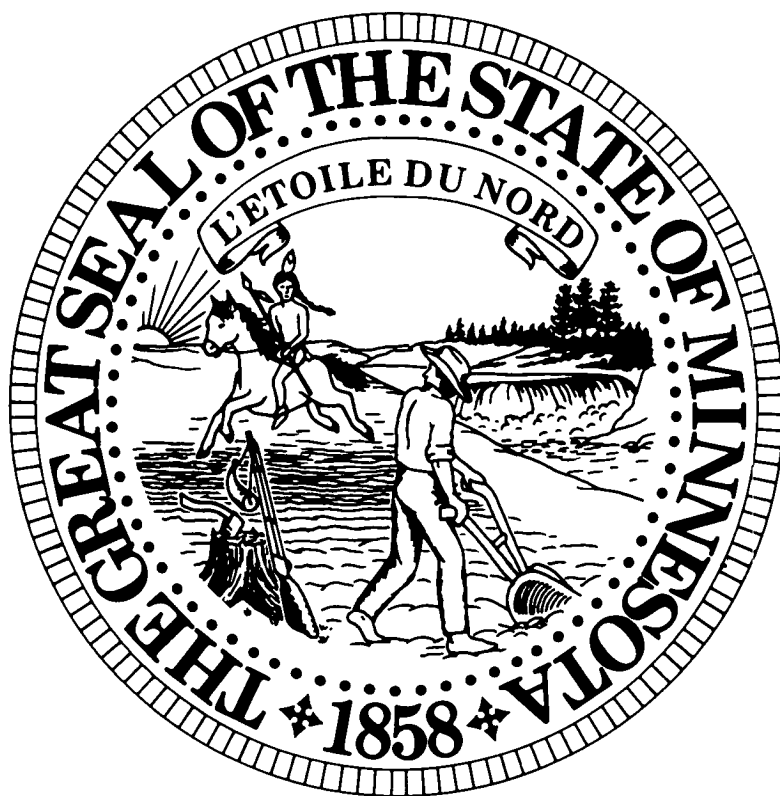


9/1 May

P182

The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



Rules edition  
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(Tuesday if Monday is a holiday)

**Monday 6 May 1991**  
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# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

## Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
45	Monday 22 April	Monday 29 April	Monday 6 May
46	Monday 29 April	Monday 6 May	Monday 13 May
47	Monday 6 May	Monday 13 May	Monday 20 May
48	Monday 13 May	Monday 20 May	Tuesday 28 May

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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(612) 296-0504

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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

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Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Board of Education

### Proposed Permanent Rules Relating to Special Education Entrance and Exit Criteria and Related Changes

#### Notice of Hearing

**NOTICE IS HEREBY GIVEN** that a public hearing concerning the proposed rules captioned above will be held at Capitol View School, Capitol Room, 70 W. County Road B2, Little Canada, Minnesota, on Wednesday, June 12, 1991, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The rule proposed for adoption would amend current special education rules and add new rules required in statute. A copy of the proposed rule is attached hereto.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make statements. Statements may be made orally and written material may be submitted.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Whether or not an appearance is made at the hearing, written material may be submitted to the Administrative Law Judge (ALJ),

John L. Lunde  
Administrative Law Judge  
Administrative Hearing Office  
500 Flour Exchange Building  
310 Fourth Avenue South  
Minneapolis, Minnesota 55415  
(612) 341-7645

either before the hearing or within five working days after the public hearing ends. Those statements will be recorded in the hearing record. The ALJ may, at the hearing, order that the comment period be kept open for a longer period not to exceed 20 calendar days. Any written material submitted must be received at the Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, no later than 4:30 p.m. on the final day of the comment period. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within three business days after that comment period ends to any new information submitted. No additional evidence may be submitted during the three-day period. Any written responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the third day. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.48 to 14.56, and by *Minnesota Rules* parts 1400.0200 to 1400.1200. Questions about the rule hearing procedure may be directed to the ALJ.

**NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS** is now available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present a summary of the Statement of Need and Reasonableness at the hearing and will answer questions raised by interested persons. You are therefore urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The Board's statutory authority to adopt the proposed rules is provided by *Minnesota Statutes* 120.17. The Board estimates that for two years immediately following adoption of these rules the estimated cost of implementing the rules for local public bodies will exceed \$100,000 in either of those first two years. The agency estimates that the implementation cost will be \$432,000 in the first year and \$350,000 in the second year. This estimate is based on cost for training special education staff on the rules specific to entrance and exit criteria, IEPs and behavioral interventions. In addition, there will be potential costs for requests for student reassessments, behavioral intervention committees, and possible construction of isolation rooms to comply with the specifications in the rule. The agency does not believe that these rules will impact small businesses.

A copy of the proposed rules is attached hereto. Additional copies will be available at the door on the date of the hearing. One free copy of the proposed rules may be obtained by contacting Debbie Olson at 800 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101, (612) 296-0301. If you have any questions on the content of the proposed rules, contact: Carolyn J. Elliott at 813 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101, (612) 296-5174.

Notice: Any person may request notification of the date on which the ALJ's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the ALJ (in the case of the hearing examiner's report) or the agency (in the case of the agency's resubmission to the Attorney General). Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the agency at anytime prior to the filing of the rules with the Secretary of State.

*Minnesota Statutes* ch. 10A requires each lobbyist to register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, 625 N. Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

State of Minnesota  
Thomas Lindquist  
President  
State Board of Education

## **Rules as Proposed**

### **3525.0200 DEFINITIONS FOR SPECIAL EDUCATION.**

[For text of subps 1 and 1a, see M.R.]

Subp. 1b. **Assessment or reassessment.** "Assessment" or "reassessment" means an appropriate individual educational evaluation of a pupil's performance or development conducted by appropriately licensed personnel ~~in accordance with~~ according to recognized professional standards and parts 3525.2500 to 3525.2850.

[For text of subps 2 to 8b, see M.R.]

Subp. 9b. **Program support assistant or pupil support assistant.** "Program support assistant" or "pupil support assistant" means a district employee who is engaged in direct interaction with one or more pupils for instructional activities, physical or behavior management, or integration purposes under the direction of a regular education or special education teacher. A program or pupil support assistant shall only provide services to a pupil under the direction of a regular education or special education teacher or related services provider. The services must be:

A. to enhance the instruction provided by the teacher or related services staff in the areas of academic instruction, physical or behavior management programs, transition, and other integration activities; and

B. to supplement instructional activities or to provide extended practice in instances in which the support assistant has had training from a special education teacher or related services staff and continues to receive ongoing direction and support from a special education teacher.

The pupil's need for and the specific responsibilities of a pupil support assistant shall be described in writing on the pupil's IEP. A program support assistant is required in an early childhood special education center-based classroom as such classroom is described in part 3525.2335, subpart 2, and may be assigned to ~~level 4, 5, and 6~~ programs described in part 3525.2340, subpart 2 3, ~~item~~ B.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

[For text of subps 10 to 16a, see M.R.]

Subp. 17a. **Recognized professional standards.** "Recognized professional standards" means reasonable principles and concepts widely accepted by acknowledged experts that bear a direct relationship to the particular needs of the pupil.

[For text of subp 18a, see M.R.]

Subp. 18b. **Related services.** "Related services" means any specially designed services not provided by regular education or special education instruction to meet the unique needs of a pupil to benefit from the educational program. This includes psychological services, social worker services, occupational therapy, physical therapy, audiology, orientation and mobility training, health services, medical services for diagnostic purposes, music therapy, braillists, interpreter services, transportation, and other similar services.

[For text of subp 19a, see M.R.]

Subp. 20a. **Special education.** "Special education" means any specially designated instruction and related services ~~or support services~~ to meet the unique cognitive, communicative, affective, or psychomotor needs of a pupil as stated in the IEP.

Subp. 23. [See repealer.]

Subp. 24. **Teacher.** "Teacher" means a person licensed under parts ~~8700.5400~~ 8700.5501 to ~~8700.5502~~ 8700.5511 by the Board of Teaching to instruct pupils with specific handicapping conditions.

[For text of subps 25 and 26, see M.R.]

### 3525.0550 PUPIL IEP MANAGER.

The district shall assign a teacher or licensed-related service staff who is a member of the pupil's IEP team as the pupil's IEP manager to coordinate the instruction; and related and support services for the pupil. The IEP manager's responsibility shall be to coordinate the delivery of special education services in the pupil's IEP and to serve as the primary contact for the parent. A district may assign the following responsibilities to the pupil's IEP manager: assuring compliance with procedural requirements; ~~communication~~ communicating and ~~coordination~~ coordinating among home, school, and other agencies; regular and special education programs; facilitating placement; and scheduling team meetings.

### 3525.1100 STATE AND DISTRICT RESPONSIBILITY FOR TOTAL SPECIAL EDUCATION SYSTEM (TSES).

[For text of subpart 1, see M.R.]

Subp. 2. **District responsibility.** A district shall submit to the commissioner the district's plan for providing instruction and related services upon request for all pupils as required by *Minnesota Statutes*, section 120.17. The plan may represent the plan of a single district or a plan for the member districts of a formal special education cooperative. The plan shall be considered as part of the annual school district application for program review, but will not be required to be resubmitted annually. If a cooperative changes administrative organization, it shall submit a revised plan. The new plan must be submitted before the beginning of the next school year. The plan shall include descriptions of the district's:

A. Child study procedures for the identification and assessment of students or other persons suspected of having a handicap beginning at birth that include a plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies;

B. Method of providing the special education services for the identified pupils; The district shall have, as part of the district's TSES plan, a description of the full range of available educational service alternatives. The district shall include a statement in the plan regarding the availability of appropriate educational services to meet the specific needs of pupils. The district's TSES plan shall include:

(1) a description of the sites available in which services may occur. Sites describe the building or other location where special education occurs;

(2) a description of the settings available in which special education may occur. Settings describe the specific location within the site where special education occurs;

(3) a description of the available instruction and related services; and

(4) the availability of both direct and indirect services through the district. Direct services refers to services provided directly to the pupil from a teacher or related service professional. Indirect services refers to services provided indirectly through consultation with a regular education teacher, teacher, parent, or other persons or professionals who have direct contact with the pupil.

C. Administration and management plan to assure effective and efficient results of items A and B, including due process procedure assurances available to parents;

D. Operating procedures of interagency committees required in statute; ~~and~~

E. Interagency agreements the district has entered.

The commissioner shall approve or implement appropriate procedures for modification of the district plan. The commissioner shall grant the district a reasonable time to make necessary modifications when the commissioner ~~gets~~ receives a satisfactory ~~assurance~~ assurance of compliance corrective action plan that complies with standards for the education of pupils.

### **3525.1150 PROVIDING SPECIAL EDUCATION TO SHARED-TIME PUPILS.**

Districts shall identify and make available special education to all students who are handicapped regardless of whether they attend a nonpublic school. For those students who attend a nonpublic school according to Minnesota Statutes, section 124A.034, the district shall inform parents of their right to special education services for eligible students. In the assessment or provision of special education to eligible pupils, the district may:

- A. assess the student at the nonpublic school, including observing the student in the classroom as part of the formal assessment;
  - B. meet periodically with the nonpublic school staff to review progress of the pupil in the pupil's special education program;
  - C. periodically observe the pupil in the nonpublic school classroom to evaluate the result of the special education provided;
- and
- D. hold IEP meetings at the nonpublic school.

