 15 days
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31 after the receipt of the request from the school district or
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32 center. If the request is denied, the affected school district
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33 or center may request a review by the state board as set forth
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34 in 5 MCAR S 1.0115 H.
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35 5 MCAR S 1.0115 Adult vocational aid.

36 A. District procedures. A district or center shall use the

1 following procedures when requesting aid.

2 1. It shall authorize an administrator to represent it.

3 The administrator shall hold a valid license as a
4 superintendent, adult vocational director, AVTI director, or
5 secondary vocational director.

6 2. It shall plan and submit the program and state aid
7 budget request to the district school board or the center
8 board. The board shall approve the program and the state aid
9 budget request before submitting them to the department.

10 3. It shall submit the program and the state aid budget
11 request by January 1 preceding the fiscal year in which aids are
12 to be paid.

13 4. It may submit additional state aid budget requests for
14 any moneys remaining after the initial budget approval dates
15 designated in B.

16 5. It shall conduct the program for which aid is approved
17 or return the aid.

18 6. It shall submit adult report forms by August 15 for
19 the program that was conducted during the preceding state fiscal
20 year.

21 B. Department procedures. The department shall approve or
22 disapprove the program and state aid budget request by July 1 in
23 odd numbered calendar years or by March 1 in even numbered
24 calendar years.

25 C. Aid for personnel. The state shall pay 75 percent of
26 salaries paid to essential licensed personnel and personnel
27 exempt from licensure. Salaries for instructors, coordinators,
28 administrators, specialists, guest lecturers and resource
29 personnel as part of an approved program are eligible for aid if
30 licensure requirements are met.

31 D. Administrative staff. A district or center is eligible
32 for aid for one full-time equivalent adult vocational licensed
33 administrative staff member if either of the following
34 conditions are is met.

35 1. The district or center enrolls 2,000 or more adults
36 annually in approved programs. Adults enrolled in more than one

1 program may be counted in each program in which they are
2 enrolled.

3 2. The district or center provides supervision to all
4 full-time adult instructors through the vocational administrator
5 and maintains 2,500 instructional hours of part-time vocational
6 education. Courses with full-time instructors may be counted as
7 200 instructional hours toward this requirement.

8 E. Additional administrative staff. A district or center is
9 eligible for additional full-time equivalent administrative
10 staff when increments of D.1. or 2. are met. If a district or
11 center has less than a complete increment of D.1. or 2., it is
12 eligible for proportionate additional part-time administrative
13 staff.

14 F. Only the portion of time devoted to adult
15 vocational-technical programs shall be eligible for aid.

16 G. Aid for travel. The state shall pay 50 percent of the
17 cost of necessary travel between instructional sites for
18 essential licensed personnel.

19 H. Review by the state board. If the department disapproves
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21 a proposed adult vocational education course for purposes of
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23 being eligible for state aid pursuant to 5 MCAR S 1.0113, or if
24 -----
25 the Commissioner of Education denies a variance requested
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27 pursuant to 5 MCAR S 1.0114, the affected school district or
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29 center may, within 15 days of the date of the department's or
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31 commissioner's decision, as applicable, demand and shall be
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33 given an opportunity to present its position to the State Board
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35 of Education (State Board for Vocational Education) at the next
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37 regular meeting of the State Board of Education. For purposes
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39 of this section, the "next regular meeting of the State Board of
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41 Education" means the next regularly scheduled meeting of the
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43 State Board of Education occurring not less than 20 days after
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45 receipt by the department or commissioner of the school district
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47 or center's demand. The state board may place reasonable
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49 restrictions on the length of time for the district or center to
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51 present its position. The board may issue its decision at the
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53 meeting and shall, in any event, issue its decision no later
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1 than its next regularly scheduled board meeting.

2 5 MCAR S 1.0116 Tuition and fees.

3 A. Determination. The district or center shall determine
 4 tuition and fees.

5 B. Nonresidents. The district or center may charge
 6 different tuition and fees to nonresidents of the district or
 7 state.

8 C. Individuals, employers and agencies. Tuition and fees
 9 may be charged to individuals, employers or agencies that
 10 sponsor enrollees.

11 D. Senior citizens. ~~The district or center may charge full,~~
 12 ~~partial or no tuition or fees for people 62 years old or older~~
 13 ~~at the beginning of a course not offered for credit. Any charge~~
 14 made by the district or center of tuition or fees for people 62
 15 years of age or older shall be consistent with Minn. Stat. SS
 16 136A.80-136A.81.