Special education services provided indirectly or directly to the pupil must be provided at a neutral site that is consistent with Minnesota Statutes, section 123.932, subdivision 9. The district may provide indirect or consultative special education services to the pupil's nonpublic school on the specific skills identified in the pupil's IEP by phone or at a meeting in a neutral site.

The district shall ensure that equipment or individualized instructional materials placed in a nonpublic school are used only to implement a pupil's IEP for the period needed for that plan. Public school staff shall not become involved with the pupil's day-to-day curriculum in the nonpublic school program. Program funds must not be used to support instruction in a nonpublic school or otherwise benefit the nonpublic school, but rather to meet the specific needs of pupils enrolled in the nonpublic school.

The district shall, in addition, provide necessary transportation for a pupil to receive special education from the nonpublic school to the neutral site where special education is provided on a shared-time basis. If the resident pupil attends a nonpublic school located in a district contiguous to the resident district and no agreement exists under Minnesota Statutes, section 124A.034, the district of residence shall provide necessary transportation for that pupil between the boundary of the district of residence and the educational facility where special education is to occur. The district of residence may provide necessary transportation for that pupil between its boundary and the nonpublic school attended, but the nonpublic school shall pay the costs of the transportation provided outside the district boundary.

### **3525.1310 STATE AID FOR SPECIAL EDUCATION PERSONNEL.**

Salaries for essential personnel who are teachers, related services and support services staff members, directors, and supervisors are reimbursable for the following activities:

- A. child find and pupil identification;
  - B. necessary short-term indirect or consultative services that are provided in conjunction with regular education prereferral activities to an individual suspected of having a handicapping condition to determine whether referrals for assessments shall be made;
  - C. assessment and IEP planning for individual pupils;
  - D. instruction or related and support services to pupils who have an IEP;
  - E. necessary follow-up activities after termination from special education;
  - F. parental involvement and due process;
  - G. personnel development;
  - H. special education curriculum development;
  - I. special education program evaluation;
  - J. supervision and administration of the total special education system;
  - K. school psychological services and school social worker services provided alone for pupils identified as emotional or behavioral disordered according to part 3525.1329 or in conjunction with the instructional program as outlined in ~~the~~ any pupil's IEP;
- and

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L. other related ~~or support~~ services provided in conjunction with the instructional program as outlined in the pupil's IEP.

Ongoing services for at-risk students such as truancy, suicide prevention, child abuse, or protection are not reimbursable.

### 3525.1320 EXPERIMENTAL PROPOSAL.

Subpart 1. **General requirements.** The State Board of Education shall approve or disapprove a district's experimental proposal for exemption from its rules. No exemption shall be given from federal regulations, *Minnesota Statutes*, part 3525.1500, subpart 1, and part 3525.2350, subpart 2. A proposal shall be designed to accomplish at least one of the following:

- A. improved instructional quality;
- B. increase cost effectiveness; ~~or~~
- C. make better use of community resources or available technology; or
- D. an alternative eligibility criteria intended to identify persons as handicapped.

Subp. 2. **Proposal requirements.** ~~When~~ A district applies must apply for exemption ~~it shall submit before implementing an experimental program by submitting a proposal which sets forth:~~

- A. the proposal's goals and objectives;
  - B. the method by which the proposal will improve effectiveness and efficiency;
  - C. annual review procedures for up to three years;
  - D. rules from which it seeks exemption;
  - E. evidence that the district staff and parents, who would be affected, participated in the development and will participate in the annual review of the proposal, and that the proposal has the approval of the district school board;
  - F. evidence that the parents whose children would be involved will be fully informed at the team meeting and will have the opportunity to approve or disapprove placement in the experimental program; ~~and~~
  - G. the annual evaluation procedures conducted by an impartial evaluator from outside the district to be used to demonstrate attainment of the proposal goals and objectives, and the effectiveness of the proposal; and
  - H. standards that are consistent with state and federal standards and recognized professional standards.
- [For text of subp 3, see M.R.]

### ENTRANCE AND EXIT CRITERIA

### 3525.1325 AUTISM.

Subpart 1. **Definition.** "Autism" is a lifelong developmental disability that occurs in the first three years of life. It is a behaviorally defined syndrome characterized by an uneven developmental profile and disturbances in interaction, communication, and perceptual organization. Autism occurs on a continuum from mild to severe. It occurs by itself or in association with other disorders such as mental retardation or fragile X syndrome. It may include the diagnosis of pervasive developmental disorder. Because of the low incidence and complexity of this disability, professionals with experience and expertise in the area of autism need to be included on the team determining the disability and educational program.

Subp. 2. **Criteria.** The team shall determine that a pupil meets criteria for autism according to the Diagnostic and Statistical Manual, Third Revision (DSM-III-R) of the American Psychiatric Association, the current accepted standard in the field. The criteria for autism in (DSM-III-R) are incorporated by reference. DSM-III-R is subject to frequent change and is available through the Minitex interlibrary loan system. Consider a criterion to be met only if the behavior is abnormal for the person's developmental level. DSM-III-R states that a pupil meets criteria when at least eight of the following 16 items are present, these to include at least two items from item A, one from item B, and one from item C:

A. qualitative impairment in reciprocal social interaction (the examples within parentheses are arranged so that those first listed are more likely to apply to younger or more handicapped, and the later ones, to older or less handicapped) as manifested by the following:

(1) marked lack of awareness of the existence or feelings of others (for example, treats a person as if that person were a piece of furniture; does not notice another person's distress; apparently has no concept of the need of others for privacy);

(2) no or abnormal seeking of comfort at times of distress (for example, does not come for comfort even when ill, hurt, or tired; seeks comfort in a stereotyped way, for example, says "cheese, cheese, cheese" whenever hurt);

(3) no or impaired imitation (for example, does not wave bye-bye; does not copy parent's domestic activities; mechanical imitation of others' actions out of context);

(4) no or abnormal social play (for example, does not actively participate in simple games; prefers solitary play activities; involves other children in play only as mechanical aids); and

(5) gross impairment in ability to make peer friendships (for example, no interest in making peer friendships; despite interest in making friends, demonstrates lack of understanding of conventions of social interaction, for example, reads phone book to uninterested peer);

B. qualitative impairment in verbal and nonverbal communication and in imaginative activity, (the numbered items are arranged so that those first listed as more likely to apply to younger or more handicapped, and the later ones, to older or less handicapped) as manifested by the following:

(1) no mode of communication, such as communicative babbling, facial expression, gesture, mime, or spoken language;

(2) markedly abnormal nonverbal communication, as in the use of eye-to-eye gaze, facial expression, body posture, or gestures to initiate or modulate social interaction (for example, does not anticipate being held, stiffens when held, does not look at the person or smile when making a social approach, does not greet parents or visitors, has a fixed stare in social situations);

(3) absence of imaginative activity, such as play-acting of adult roles, fantasy characters, or animals; lack of interest in stories about imaginary events;

(4) marked abnormalities in the production of speech, including volume, pitch, stress, rate, rhythm, and intonation (for example, monotonous tone, question-like melody, or high pitch);

(5) marked abnormalities in the form or content of speech, including stereotyped and repetitive use of speech (for example, immediate echolalia or mechanical repetition of a television commercial); use of "you" when "I" is meant (for example, using "You want cookie?" to mean "I want a cookie"); idiosyncratic use of words or phrases (for example, "Go on green riding" to mean "I want to go on the swing"); or frequent irrelevant remarks (for example, starts talking about train schedules during a conversation about sports); and

(6) marked impairment in the ability to initiate or sustain a conversation with others, despite adequate speech (for example, indulging in lengthy monologues on one subject regardless of interjections from others);

C. markedly restricted repertoire of activities and interests, as manifested by the following:

(1) stereotyped body movements (for example, handflapping or twisting, spinning, head-banging, complex whole-body movements);

(2) persistent preoccupation with parts of objects (for example, sniffing or smelling objects, repetitive feeling of texture of materials, spinning wheels of toy cars) or attachment to unusual objects (for example, insists on carrying around a piece of string);

(3) marked distress over changes in trivial aspects of environment (for example, when a vase is moved from usual position);

(4) unreasonable insistence on following routines in precise detail (for example, insisting that exactly the same route always be followed when shopping);

(5) markedly restricted range of interests and a preoccupation with one narrow interest (for example, interested only in lining up objects, in amassing facts about meteorology, or in pretending to be a fantasy character);

D. onset during infancy or childhood;

E. sensory disturbances as evidenced by atypical responses to stimuli (for example, touch, sound, light, movement, smell, taste). Responses may include overreaction, indifference, or withdrawal; and

F. uneven acquisition of skills, and/or difficulty in integrating and generalizing acquired skills.

The pupil's need for instruction and services must be supported by at least one documented systematic observation in the pupil's daily routine setting by an appropriate professional and verify the criteria categories in items A to D. In addition, corroboration of developmental or medical information with a developmental history and at least one other assessment procedure that is conducted on a different day must be included. Other documentation should include parent reports, functional skills assessments, adaptive behavior scales, intelligence tests, criterion-referenced instruments, language concepts, developmental checklists, or an autism checklist.

### **3525.1327 DEAF-BLINDNESS.**

Subpart 1. Definition. "Deaf-blindness" means medically verified visual impairment coupled with medically verified hearing

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impairment that, together, interfere with acquiring information or interacting in the environment. Both conditions need to be present simultaneously and must meet the criteria for both vision and hearing impairments.

Subp. 2. Criteria. Pupils at risk for deaf-blindness include, but are not limited to:

A. those that are already identified as hearing or vision impaired and have not yet had medical or functional assessment of the other sense (vision or hearing);

B. have an identified syndrome, such as Usher Syndrome or Rubella Syndrome, that includes a potential deterioration of vision or hearing in the future;

C. those that have a medically or functionally identified hearing impairment and a verified deficit in vision determined by a functional assessment in the learning environment; and

D. those that have a medically or functionally identified vision impairment and verified deficit in hearing determined by a functional assessment in the learning environment.

### **3525.1329 EMOTIONAL OR BEHAVIORAL DISORDERS.**

Subpart 1. Definition. "Emotional or behavioral disorder" means an established pattern characterized by one or more of the following behavior clusters:

A. severely aggressive or impulsive behaviors;

B. severely withdrawn or anxious behaviors, general pervasive unhappiness, depression, or wide mood swings; or

C. severely disordered thought processes manifested by unusual behavior patterns, atypical communication styles, and distorted interpersonal relationships.

The condition may include, but is not necessarily limited to, disorders such as schizophrenia, depression, anxiety disorders, attention deficit disorders, or other sustained disturbances of conduct or adjustment. The established pattern adversely affects educational performance and results in either an inability to build or maintain satisfactory interpersonal relations necessary to the learning process with peers, teachers, and others, or failure to attain or maintain a satisfactory rate of educational or developmental progress that cannot be improved or explained by addressing intellectual, sensory, health, cultural, or linguistic factors.

Subp. 2. Criteria. The team shall determine that a learner is eligible as having an emotional or behavioral disorder and in need of special education and related services when the pupil meets the criteria in items A to D.

A. An established pattern must exist that is characterized by one or more of the following clusters:

(1) severely aggressive or impulsive behaviors that are developmentally inappropriate; physically or verbally abusive; impulsive or violent, destructive, or intimidating; threatening to others or excessively antagonistic;

(2) severely withdrawn or anxious behaviors, pervasive unhappiness, depression, or wide mood swings that include behaviors as: isolating self from peers; displaying intense fears or school phobia; overly perfectionistic; failing to express emotion, displaying a pervasive sad disposition; developing physical symptoms related to stress or eating problems; or

(3) severely disordered thought processes manifested by unusual behavior patterns, atypical communication styles, or distorted interpersonal relationships such as: reality distortion beyond normal developmental fantasy and play or talk; situationally inappropriate laughter, crying, sounds and language; self-mutilation or self-stimulation; rigid, ritualistic patterning; perseveration or obsession with specific objects; overly affectionate behavior towards unfamiliar persons; or hallucinating or delusions of grandeur.

The condition involves behavioral or emotional responses in school that differ significantly from normative standards, taking into consideration ethnic or cultural variables, as supported by multiple data sources using two or more of the following: behavior checklists, personality or projective measures, interviews with the child or knowledgeable adults, case history, or a DSM-III-R diagnosis.

The team, when determining the existence of an emotional disorder, must give due consideration to a diagnosis of an emotional disorder made by an appropriately licensed mental health professional.

B. The condition adversely affects educational performance to the degree it results in:

(1) a pattern of inability to build or maintain satisfactory interpersonal relations with peers, parents, teachers, and other significant adults necessary to the learning process; or

(2) a pattern of failure to attain or maintain a satisfactory rate of educational progress that cannot be improved or explained by addressing intellectual, sensory, health, cultural, linguistic factors, or a mismatch between the student, the teacher or the curriculum or classroom, or learning environment.

C. The combined results of prior documented interventions and the assessment data must establish significant impairments in one or more of the following areas: self-care, social relations, academic progress, classroom demeanor, or work adjustment. This finding must be supported by data from two or more of the following procedures: adaptive behavior scales, sociometric or social skill



measures, achievement or cognitive tests; grades, systematic behavioral checklists or observations, vocational skill inventories, or reports. The data must document that the impairment:

- (1) severely interferes with the pupil's or other students' academic performance;
- (2) is pervasive as evidenced by occurrences across educational settings, the home, or in community settings;
- (3) has been in evidence for six months; or
- (4) occurs suddenly as a crisis of such intensity it results in imminent danger or harm to the learner or others.

D. The team verifies that:

(1) the established pattern may occur with, but is not primarily the result of, intellectual, sensory, health, cultural, linguistic factors, or stressors such as transient medical or psychosocial events, chemical use, abuse or addiction, or a history of an inconsistent educational program; or

(2) identification is not based solely on a conflict between the individual and a political governmental entity or for purposes of disciplinary action.

E. Children not yet enrolled in kindergarten are eligible for special education and related services if they meet the criteria listed in items A; B; C, subitem (2), (3), or (4); and D. The behaviors of concern must be determined by the team to be significantly inappropriate for the age of the child being assessed. To establish item C, subitem (2), (3), or (4), data from the assessment process must find developmentally significant impairments in self-care, social relations, or social or emotional growth. The findings must be supported by data from two or more of the following procedures: adaptive behavior scales, sociometric or social skill measures, systematic behavioral checklists, systematic documented observations, interventions, or written reports.

### **3525.1331 HEARING IMPAIRMENT.**

Subpart 1. Definition. "Hearing impairment" means a diminished sensitivity to sound that is expressed in terms of standard audiological measures.

Hearing impairment has the potential to affect educational, communicative, or social functioning that may result in the need for special education instruction and related services.

Subp. 2. Criteria. The team shall determine that a pupil who has a hearing impairment is eligible for special education instruction and related services if the pupil meets one of the criteria in item A and one of the criteria in item B, C, D, or E.

A. There is audiological documentation provided by a certified audiologist that verifies one of the following:

- (1) a sensorineural hearing loss with an unaided pure tone average, speech threshold, or auditory brainstem response threshold of 20 decibels hearing level (HL) or greater in the better ear;
- (2) a conductive hearing loss with an unaided pure tone average or speech threshold of 20 decibels hearing level (HL) or greater in the better ear persisting over three months or occurring at least three times during the previous 12 months as verified by audiograms with at least one measure provided by a certified audiologist;
- (3) a unilateral sensorineural or persistent conductive loss with an unaided pure tone average or speech threshold of 45 decibels hearing level (HL) or greater in the affected ear; or
- (4) a sensorineural hearing loss with unaided pure tone thresholds at 35 decibels hearing level (HL) or greater at two or more adjacent frequencies (500 hertz, 1000 hertz, 2000 hertz, or 4000 hertz) in the better ear.

B. The pupil's hearing impairment affects educational performance as demonstrated by:

- (1) a need to consistently use amplification appropriately in educational settings as determined by audiological measures and systematic observation; and
- (2) an achievement deficit in one or more of the following that is at the 15th percentile or 1.0 standard deviations or more below the mean on a technically adequate norm-referenced achievement test that is individually administered by a licensed professional:
  - (a) basic reading skills;
  - (b) reading comprehension; or
  - (c) written language.

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C. The pupil's hearing impairment affects the use and understanding of spoken English as documented by one or both of the following:

(1) under the pupil's typical classroom condition, the pupil's classroom interaction is limited as measured by systematic observation of communication behaviors; or

(2) the pupil uses American sign language or one or more alternative or augmentative systems of communication alone or in combination with spoken English as documented by parent or teacher reports and language sampling conducted by a knowledgeable professional.

D. The pupil's hearing impairment affects the adaptive behavior required for age-appropriate social functioning as supported by:

(1) documented systematic observation within the pupil's primary learning environments by a licensed professional and the pupil, when appropriate; and

(2) scores on a standardized scale of social skill development are below the average scores expected of same-age peers.

E. Children not yet enrolled in kindergarten are eligible for special education instruction and related services if they meet one of the criteria in item A.

### **3525.1333 MENTALLY IMPAIRED: MILD-MODERATE/MODERATE-SEVERE.**

Subpart 1. Definition. "Mentally impaired" refers to pupils with significantly subaverage general intellectual functioning resulting in or associated with concurrent deficits in adaptive behavior that may require special education instruction and related services.

Subp. 2. Criteria for mild-moderate. The team shall determine that a pupil is eligible as having a mild-moderate mental impairment and is in need of special education instruction and service if the pupil meets the criteria of both items A and B.

A. Performance that falls below the 15th percentile is one or more of the four following adaptive behavior domains measured in both school and home or community on a nationally-normed, technically adequate adaptive behavior instrument:

(1) personal or independent functioning includes competencies associated with looking after one's self. It identifies all the essential behaviors a person must exhibit in order to be regarded as at least minimally competent in a typical environment;

(2) personal or social functioning includes all those behaviors involving the individual with other people that must be exhibited at minimally competent levels in order for the individual to be considered acceptable and successful in interpersonal relations;

(3) functional academic competencies address basic fundamental literacy skills and knowledge of the basic concept of time and money. Functional academics refers to very basic reading and writing skills and to practical every day demands for knowledge of numerical and temporal relationships; or

(4) vocational or occupational competencies associated with this domain are not expected to develop until early school-age years. They become increasingly important at progressively higher grade levels. The vocational or occupational domain includes three subdomains: knowledge about careers and work; appropriate attitudes and values concerning careers and work; and specific skills associated with job or career.

The pupil's performance does not exceed the 25th percentile in more than two domains.

This data is supported by written evidence drawn from two or more of the following sources:

(a) documented, systematic observation;

(b) checklist;

(c) classroom or work samples;

(d) interviews;

(e) sociometric measures;

(f) criterion-referenced measures;

(g) educational history; or

(h) medical history.

B. Significantly subaverage intellectual functioning as indicated by an intelligence quotient below 75 + 1 Standard Error of Measurement (using instruments with a reliability coefficient of 0.90 or greater) on an intelligence test that is standardized, nationally-normed, technically adequate, and individually administered.

Subp. 3. Criteria for moderate-severe. The team shall determine that a pupil is eligible as having a moderate-severe mental impairment and is in need of special education instruction and service if the pupil meets the criteria of both items A and B.

A. Performance that falls below the 15th percentile in two or more the four following adaptive behavior domains measured in both school and home or community on a nationally-normed, technically adequate adaptive behavior instrument:

(1) personal or independent functioning, personal or social functioning, functional academic competencies, or vocational or occupational competencies;

(2) the pupil's performance does not exceed the 25th percentile in more than one domain; and

(3) the data is supported by written evidence drawn from two or more of the following sources:

(a) documented, systematic observation;

(b) checklist;

(c) classroom or work samples;

(d) interviews;

(e) sociometric measures;

(f) criterion-referenced measures;

(g) educational history; or

(h) medical history.

B. Significantly subaverage intellectual functioning as indicated by an intelligence quotient below 50 + 1 Standard Error of Measurement (using instruments with a reliability coefficient of 0.90 or greater) on an intelligence test that is standardized, nationally-normed, technically adequate, and individually administered.

### **3525.1335 OTHER HEALTH IMPAIRED.**

Subpart 1. Definition. "Other health impaired" means a medically diagnosed chronic or acute health condition that may adversely affect academic functioning and result in the need for special education instruction and related services. Examples of health impairment include, but are not limited to, epilepsy, cancer, traumatic brain injury, Tourette's syndrome, juvenile rheumatoid arthritis, and cystic fibrosis.

Subp. 2. Criteria. The team shall determine that a pupil is eligible and in need of special education instruction and services if the pupil meets the criterion in item A and one of the criteria in item B.

A. There is documentation of a medically diagnosed health impairment.

B. The pupil's:

(1) need for special education instruction and service is supported by a functional level of organizational and independent work skills due to limited strength, endurance, alertness, inconsistent performance, intrusive health procedures, or excessive absenteeism as verified by a minimum of two or more documented, systematic observations or structured interviews in daily routine settings, one of which is to be completed by a special education teacher;

(2) need for special education instruction and service is supported by an inability to manage or complete classroom tasks within time constraints due to limited strength, endurance, alertness, inconsistent performance, intrusive health procedures, or excessive absenteeism as verified by a minimum of two or more documented, systematic observations or structured interviews in daily routine settings, one of which is completed by a special education teacher; or

(3) health impairment interferes with educational performance as shown by an achievement deficit of 1.0 standard deviations or more below the mean on an individually administered reliable, valid, and adequately normed achievement test.

### **3525.1337 PHYSICALLY IMPAIRED.**

Subpart 1. Definition. "Physically impaired" means a medically diagnosed chronic, physical impairment, either congenital or acquired, that may adversely affect physical or academic functioning and result in the need for special education and related services.

Subp. 2. Criteria. The team shall determine that a pupil is eligible and in need of special education instruction and services if the pupil meets the criterion in item A and one of the criteria in item B.

A. There is documentation of a medically diagnosed physical impairment.

B. The pupil's:

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(1) need for special education instruction and service is supported by a functional level of organizational or independent work skills as verified by a minimum of two or more documented, systematic observations in daily routine settings, one of which is completed by a special education teacher;

(2) need for special education instruction and service is supported by an inability to manage or complete motoric portions of classroom tasks within time constraints as verified by a minimum of two or more documented, systematic observations in daily routine settings, one of which is completed by a special education teacher; or

(3) physical impairment interferes with educational performance as shown by an achievement deficit of 1.0 standard deviations or more below the mean on an individually administered reliable, valid, and adequately normed achievement test.