17 E. Special situations. An adult enrolled in a full-time
 18 adult farm management program for more than six years or a small
 19 business management program for more than three years shall be
 20 charged record analysis fees and hourly charges. The hourly
 21 charge shall be determined by dividing the total direct cost of
 22 the program by the hourly assignment of the instructor. Direct
 23 cost is the sum of instructional staff salary and travel cost
 24 between instructional sites. A full-time adult farm management
 25 or small business management instructor load shall constitute
 26 1200 contact hours.

27 5 MCAR S 1.0117 Nursing assistant program.

28 A. Curriculum, test and evaluation. A nursing assistant
 29 education program shall use the curriculum and test developed by
 30 the Commissioner of Education as reviewed and evaluated by the
 31 Board of Nursing. The program shall include an individual
 32 written or oral test and performance evaluation. The test shall
 33 be administered monthly by the department through area
 34 vocational-technical institutes or community colleges in
 35 accordance with instructions from the commissioner. The program

1 shall be 30 hours of planned learning activities, exclusive of
2 the evaluation. The commissioner may prescribe a fee for
3 administration of the test not to exceed \$30.

4 B. Definitions. In this rule the following terms have the
5 meanings given them.

6 1. "Nursing assistant" means an individual working in or
7 employed by a nursing home, including, but not limited to, a
8 nurse's aide or an orderly, who is assigned by the director of
9 nursing to provide or assist in the provision of direct patient
10 care services under the supervision of a registered nurse.

11 2. "Curriculum" means the aggregate of courses of study
12 and planned learning activities developed by the Commissioner of
13 Education.

14 3. "Successfully completed" means the attainment of 70
15 percent on the oral or written test and 70 percent on the
16 performance evaluation.

17 4. "Supplemental nursing service" means an entity which
18 recruits and employs nursing and ancillary health care personnel
19 for temporary assignments to supplement the staff of health care
20 institutions. It is not an employment agency but the employer
21 of all such personnel assigned.

22 C. Technical assistance. Technical assistance provided by
23 the Department of Education may include:

- 24 1. Training of instructors;
- 25 2. Utilization of the curriculum; and
- 26 3. Instructional materials.

27 D. Instructional staff qualifications. An instructor for an
28 approved nursing assistant education program shall be:

- 29 1. A registered nurse with at least 2,000 hours of
30 experience within the last five years, at least 500 hours of
31 which must be in a geriatric or rehabilitation nursing setting;
32 or

- 33 2. A licensed practical nurse who was teaching this
34 course in a nursing home as of January 1, 1979 who continues to
35 teach this course in that same facility as of January 1, 1982.

36 E. Exemptions. The following nursing assistants shall not

1 be required to comply with the education requirements of Minn.
2 Stat. SS 144A.61 and 144A.611:

3 1. Nursing assistants who began employment in a nursing
4 home on or before December 31, 1978, and who continue employment
5 in the same nursing home in which they were employed on December
6 31, 1978;

7 2. Nursing assistants who successfully completed after
8 January 1, 1976 a training program for nursing assistants
9 employed in nursing homes which used a program approved by the
10 Department of Education, unless employment has been interrupted
11 for greater than five consecutive years;

12 3. Nursing assistants who successfully completed a state
13 approved nursing education program which prepares an individual
14 for licensure as a registered nurse or licensed practical nurse
15 if the completion occurred no more than five calendar years
16 prior to employment;

17 4. Persons who have successfully completed the individual
18 oral or written test and performance evaluation, even though
19 they had not taken the course;

20 5. Registered nurses or licensed practical nurses holding
21 current licensure in Minnesota; and

22 6. Nursing assistants who began employment in a
23 supplemental nursing service on or before December 31, 1978 and
24 who continue employment in that same nursing service in which
25 they were employed on or before December 31, 1978, and who have
26 worked a minimum of 12 hours per week for that same supplemental
27 nursing service in a nursing home prior to December 31, 1978.
28 Supplemental nursing services shall provide to the Department of
29 Health by January 15, 1979, a list of all nursing assistants
30 employed by the supplemental nursing services who have worked 12
31 hours in a nursing home on or before December 31, 1978.

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

34 Repealer. Rule 5 MCAR S 1.0112 G. is repealed. Rules 5 MCAR SS
35 1.0113; 1.0114; 1.0115; and 1.0117, as they existed before the

1 effective date of 5 MCAR SS 1.0111-1.0117 above are repealed on
2 the effective date of the new 5 MCAR SS 1.0113; 1.0114; 1.0115;
3 and 1.0117.