### **3525.1339 SEVERELY MULTIPLY IMPAIRED.**

**Subpart 1. Definition.** “Severely multiply impaired” means a pupil who has severe learning and developmental problems resulting from two or more disability conditions determined by assessment under part 3525.2500.

**Subp. 2. Criteria.** The team shall determine that a pupil is eligible as being severely multiply impaired if the pupil meets the entrance criteria for two or more of the following disabilities:

- A. hearing impaired, part 3525.1331;
- B. physically impaired, part 3525.1337;
- C. moderate-severe mentally impaired, part 3525.1333, subparts 1 and 3;
- D. visually impaired, part 3525.1345;
- E. emotional or behavioral disorders, part 3525.1329; or
- F. autism, part 3525.1325.

### **3525.1341 SPECIFIC LEARNING DISABILITY.**

**Subpart 1. Definition.** “Specific learning disability” means a condition within the individual affecting learning, relative to potential.

A specific learning disability is manifested by interference with the acquisition, organization, storage, retrieval, manipulation, or expression of information so that the individual does not learn at an adequate rate when provided with the usual developmental opportunities and instruction from a regular school environment.

A specific learning disability is demonstrated by a significant discrepancy between a pupil’s general intellectual ability and academic achievement in one or more of the following areas: oral expression, listening comprehension, mathematical calculation or mathematics reasoning, basic reading skills, reading comprehension, and written expression.

A specific learning disability is demonstrated primarily in academic functioning, but may also affect self-esteem, career development, and life adjustment skills. A specific learning disability may occur with, but cannot be primarily the result of: visual, hearing, or motor impairment; mental impairment; emotional disorders; or environmental, cultural, economic influences, or a history of an inconsistent education program.

**Subp. 2. Criteria.** The team shall determine that a pupil has a specific learning disability and is in need of special education and related services when the pupil meets the criteria described in items A to C. Information about each item must be sought from the parent and included as part of the assessment data. The assessment data must confirm that the disabling effects of the pupil’s disability occur in a variety of settings.

A. The pupil must demonstrate severe underachievement in response to usual classroom instruction. The performance measures used to verify this finding must be both representative of the learner’s curriculum and useful for developing instructional goals and objectives. The following assessment procedures are required at a minimum to verify this finding:

(1) evidence of low achievement from sources such as cumulative record reviews, classwork samples, anecdotal teacher records, formal and informal tests, and results from instructional support programs such as Chapter 1 and Assurance of Mastery;

(2) at least two systematic, prereferral interventions must be conducted in the regular classroom setting over at least a 30-day period involving curriculum modification, alternative instructional strategies, and other relevant adjustments by regular classroom staff that attempt to accommodate for the individual instructional needs of the learner; and

(3) at least one formal observation of the learner’s academic performance in the regular classroom setting is required. This observation must be carried out by someone other than the regular classroom teacher to confirm the presence of a specific learning disability.

B. The learner must demonstrate a severe discrepancy between general intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematical calculation, or mathematical reasoning.

(1) The instruments used to assess the learner's general intellectual ability and achievement must be individually administered by an appropriately licensed person using standardized procedures.

(2) For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations of the discrepancy below the mean for the general population.

C. The team must agree that it has sufficient assessment data that verify the following conclusions:

(1) the learner has an information processing condition that is manifested by behaviors such as: inadequate or lack of expected acquisition of information, disorganization behaviors (such as in following directions, written and oral; spatial arrangements; correct use of developmental order, in relating events; transfer of information onto paper), memory (visual and auditory), expression (verbal and nonverbal), and motor control for written tasks such as pencil and paper assignments, drawing, and copying;

(2) the disabling effects of the learner's information processing condition occur in a variety of settings;

(3) the learner's underachievement is not primarily attributable to mental impairment, emotional or behavioral disorders, sensory or health impairments, economic disadvantage, lack of educational opportunity, inflexible curricula, or inappropriate teaching methods; and

(4) the learner requires specialized instructional methods because the learner's underachievement has not improved as a result of curriculum and teaching modifications by regular classroom teachers.

### **3525.1343 SPEECH OR LANGUAGE IMPAIRMENTS.**

**Subpart 1. Fluency disorder; definition and criteria.** "Fluency disorder" means the intrusion or repetition of sounds, syllables, and words; prolongations of sounds; avoidance of words; silent blocks; or inappropriate inhalation, exhalation, or phonation patterns. These patterns may also be accompanied by facial and body movements associated with the effort to speak. Fluency patterns that can be attributed only to dialectical, cultural, or ethnic differences or to the influence of a foreign language should not be identified as a disorder.

The team shall determine that a pupil has a fluency disorder and is eligible for speech or language special education when:

A. the behavior interferes with communication as judged by a teacher of communication disorders and either another adult or the child; and

B. dysfluent behaviors occur during at least five percent of the words spoken on two or more speech samples.

**Subp. 2. Voice disorder; definition and criteria.** "Voice disorder" means the absence of voice or presence of abnormal quality, pitch, resonance, loudness, or duration. Voice patterns that can be attributed only to dialectical, cultural, or ethnic differences or to the influence of a foreign language should not be identified as a disorder.

The team shall determine that a pupil has a voice disorder and is eligible for speech or language special education when:

A. the behavior interferes with communication as judged by a teacher of communication disorders and either another adult or the child; and

B. achievement of a moderate to severe vocal severity rating is demonstrated on a voice assessment profile administered on two separate occasions, two weeks apart, at different times of the day.

**Subp. 3. Articulation disorder; definition and criteria.** "Articulation disorder" means the absence of or incorrect production of speech sounds that are developmentally appropriate. Articulation patterns that can be attributed only to dialectical, cultural, or ethnic differences or to the influence of a foreign language should not be identified as a disorder.

The team shall determine that a pupil has an articulation disorder and is eligible for speech or language special education when:

A. the behavior interferes with communication as judged by a teacher of communication disorders and either another adult or the child; and

B. test performance falls 2.0 standard deviations below the mean on a technically adequate, norm-referenced articulation test;  
or

C. performance on a pressure consonant test indicates problems in nasal resonance; or

D. a pupil is nine years of age or older and a sound is consistently in error during speech samples as documented by two three-minute conversational speech samples.

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**Subp. 4. Language disorder; definition and criteria.** “Language disorder” means a breakdown in communication as characterized by problems in expressing needs, ideas, or information that may be accompanied by problems in understanding. Language patterns that can be attributed only to dialectical, cultural, or ethnic differences or to the influence of a foreign language should not be identified as a disorder.

The team shall determine that a pupil has a language disorder and is eligible for speech or language special education services when:

A. the behavior interferes with communication as judged by a teacher of communication disorders and either another adult or the child; and

B. an analysis of a language sample or documented observation of communicative interaction indicates the pupil’s language behavior falls below or is different from what would be expected given consideration to chronological age, developmental level, or cognitive level; and

C. the pupil scores 2.0 standard deviations below the mean on at least two technically adequate, norm-referenced language tests if available; or

D. the pupil scores between 1.5 and 2.0 standard deviations below the mean on at least two language tests and two documented measurement procedures show a lack of spontaneous improvement after four months; or

E. if technically adequate, norm-referenced language tests are not available to provide evidence of a deficit of 2.0 standard deviations below the mean in the area of language, two documented measurement procedures indicate a substantial difference from what would be expected given consideration to chronological age, developmental level, or cognitive level. These procedures may include additional language samples, criterion-referenced instruments, observations in natural environments, and parent reports.

### **3525.1345 VISUALLY IMPAIRED.**

**Subpart 1. Definition.** “Visually impaired” means a medically verified visual impairment accompanied by limitations in sight that interfere with acquiring information or interaction with the environment to the extent that special education instruction and related services may be needed.

**Subp. 2. Criteria.** The team shall determine that a pupil is eligible as having a visual handicap and in need of special education if the pupil meets one of the criteria in item A and one of the criteria in item B.

A. There is medical documentation of a diagnosed visual impairment by a licensed eye specialist establishing one or more of the following conditions:

(1) visual acuity of 20/60 or less in the better eye with the best conventional correction; estimation of acuity is acceptable for difficult-to-test learners;

(2) visual field of 20 degrees or less, or bilateral scotomas; or

(3) a congenital or degenerating eye condition including, but not limited to, progressive cataract, glaucoma, retinitis pigmentosa, albinism, or nystagmus.

B. A functional assessment of visual abilities conducted by a licensed teacher of the visually handicapped determines that:

(1) the pupil has limited ability in visually accessing program-appropriate educational media including, but not limited to, textbooks, photocopies, ditto copies, chalkboards, computers, or environmental signs, without modification;

(2) the pupil has limited ability to visually access the full range of program-appropriate educational materials and media without accommodating actions including, but not limited to, changes in posture, body movement, focal distance, or squinting;

(3) the pupil demonstrates variable visual ability due to environmental factors including, but not limited to, lighting, contrast, weather, color, or movement, that cannot be controlled; and

(4) the pupil experiences reduced ability due to visual fatigue.

C. Pupils not yet enrolled in kindergarten are eligible for visually impaired services if they meet the requirements in item A, subitem (2) or (3), or have a measured acuity less than that of age-appropriate developmental ranges.

### **3525.1347 TEAM OVERRIDE ON ELIGIBILITY DECISIONS.**

**Subpart 1. Documentation required.** If the team determines that a pupil is eligible for special instruction and related services because the pupil has a disability and needs special instruction even though the pupil does not meet the specific requirement in parts 3525.1325 to 3525.1345, the team must include the documentation in the pupil’s special education record listed in items A to D.

A. The pupil’s record must contain documents that explain why the standards and procedures, that are used with the majority of pupils, resulted in invalid findings for this pupil.

B. The record must indicate what objective data were used to conclude that the pupil has a disability and is in need of specialized instruction. These data may include test scores, work products, self-reports, teacher comments, previous testings, observational data, ecological assessments, and other developmental data.

C. Since the eligibility decision is based on a synthesis of multiple data and not all data are equally valid, the team must indicate which data had the greatest relative importance for the eligibility decision.

D. The team override decision must include a sign-off by the team members agreeing to the override decision. For those team members who disagree with the override decision, a statement of why they disagree and their signature must be included.

Subp. 2. Log requirement. The district director of special education must keep a log of team overrides granted from part 3525.1347. Team override decisions do not have to be submitted to the commissioner for approval.

### **3525.1349 EXIT PROCEDURES.**

The team shall discontinue special education instruction and services when:

A. the pupil has achieved IEP goals and has demonstrated the ability to succeed in the regular education program or an appropriate community-based environment without special instruction and services;

B. the medical disease or condition originally diagnosed has been corrected and the pupil no longer needs special instruction and services;

C. the pupil's physical or other health impairment no longer adversely affects educational performance;

D. the pupil graduates having successfully completed graduation requirements as prescribed by the board of education or the learner's IEP;

E. the pupil exceeds school age of 21 years; or

F. the pupil has been officially withdrawn from the district.

For any pupil discontinuing special education and services, the IEP manager shall summarize: (a) the pupil's last IEP goal or objectives attainment status; (b) the most recent assessment data; and (c) any recommendations about future anticipated service needs for postsecondary education, training, and any other relevant areas.

### **3525.1500 STAFF.**

[For text of subpart 1, see M.R.]

Subp. 2. **Directors.** Every director and assistant director shall hold ~~an appropriate supervisory~~ a license for general as a director of special education or supervisory license for one or more program areas.

Subp. 3. **Other supervisory personnel.** Every supervisor shall hold either an appropriate supervisory license for one or more program areas coordinated or supervised, or ~~an appropriate license for general as a director of special education supervision.~~

[For text of subp 4, see M.R.]

### **3525.2325 EDUCATION PROGRAMS FOR K-12 PUPILS AND REGULAR EDUCATION STUDENTS PLACED IN CENTERS FOR CARE AND TREATMENT.**

Subpart 1. **When education is required.** The district in which the facility is located must provide regular education, special education, or both, to a pupil or regular education student in kindergarten through grade 12 placed in a facility, or in the student's home for care and treatment. Education services must be provided to a pupil or regular education student who is:

A. prevented from attending the pupil's or student's normal school site for 15 consecutive days; or

B. predicted to be absent from the normal school site for 15 consecutive days according to the placing authority, such as a medical doctor, psychologist, psychiatrist, judge, or other court-appointed authority; or

C. health-impaired and in need of special education and predicted by the team to be absent from the normal school site for 15 intermittent days.

A pupil or regular education student shall begin receiving instruction as soon as practicable under treatment conditions.

Special education services must be provided as required by a pupil's IEP, and to the extent that treatment considerations allow the

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pupil to participate. Number of school days for determining due process procedures shall begin upon enrollment in an education program. Placement for care and treatment does not of itself require special education placement.

D. For those education programs run by the Department of Corrections, the district shall be the Department of Corrections for the purpose of this part. The district is responsible for ensuring that a cooperative agreement is reached with the care and treatment center facility which addresses all the requirements of Department of Human Services Rules, parts 9545.0900 to 9545.1090 and 9545.1400 to 9545.1500 which pertain to the provision of education services for students placed in centers for care and treatment. Provision of special education services requires implementation of all due process safeguards defined in state and federal law. Some procedures are modified to assure the pupil's access to education.

For purposes of this part, pupils and regular education students placed in the following facilities by someone other than the district are considered to be placed for care and treatment:

- (1) chemical dependency and other substance abuse treatment centers;
- (2) shelter care facilities;
- (3) home, due to accident or illness;
- (4) hospitals;
- (5) day treatment centers;
- (6) correctional facilities;
- (7) residential treatment centers; and
- (8) mental health programs.

Subp. 2. **Education programs for students and pupils and regular education students placed in short-term programs for care and treatment.** A placement for care and treatment is a short-term placement if the anticipated duration of the placement is less than 31 school days. The school district must begin to provide instruction to the pupil or regular education student immediately after the pupil or student is enrolled in the education program. If the student is enrolled in the educational program without an educational record or IEP, the district's procedures must include immediate phone contact with the home school to see if the regular education student has been identified as handicapped.

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

B. If a regular education student has not been identified as handicapped or if the providing district cannot determine if a student has been identified as handicapped:

- (1) Regular education instruction must begin immediately upon enrollment in the education program.
- (2) A screening must be conducted by education staff to determine the student's academic, social, and behavioral needs.
- (3) Based on the documented results of the screening, a decision must be made about the need for prereferral interventions or an appropriate special education assessment according to parts 3525.2500 to 3525.2850; ~~based on the providing district's criteria.~~ It is not required that an appropriate assessment be started unless it appears that it can be completed.
- (4) During the student's placement, regular education instruction must be provided.

Subp. 3. **Education programs for pupils and regular education students placed in long-term programs for care and treatment.** A placement made for care and treatment is long term if it is anticipated to extend beyond 30 school days. The pupil or regular education student must receive educational services immediately upon enrollment in the education program:

A. If the student has been identified as handicapped and has a current IEP.

If the education staff of the providing district decides that the pupil's current IEP can be implemented while the pupil is placed for care and treatment, the education staff must contact the parents to secure an agreement to continue to provide special education services according to the IEP. If the parents do not agree with the providing district's proposal, the district shall hold a team meeting as soon as possible.

If the education staff needs additional assessment information or the pupil's current IEP cannot be fully implemented while the pupil is placed for care and treatment, the education staff must:

- (1) contact the parents to secure an agreement to provide special education on an interim basis while an assessment is being completed; or
- (2) call a team meeting to revise the current IEP or develop a ~~short-term~~ an interim IEP while the pupil is undergoing additional assessment to determine an appropriate program.

B. If the student has not been identified as handicapped or if the providing district cannot determine if the student has been identified as handicapped.



The student entering a residential facility for a long-term placement must be screened to determine if there is a need for an appropriate educational assessment. An assessment must begin with a review of screening and other information such as the parent or student interview, available educational and social history, and the purpose of the treatment placement. The assessment must be conducted according to parts 3525.2500 to 3525.2850.

If the student meets ~~the providing district's~~ entrance criteria for special education, an IEP must be developed. Special education services must be provided by appropriately licensed staff in accordance with the IEP. If the student was not assessed or was assessed and does not meet entrance criteria for special education, regular education services must be provided in accordance with the student's education plan.

[For text of subps 4 and 5, see M.R.]

**Subp. 6. Placement, services, and due process requirements for pupils.**

A. The IEP developed by the team must include the provisions of part 3525.2900, the location of the special education services, the projected duration of the special education services, and provisions for coordinating the care and treatment and the special education services.

B. The nature of and the restrictiveness of some long-term facilities require the pupils to remain on site. When a pupil's treatment and educational needs allow, integration shall be provided in a regular educational setting. The determination of the amount and site of integrated services must be a joint decision between parents, the treatment and education staff, and when possible final educational placement decisions must be made by the IEP team of the providing educational agency. If the IEP team concludes a pupil can benefit from an average of more than three hours of educational services, it must, in conjunction with care and treatment center staff, consider the feasibility and appropriateness of an education placement at a regular school site.

C. If a pupil is placed in a residential facility outside the resident district, the providing district must provide appropriate special education services. The placement of the pupil in a residential center for care and treatment outside the resident district is not an initial placement in the receiving district. The providing district shall make every effort to implement the resident district's IEP, making the modifications necessary due to the restrictive care and treatment setting and based on agreements reached with the parent. The providing district shall comply with the due process procedures of parts 3525.2500 to 3525.4700. Districts shall develop alternative procedures for implementing the legal requirements for observing the student in a regular classroom and document previous interventions that have been tried before the student placed for care and treatment is identified as having a specific learning disability (~~LD~~) or an ~~emotional/behavioral~~ emotional or behavioral disorder (~~E/BD~~). These alternative procedures must be included in the district's entrance criteria. The district and facility shall cooperatively develop procedures to be used in emergency situations that comply with the Pupil Fair Dismissal Act according to *Minnesota Statutes*, sections 127.26 to 127.39, and the district's discipline policy.

[For text of subp 7, see M.R.]

**3525.2335 EARLY CHILDHOOD CRITERIA FOR ELIGIBILITY AND PROGRAM ALTERNATIVES.**

**Subpart 1. Definition and criteria for eligibility.**

[For text of items A to C, see M.R.]

~~D. If the team determines that a child is eligible for special education services in an early childhood program alternative because the child has a handicap and needs special instruction even though the child does not meet the requirements in item C, the team must include the following documentation in the child's special education file:~~

- ~~(1) the objective data obtained in the evaluation of the educational functioning which support the presence of the handicap;~~
  - ~~(2) additional data from the child's parents, other agency representatives, and, when appropriate, the student's regular education classroom teachers that support the presence of a handicap and the need for special education;~~
  - ~~(3) documentation of the rationale used by the team to use an alternative criteria to substantiate the presence of a handicap;~~
- ~~and~~
- ~~(4) a sign off by the team members agreeing to the variance decision; for those team members who disagree with the variance decision, a statement of why they disagree and their signature.~~

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

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### 3525.2340 SCHOOL-AGE LEVELS OF EDUCATIONAL SERVICE ALTERNATIVES.

Subpart 1. **Instruction and related services required.** If a pupil is school-age and is not provided instruction and related services in an early childhood program alternative, the pupil shall be provided instruction and related services in one or more levels of school-age educational service alternatives. The educational service alternative must be developed by the team as appropriate to meet the pupil's IEP plan and documented on the pupil's IEP plan.

Subp. 2. **Levels Types of service.** The following are levels types of service special education instruction and related services:

A. In level 1 a nonhandicapped pupil is placed in a regular classroom and does not receive special education, or is not enrolled in school. This level includes assessment services; monitoring; observation; and follow-up. Indirect services for a pupil in the general education classrooms or settings. Instruction and related services are provided indirectly through the general education teachers, parents, or other persons who have direct contact with the pupil. The consultation and indirect services include ongoing progress review, cooperative planning, demonstration and team teaching, modification and adaptation of the environment and curriculum, supportive and adapted materials and equipment, and direct contact with the pupil for monitoring and observation purposes.

B. In level 2 a pupil is placed in a regular classroom. Instruction and related services are provided indirectly through the regular teacher, teachers, parents, or other persons who have direct contact with the pupil. The consultation and indirect services include ongoing progress review; cooperative planning; demonstration teaching; modification and adaptation of the curriculum; supportive materials; and equipment; and direct contact with the pupil for monitoring, observation, and follow-up. Direct services for a pupil in the special or general education classrooms or settings. Instruction and related services are provided directly to the pupil. Consultation and indirect services are also provided.

C. In level 3 a pupil receives direct instruction from a teacher, or related services from a related services staff member for less than one-half of the day. Consultation and indirect services are included. After the team has determined the pupil's goals, objectives, and services necessary to achieve the pupil's goals and objectives, under part 3525.2900, the team shall document the following on the pupil's IEP plan: the site in which services will occur; the setting in which services will occur; whether the service will be provided directly or indirectly; and the amount and frequency of special education and related services.

D. In level 4 a pupil receives direct instruction from a teacher for one-half day to less than full time. Consultation and indirect services are included.

E. In level 5 a pupil receives full-time direct instruction from a teacher within a district building, day school, or special station or facility. Integrated activities solely for socialization or enrichment, and related services are excluded when determining full time. Consultation and indirect services are included.

F. In level 6 a pupil is placed in a residential facility and receives direct instruction from a teacher. Consultation and indirect services are included.

Subp. 3. **Case loads for school-age levels of educational service alternatives.** The following table sets forth by levels of service Items A and B set the maximum number of school-age pupils that may be assigned to a teacher. "Case load" means the number of pupils taught.

#### Level 2

Speech and language handicapped and developmental adaptive physical education	60
All other disabilities	30

#### Level 3

Speech and language handicapped and developmental adaptive physical education	40
All other disabilities	18

#### Level 4

Deaf/blind, autistic, or severely multiply handicapped	3
With one aide	6
Mildly mentally handicapped or specific learning disabled	12
With one aide	15
All other disabilities	8
With one aide	10
With two aides	12

**Levels 5 and 6**

Deaf/blind, autistic, or severely multiply handicapped

With one aide 4

With two aides 6

All other disabilities

With one aide 8

A. For pupils who receive direct instruction from a teacher 50 percent or more of the instructional day, but less than a full day:

- (1) deaf/blind, autistic, or severely multiply impaired, three pupils;
- (2) deaf/blind, autistic, or severely multiply impaired with one program support assistant, six pupils;
- (3) mild-moderate mentally impaired or specific learning disabled, 12 pupils;
- (4) mild-moderate mentally impaired or specific learning disabled with one program support assistant, 15 pupils;
- (5) all other disabilities with one program support assistant, ten pupils; and
- (6) all other disabilities with two program support assistants, 12 pupils.

B. For pupils who receive special education for a full day:

- (1) deaf/blind, autistic, or severely multiply impaired with one program support assistant, four pupils;
- (2) deaf/blind, autistic, or severely multiply impaired with two program support assistants, six pupils; and
- (3) all other disabilities with one program support assistant, eight pupils.

C. For pupils who receive special education less than 50 percent of the instructional day, caseloads are to be determined by the local district's policy based on the amount of time and services required by pupils' IEP plans.

**3525.2345 DEVELOPMENTAL OR ADAPTED PHYSICAL EDUCATION: SPECIAL EDUCATION.**

**Subpart 1. Definition.** "Developmental or adapted physical education: special education" means specially designed physical education instruction and services for pupils with handicaps who have a substantial delay or disorder in physical development. Developmental or adapted physical education: special education instruction for pupils age three to 21 may include development of physical fitness, motor fitness, fundamental motor skills and patterns, skills in aquatics, dance, individual and group games, and sports.

Students with conditions such as obesity, temporary injuries, and short-term or temporary illness or disabilities are termed special needs students. Special needs students are not eligible for developmental or adapted physical education: special education. Provisions for these students must be made within regular physical education as described in *Minnesota Statutes*, section 126.02.

**Subp. 2. Criteria.** A pupil is eligible for developmental or adapted physical education: special education when the team determines the pupil has met the criteria in items A and B.

A. The pupil has one of the following disabilities according to item B, subitem (1), in each respective criteria in parts 3525.1325 to 3525.1341, 3525.1345, and 3525.1347: autism, deaf/blind, emotional or behavioral disorders, hearing impaired, specific learning disabilities, mentally impaired, severely multiply impaired, other health impaired, physically impaired, visually impaired, or part 3525.2335, subpart 1, item C.

B. The pupil is determined by the team to need specially designed physical education instruction because:

(1) The pupil's performance on an appropriately selected, technically adequate, norm-referenced psychomotor or physical fitness instrument is 1.5 standard deviations or more below the mean. The instrument must be individually administered by appropriately licensed teachers.

(2) The pupil's development or achievement and independence in school, home, and community settings is insufficient as supported by written documentation from two or more of the following: motor and skill checklists, informal tests, criterion-referenced measures, deficits in achievement related to the defined curriculum, medical history or reports, parent and staff interviews, and systematic observation.

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## Proposed Rules

### 3525.2350 MULTIDISABILITY TEAM TEACHING MODELS.

Subpart 1. **Team staff.** A district may assign more than one teacher licensed in different areas or one or more teachers and related services staff as a team to provide instruction and related services to pupils in a school-age ~~level of educational service alternative~~.

[For text of subp 2, see M.R.]

Subp. 3. **Team member responsibility.** The team member licensed in a pupil's disability shall be responsible for conducting the pupil's assessment and participating at team meetings when an IEP is developed, reviewed, or revised. At least weekly, consultation and indirect services as defined in part 3525.2340, subpart 2, ~~item items A and B~~, must be provided to the ~~regular general~~ or special education teacher providing instruction if not licensed in the disability. The frequency, amount of time, and documentation of the specific consultation and indirect services shall be included in the pupil's IEP.

[For text of subps 4 and 5, see M.R.]

### 3525.2380 CONSIDERATIONS WHEN DETERMINING RATIOS.

Subpart 1. **Variances.** The district may apply to the State Board of Education or its designee for a variance from the case loads in parts ~~3525.2330, 3525.2335 and 3525.2340, and 3525.2360~~. The state board or its designee shall grant a variance for less than 90 days when it is demonstrated that unanticipated special education enrollment increases have occurred.

Subp. 2. [See repealer.]

Subp. 3. **Reduction of ratios.** The district shall reduce the teacher to pupil case loads to the extent necessary, to ensure the provision of services delineated in each pupil's IEP, if a teacher;

- A. is assigned to more than one early childhood program alternative;
- B. is assigned to pupils in more than one ~~level of educational service alternative~~;
- C. is serving pupils representing a significant range of severity of problems; or
- D. is providing instruction at more than one building.

### 3525.2750 EDUCATIONAL ASSESSMENT.

Subpart 1. **Assessment.** An assessment:

A. must be conducted when a person's ~~needs are considered by the local school district to be interfering with or affecting the person's academic or functional skill acquisition in the present educational placement and the person is thought to be in need of a possible initiation or change in the person's~~ indicates a disability and a need for a special educational placement, program, or services;

- B. must be conducted at least every three years;
- C. may be conducted if the ~~parent, student, or other agency requests; and~~
- D. must be conducted if the parent requests.

[For text of subps 2 and 3, see M.R.]

### 3525.2900 DEVELOPMENT AND CONTENT OF THE INDIVIDUAL EDUCATION PROGRAM PLAN.

Subpart 1. ~~Team and program needs determination~~ **General requirement to develop an IEP for pupils who are handicapped.** Following ~~the an initial~~ assessment, ~~in order to determine if the person is in need of special education services, and annually thereafter, an IEP must be developed and implemented for each pupil determined to be handicapped under parts 3525.1325 to 3525.1347. This requirement does not preclude the development of any other personalized learning plans in regular education. The responsible district shall:~~

A. Designate a team of persons responsible for determining the ~~educational needs IEP of the student pupils kindergarten to age 21, which, at a minimum, shall include the parent, the pupil, when appropriate, a school administrator or designee, the student's regular classroom teacher when the pupil is enrolled in regular education classes or an appropriate regular classroom teacher when one is not presently providing instruction or the pupil has no regular education placement, appropriate and the special education personnel, other support personnel, the parent, and when appropriate, the student, teacher.~~

For pupils below kindergarten age, the team shall include, at a minimum, the parent, a school administrator or designee, and the special education teacher. The plan must indicate which team members attended the IEP meeting.

B. organize the assessment data and other relevant information and reports, including information supplied by the parents, review that data and determine the student's educational needs;

C. interpret the data consistent with the requirement of nondiscrimination; Consider including other appropriate special education staff as members of the team. According to part 3525.0700, parents may bring anyone of their choosing to accompany them to the meeting.

~~D. C.~~ Upon request of the parent, have the team determine whether it is appropriate to involve additional staff or other persons on the team including someone who is a member of the same minority or cultural background or who is knowledgeable concerning the racial, cultural, or handicapping differences of the student: ~~and~~.

~~E. D.~~ Schedule the ~~student staffing IEP team meeting~~ at a time and place that is mutually acceptable to the school and parents: according to part 3525.0700. The district shall proceed if the parents do not respond to the ~~request~~ district's efforts for the parent to participate.

E. Prepare an IEP in writing for each person determined to be handicapped according to parts 3525.1325 to 3525.1347. If the responsible district is not the resident district, a copy of the IEP must be sent to the resident district.

F. Provide notice according to parts 3525.3200 to 3525.3600, whenever the responsible school district proposes to initiate or change or refuse to initiate or change the educational placement. For the purposes of this part, the terms "initiate" or "change" must be construed to include the proposals in Minnesota Statutes, section 120.17, subdivision 3b, paragraph (d), clauses (2) to (5); "significant change" is defined in part 3525.3600.

G. Implement the IEP for a regular school year unless otherwise specified on the IEP, except that the duration cannot exceed 12 calendar months. For a team to determine the appropriateness of the placement or to resolve questions regarding the content of the IEP including instructional goals and objectives, an interim IEP may be written for a period of no more than 30 school days.

H. Consider an extended school year for those pupils when it is determined:

(1) that the pupil will experience "significant regression" in the absence of an educational program;

(2) the time required to relearn the skills lost is excessive; or

(3) the effects of the breaks in programming are such to prevent the student from attaining the state of self-sufficiency that the student would otherwise reasonably be expected to reach. The amount of service, including a reduction of services, or type of service for summer, must be appropriate to maintain performance on IEP goals.

I. Meet all the IEP requirements of this part for pupils who are eligible for special education and who are provided special education based upon an individual family services plan (IFSP).

J. Base the IEP on the assessment data and other relevant reports and information.

K. Prepare an IEP when contracting for special education services from a public, private, or voluntary agency.

Subp. 2. [See repealer.]

Subp. 3. Content and sequence of individual educational program plan. The program plan must be based on the assessment data and other information and be consistent with the requirement of nondiscrimination and the principle of least restrictive alternative. In preparing the IEP, the district shall follow this sequence and must shall include the following:

A. The pupil's current levels of functioning in all performance areas included in part 3525.2550. This information is based on assessment and progress review data. If a more extensive assessment is not necessary, as in part 3525.3000 or 3525.3100, parent or teacher reports or screening data can be used to summarize a pupil's level of performance.

B. A description of the pupil-based special education service instructional needs of the student as determined by the staffing team and the names of the persons on the team identified through assessment.

The team shall document on the IEP the pupil's instructional needs to function and participate in the activities and environments relevant to the pupil. Instructional needs refer to pupil-based skills, functions, or outcomes that affect performance and adjustment and do not refer to special education services, categories, teaching strategies, prescriptions for specific therapy, or broad curricular goals.

~~B. C.~~ A statement of annual instructional goals and periodic review based on the identified instructional needs.

The goals are a component of the IEP that set the academic and functional behaviors the pupil is expected to master within 12 months. Annual goals must be broad statements of academic and functional behavior to be demonstrated by the student and be based on the pupil's identified instructional needs.

Goal statements shall consist of the behavior to be changed and the expected annual ending level of performance.

D. Instructional objectives for the special education services including the criteria for attainment.

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## Proposed Rules

C. The plan for, location of, and frequency of periodic review of the progress in reaching the prescribed educational goals and objectives.

D. The reasons for the type of education placement and program including type of special education services to be provided, the location, amount of time, starting date, anticipated special education service duration, names, and school telephone numbers of those personnel responsible for providing the special education services.

Each annual goal will have more than one short-term objective and each objective must be a subtask or otherwise address a component of the goal. Objectives must be pupil-based and attainable within a year, with most target dates within a shorter time span.

E. A description of the special education and related services needed to accomplish the goals and objectives, including the type of service, amount of time and frequency of each service, starting date and anticipated duration of each service, the site and setting for the services, and the names and school telephone numbers of the personnel responsible for providing the services. For each related service, an explanation must be included why that service is necessary for the pupil to benefit from the educational program.

F. ~~In accordance with~~ According to the principle of least restrictive alternatives, substantiate why the proposed ~~action~~ educational placement is the most appropriate in terms of the person's educational needs. The IEP shall include:

~~E- (1) the changes in staffing, transportation, facilities, curriculum, methods, materials, and equipment, and other educational services regular education that will be made to permit successful accommodation and education of the student pupil in the least restrictive alternative environment, including any modifications to the district's standardized testing program, district graduation requirements, or district discipline policy; and~~

~~F- (2) a description of the educational activities, frequency, and amount of time in which the student pupil will participate in environments which include nonhandicapped students peers. This provision must be included in the plan only when the student's primary placement pupil will be placed in a segregated special education program more than 50 percent of the school day.~~

Subp. 4. and 5. [See repealer.]

### **3525.2925 USE OF BEHAVIORAL INTERVENTIONS WITH PUPILS.**

Subpart 1. Purpose. This part is intended to encourage the use of positive approaches to behavioral interventions. The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. It is critical that behavioral intervention programs focus on skills acquisition rather than merely behavior reduction or elimination. Behavioral intervention policies, programs, or procedures must be designed to enable a pupil to benefit from an appropriate, individualized educational program as well as develop skills to enable them to function as independently as possible in their communities.

Subp. 2. Application. This part applies to the planned application or emergency use of aversive or deprivation behavioral intervention techniques and procedures. For the purpose of this part, there are three types of behavioral interventions: exempted procedures, regulated procedures, and prohibited procedures.

A. Exempted procedures are the use of planned instructional techniques and intervention procedures that are common practices in regular education settings or that are consistent with the district's discipline policy if it has been determined to be appropriate for the pupil according to part 3525.2900, subpart 2, are not subject to the restrictions established by subparts 4 to 10.

The procedures in subitems (1) to (6) are examples of intervention that are exempted from the restriction established by subparts 4 to 10. They include, but are not limited to:

(1) the use of corrective feedback or prompts to assist a pupil in performing a task or exhibiting a response;

(2) the use of physical assistance to facilitate a pupil's completion of a response in a situation where the pupil offers no physical resistance to the assistance;

(3) the use of positive reinforcement alone or in combination with procedures described in items A and B to develop new behaviors or increase the frequency of existing behaviors;

(4) temporary interruptions in instruction or ongoing activity in which a pupil is directed to leave an activity for a brief period of time to a location where the pupil can observe the ongoing activity and see others receiving positive reinforcement for appropriate behavior. This procedure is often referred to as contingent observation;

(5) temporary interruptions in instruction or ongoing activity in which a pupil is directed to leave an activity for a brief period of time to another location such as the hallway or the principal's office but not to a time-out room;

(6) temporary delay or withdrawal of goods, services, or activities to which a pupil would otherwise have access as a natural consequence of the pupil's inappropriate use of the good, service, or activity. Examples of situations in which the exemption applies are delaying the return of a pupil's beverage at mealtime after the person has thrown the beverage across the kitchen or the temporary removal of an object the person is using to hit another individual; and

(7) the use of restraints prescribed medically to position, maintain posture, or aid in the acquisition of self-help or other functional skill.

B. Regulated procedures are interventions used in a planned manner that meet the definitions of aversive or deprivation procedures in subpart 3 and are not exempted in item A or prohibited in item C. Regulated procedures may only be used when:

(1) written on a pupil's IEP as part of a behavioral intervention plan that warrants the severity of a regulated procedure;  
or

(2) in an emergency situation according to subpart 10.

Regulated procedures must be specified and governed by the district's behavioral intervention policy. Regulated procedures include:

- (a) the use of manual restraint;
- (b) the use of mechanical or locked restraints;
- (c) the planned use of suspension or dismissal from school;
- (d) time-out procedures consistent with subpart 8; and
- (e) temporary delay or withdrawal of regularly scheduled meals or water not to exceed 30 minutes except as provided in subpart 10.

Before implementing any regulated behavioral intervention as a part of the IEP, two conditions must be met: (1) documentation that positive approaches have been tried and have been unsuccessful; and (2) the stated purpose for the use of any behavioral intervention must be to enable a pupil to benefit from educational services in order to develop appropriate skills and behaviors, and not just for the elimination of unwanted behaviors, or for the convenience of staff or program administration.

C. Prohibited procedures are interventions that are prohibited from use in schools by school district employees. The procedures or actions listed in subitems (1) to (8) are prohibited:

- (1) corporal punishment as defined in Minnesota Statutes, section 127.45;
- (2) requiring a pupil to assume and maintain a specified physical position or posture that induces physical pain as an aversive procedure;
- (3) presentation of intense sounds, lights, or other sensory stimuli as an aversive stimulus;
- (4) use of noxious smell, taste, substance, or spray as an aversive stimulus;
- (5) denying or restricting a pupil's access to equipment and devices such as hearing aids and communication boards that facilitate the person's functioning;
- (6) faradic skin shock;
- (7) totally or partially restricting a pupil's auditory or visual sense; and
- (8) withholding regularly scheduled meals or water.

Subp. 3. Definitions. There is a continuum of procedures that are considered aversive or deprivation procedures, some of which are more intrusive than others. For the purpose of this part, the definitions in items A to C apply.

A. "Aversive procedure" means the planned application of an aversive stimulus: (1) contingent upon the occurrence of a behavior identified for reduction or elimination in the IEP; or (2) in an emergency situation governed by subpart 10.

B. "Aversive stimulus" means an object that is used, or an event or situation that occurs immediately after a specified behavior in order to suppress that behavior.

C. "Deprivation procedure" means the planned delay or withdrawal of goods, services, or activities that the pupil would otherwise receive: (1) contingent upon the occurrence of a behavior identified for reduction or elimination on the IEP; or (2) in an emergency situation governed by subpart 10.

Subp. 4. District policy. Each district shall have a specific policy describing the district's procedures for implementing this part on the use of regulated procedures as a part of a behavioral intervention plan with pupils. The policy shall promote the use of positive approaches for behavioral interventions. The policy must be included in the district's TSES and be available upon request. Policies must be reviewed regularly and shall include, at a minimum, the following procedural components:

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A. personnel development activities for all staff who work with pupils who are handicapped and have IEPs that (a) promote the use of positive approaches, (b) provide an awareness of how to limit the use of aversive and deprivation procedures, (c) how to avoid abuse of such procedures, and (d) specific cautions for the use of regulated procedures with specific populations of pupils or for the use of certain procedures;

B. staff training requirements for the design and use of behavioral interventions;

C. documentation procedures of the use of such interventions and the maintenance and retention of records of use;

D. district procedures for complaints and appeals from parents;

E. description of the district's procedures and membership for an independent review committee including their standards for identifying persons who are knowledgeable to serve on this committee; and

F. description of the district's procedure for reviewing emergency situations where regulated procedures are used.

**Subp. 5. Assessment.** An assessment must be performed consistent with the requirements in parts 3525.2500 to 3525.2750 before recommending or initiating a behavioral intervention using a regulated procedure. The assessment shall include an analysis of purpose and the effect of the behavior and the seriousness of the behavior to warrant the use of a regulated procedure. A minimum of two positive behavioral interventions must be attempted and documented as part of an assessment. The assessment summary report shall include:

A. a description of the pupils target behavior for which a regulated procedure is being considered;

B. baseline measurement of the target behavior;

C. documentation of the two positive behavioral interventions and any other behavioral intervention attempted including exempted procedures and the effectiveness of each;

D. review of frequent use of exempted procedures, e.g. sitting in the hallway;

E. documentation that the assessment team has ruled out any other treatable cause such as a medical or health condition for the interfering behavior;

F. a description of the alternative procedures that have been considered and an explanation for why these are not expected to work; and

G. the proposed regulated procedures for the behavioral intervention planning.

If the use of a regulated procedure is being considered, a professional whose background and expertise in the use of positive approaches to behavioral intervention and the use of aversive and deprivation intervention must be on the pupil's team.

If a pupil's behavior is such that positive behavioral intervention has not been effective in achieving the goals of the IEP and the team recommends that a regulated procedure be used, an IEP team meeting must be scheduled to review the student's IEP. The team must specify what assessment data exists and if additional assessment is needed to determine which, if any, regulated procedure would be appropriate.

**Subp. 6. IEP process and required documentation.** If, after completing the initial parts of the IEP including present levels of performance, pupil needs, and goals according to part 3525.2900, the IEP team determines that a behavioral intervention plan that outlines the use of a regulated procedure is necessary to achieve the goal, the procedure must be addressed in the IEP in a behavioral intervention plan that includes the following components as part of the IEP:

A. a description of the target behavior;

B. baseline measurement of the target behavior;

C. a detailed description of the proposed procedure, including data collection procedures and monitoring schedule;

D. conditions under which the aversive or deprivation intervention will be used;

E. an explanation of why the proposed procedure is selected;

F. a statement of the expected change in the target behavior that will occur;

G. a description of any discomforts, risks, or side effects that it is reasonable to expect to occur;

H. conditions or circumstances when the intervention can or must be discontinued prior to team review;

I. the anticipated effects on the pupil if the procedure is not implemented;

J. person or persons responsible for implementing the program;

K. team review and evaluation dates, not to exceed two months;

L. coordination with home or care facility; and

M. parent's informed consent consistent with subpart 9.



The individuals who conduct the periodic review shall review the behavioral intervention plan according to the schedule agreed to and written on the IEP. This team may review and amend procedures on the behavioral intervention plan as necessary throughout the year without reviewing all of the IEP unless the team determines a more thorough review is necessary and a change in the IEP is required. Any change in the behavioral intervention plan is subject to informed consent as provided in subpart 9.

Subp. 7. An independent committee review. The parent or the district staff may request a review of a behavioral intervention plan that includes a regulated procedure by the independent committee as established under subpart 4, item E. The district shall inform the parents they may appoint one member of the independent review committee if the parent so desires. Before implementing a behavioral intervention plan as part of the pupil's IEP or in any review or amendment of the behavior intervention plan, the parent must be informed of the right to request an independent committee review. The independent committee would review the assessment summary report, the behavioral intervention plan, and all pertinent information and provide recommendations to the district and the parents from that review. The independent committee must be comprised of at least two persons who are independent of the pupil's IEP and are not employees of or under contract with the district except a contract to serve on this committee. The independent review committee shall include at least one person who is independent of the pupil's IEP and is knowledgeable about behavioral interventions. One person on the committee shall also be knowledgeable about ethnic and cultural issues relevant to the pupil's behavior and education. The recommendation of the independent review committee is advisory and must not be used to overrule a pupil's IEP team decision. The district is responsible for costs associated with the independent committee review including reasonable fees consistent with district policy for appropriate experts.

Subp. 8. Time-out procedures and isolation room specifications.

A. For the purpose of this part, "time-out" means exclusion procedures in which the pupil is completely removed from the regularly scheduled educational program and seclusion procedures in which the pupil is placed in a specially designated isolation room or similar space.

B. The pupil's IEP that includes the use of time-out must include the following in addition to subpart 6:

- (1) provision for the pupil to be continuously monitored by trained staff;
- (2) criteria for returning pupil to the routine activities and regular education environment;
- (3) adequate access to drinking water and to a bathroom for a time-out that exceeds 15 minutes; and
- (4) documentation of the length of time spent in each time-out procedure and the number of occurrences each day.

C. When a room is used specifically for time-out where seclusion is in a specially designated isolation room, the room shall:

- (1) provide a safe environment for the pupil where all fixtures are tamper proof, walls and floors are properly covered, and control switches are located immediately outside the room;
- (2) have an observation window or other device to permit continuous monitoring of the pupil;
- (3) measure at least five feet by six feet or be substantially equivalent to these dimensions and be large enough to allow the pupil to stand, to stretch the pupil's arms, and to lie down;
- (4) be well-lighted, well-ventilated, adequately heated, and clean; and
- (5) have smoke and fire monitoring devices that are acceptable to the state fire marshal.

Subp. 9. Informed consent assurances. The pupil's parents must be informed of any proposed behavioral intervention plan. The behavioral intervention plan must be implemented consistent with parts 3525.3200 to 3525.3600 and any modifications to that plan. Consistent with parts 3525.3200 to 3525.3600, parents must be informed of assessment results, the information comprising the behavioral intervention plan, a demonstration, and answers to any questions about the proposed regulated procedure. A statement of parents' rights must be included. Parents, upon being given proper notice and being informed of their due process rights, may give their consent to an IEP which includes a behavioral intervention plan according to subpart 6.

If parents have joint custody, the district must notify both parents and consent is required from both in order to implement the behavioral intervention plan except as noted below. After appropriate notice is sent, if only one parent participates in the IEP conference including the development of a behavioral intervention plan or a meeting to amend the behavioral intervention plan, consent from the participating parent shall serve as informed consent.

A parent has the right to withdraw consent for a behavioral intervention plan at any time by notifying the program administrator

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or designee and districts will stop the procedure immediately. After parental consent is withdrawn and the procedure stopped, the school must send written acknowledgment to the parent and request a parental signature. If a parent's signature to withdraw consent cannot be obtained, the district must document its efforts to communicate and obtain the signature. Parents must be contacted within three school days to determine the need to review and amend the behavioral intervention plan and the need to convene the IEP team for a change in placement or program.

**Subp. 10. Emergency.** "Emergency" means a situation in which immediate intervention is necessary to protect a pupil or other individual from physical injury or to prevent severe property damage. The emergency intervention must be the least intrusive intervention possible to reasonably react to the emergency situation. This part does not prohibit staff persons from using reasonable force to protect themselves or other pupils or students as provided in *Minnesota Statutes*, section 609.379. If an emergency intervention is used twice in a month or a pupil's pattern of behavior is emerging that interferes with the achievement of the pupil's educational goals and objectives, a team meeting must be called to determine if the pupil's IEP is adequate, if additional assessment is needed, and, if necessary, to amend the IEP including the behavioral intervention plan. Districts may use regulated procedures in emergencies until the IEP team meets, provided the emergency measures are deemed necessary by the district to protect the individual pupil or others from harm. The IEP team shall meet as soon as possible but no later than three school days after emergency procedures have commenced. The further use of regulated procedures is governed by the standard process for implementing a behavioral intervention plan as provided in this part. Districts must document their efforts to involve parents.

District administration and parents must be notified immediately when a regulated procedure is used in an emergency situation. Procedures for reviewing any use of a regulated procedure in an emergency situation must be addressed in the district's policy.

### 3525.3000 PERIODIC AND ANNUAL REVIEWS.

The providing school district shall determine the effectiveness of the pupil's IEP by conducting periodic and annual reviews of the pupil's program plan. The IEP team shall address the plan for, location of, and frequency of at least one periodic review and one annual review of the pupil's progress in achieving the prescribed educational goals and objectives and the appropriateness of the program and placement; and, If only one periodic review is done, it must not be done at the same time as the annual review. The periodic review shall determine:

A. A periodic review is to gather information and data from all service providers to determine the degree to which periodic review objectives as identified in the IEP are being achieved. The IEP manager shall coordinate the recording of the data on the periodic review form and share the results with the IEP team including the parents. The results of periodic reviews must be included in the pupil's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy shall inform the parents and the resident district that they may request a conference to review the pupil's program plan at any time and the procedure to do so. The periodic review does not require a meeting with the parents unless a significant change is to be considered.

B. The annual review is to gather information and data from all service providers to determine the pupil's present levels of performance in the total education program. These data, together with input from the parents, will assist the team in determining an appropriate program for the pupil.

the degree to which the periodic review objectives as identified in the educational program plan are being achieved;

B- the appropriateness of the educational program plan as it relates to the pupil's current needs;

C. what modifications, if any, need to be made in the program plan.

The initial review shall be made when specified in the program plan, but at least once a year following placement.

C. These periodic and annual reviews shall be made by those persons directly responsible for implementing the educational program and by other school district agents as may be needed to ensure an informed and adequate review to determine:

(1) the appropriateness of the educational program plan as it relates to the pupil's current needs;

(2) what modifications, if any, need to be made in the goals, objectives, services, or placement of the pupil; and

(3) whether the pupil continues to require special education based on exit criteria in part 3525.1349.

The results of periodic reviews shall be included in the pupil's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy shall inform the parents and the resident district that they may request a conference to review the pupil's program plan at any time and the procedure to do so.

The reviews shall be made in accordance with according to the requirements for nondiscrimination and recognized professional standards.

### 3525.3100 REQUIREMENTS FOR FOLLOW-UP REVIEW REQUIREMENTS.

The responsible school district shall conduct a follow-up review of the student's current performance no later than 12 calendar

months after special education services are discontinued to determine if progress is satisfactory, except if the pupil has graduated or been discontinued at age 21.

#### **3525.3300 CONTENTS OF NOTICE.**

Notices must be sufficiently detailed and precise to constitute adequate notice for hearing of the proposed action and contain a full explanation of the procedural safeguards available to parents under parts 3525.0200 to 3525.4700. Notices must:

[For text of items A to L, see M.R.]

M. Inform the parents of their right to request compel the attendance of any official or employee of the providing or resident school district or any other person, who may have evidence relating to the proposed action and the manner and time in which to do so.

[For text of items N to U, see M.R.]

V. Inform parents of a pupil's entitlement to special education until age 21 unless the team agrees the pupil no longer needs special education or the pupil is eligible for a high school diploma according to part 3525.3150.

#### **3525.3500 NOTICE OF PERFORMANCE OR REFUSAL TO PERFORM ASSESSMENT.**

Before the performance of or refusal to perform an educational assessment or reassessment as provided in parts 3525.2550 to 3525.2850, the providing school district shall prepare and serve a notice that meets the requirements of parts 3525.3200 to 3525.3400. The portion of the notice which is specific to assessment or reassessment shall:

A. include the reasons for assessment or the refusal to assess and how the results may be used;

B. include a description of areas to be assessed and the procedures to be used;

C. state where and by whom the assessment will be conducted;

D. inform the parents that the district will not proceed with the initial formal assessment as defined in part 3525.0200, without prior written consent of the child's parents; ~~and~~

E. inform the parents that except for the initial formal assessment, the district shall proceed with the proposed assessment unless the parent objects on the enclosed response form or otherwise in writing within ten days after receipt of the notice; ~~and~~

F. inform the parents that if the district refuses to perform the requested reassessment, the district shall initiate a hearing according to parts 3525.3800 to 3525.4700.

#### **3525.3800 WHEN A HEARING MUST BE HELD.**

A hearing regarding a proposed action under parts 3525.2550 to 3525.2850 or ~~part 3525.2900, subpart 5,~~ shall be held whenever: (a) the district receives the parents' request for a hearing- The district shall conduct a hearing whenever; (b) a parent refuses to provide written permission for the initial formal assessment or the initial placement and provision of special education services, within ten days after the receipt of the notice and response form, provided the district has made at least one offer to enter into conciliation in an attempt to obtain this written consent; ~~and~~ (c) when the district refuses to conduct a reassessment requested by a parent.

#### **3525.4100 PREHEARING REVIEW BY THE HEARING OFFICER.**

[For text of subpart 1, see M.R.]

Subp. 2. **Duties of hearing officers after receipt of the information.** Upon receipt of the information in subpart 1, the hearing officer:

A. shall review the same for compliance with parts 3525.0200 to 3525.4700;

B. may subpoena any person or paper considered necessary for an adequate review of the appropriateness of the proposed action that is the subject of the hearing;

C. may meet with the parties together before the hearing;

~~C.~~ D. may require the district to perform an additional educational assessment or reassessment;

~~D.~~ E. may require the district to propose an alternative IEP;

~~E.~~ F. may require the district to send additional notice to the parents;

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~~F. G.~~ may do the additional things necessary to ~~achieve compliance~~ comply with parts 3525.0200 to 3525.4700;

~~G. H.~~ may postpone the hearing for up to 15 days to achieve the purposes of this subpart; and

~~H. I.~~ may grant specific extensions of time beyond the 45-day period established in part 3525.3900, item E, at the request of either party.

### **3525.4200 HEARING RIGHTS OF THE RESPECTIVE PARTIES.**

The hearing shall be closed unless the parents request an open hearing. The parties shall have the right to representatives of their own choosing, including legal counsel.

At a reasonable time before the hearing, the parties or their representatives, ~~as the case may be,~~ shall be given access to the providing and resident school districts' records and such other records pertaining to the child that are authorized by law to be disclosed, including but not limited to all tests, evaluations, assessments, reports, and other written information concerning the educational assessment or reassessment, conducted pursuant to parts 3525.2550 to 3525.2850 upon which the proposed action may be based.

At least five days before the hearing the parents shall receive from the school districts, who are parties of the hearing, a brief resume of additional material allegations referring to conduct, situations, or conditions which are discovered and found to be relevant to the issues to be contested at the hearing and which are not contained in the original notice or memorandum provided pursuant to parts 3525.3200 to 3525.3600 or ~~part~~ 3525.3700, subpart 2. ~~If the material allegation or information about the allegation is not disclosed, the person conducting the hearing must determine if the material allegation may be considered. Any party to the hearing may prohibit the introduction of any evidence that has not been disclosed to that party at least five days before the hearing.~~ Within five days after the written request is received, any party shall receive from the other parties a list of witnesses who may be called to testify at the hearing. The list must be filed with the person conducting the hearing. The lists may be modified at any time but each party should be notified immediately if possible. The parties or their representatives, ~~as the case may be,~~ have the right to ~~request~~ compel the attendance of any employee of the school district, or any other person who may have evidence relating to the proposed action, and to confront, and to cross examine any witness. Any request must be made to the appropriate school district or to the person whose attendance is ~~requested~~ compelled at least five days in advance of the hearing. The written requests shall also be filed with the person conducting the hearing at the time of hearing.

If the person conducting the hearing determines at the conclusion of the hearing that there remain disputes of fact which, in the interest of fairness and the child's educational needs, require the testimony of additional witnesses, or if the hearing officer concludes that alternative educational programs and opportunities have not been sufficiently considered, the hearing officer may continue the hearing for not more than ten days, for the purpose of obtaining the attendance of witnesses or considering alternative programs and opportunities. The parties' right to cross examination and confrontation and other applicable rights and procedures shall continue and be given full force and effect.

**REPEALER.** Minnesota Rules, parts 3525.0200, subpart 23; 3525.2370; 3525.2380, subpart 2; and 3525.2900, subparts 2, 4, and 5, are repealed.

## Board of Podiatric Medicine

### **Proposed Amendments to Proposed Permanent Rules Relating to Training and Licensing**

#### **Notice of Intent to Adopt Rules Without a Public Hearing**

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Podiatric Medicine (hereinafter "Board") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1990).

Interested persons shall have 30 days in which to submit comment in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Board be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more

persons submit in writing requests for a hearing on the proposed rules or a portion thereof within the 30-day comment period. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

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

Lois E. Mizuno, Executive Director  
Minnesota Board of Podiatric Medicine  
Room 101  
2700 University Avenue West  
St. Paul, Minnesota 55114-1095  
Telephone: (612) 642-0588

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 153.02, 153.16, subds. 1(f) and 3, 214.06 and 214.12 (1990).

If adopted, the proposed rules would add and revise definitions, amend certain licensure requirements, amend certain temporary permit provisions, change the license renewal cycle from 12 to 24 months, adjust certain fees, conform the continuing education cycle from 15 hours annually to 30 hours every two years, and add provisions relating to waivers or variances. A copy of the proposed rules is attached. The attached proposed rules constitute amendments to proposed rules of the Board published at 15 S.R. 1803-1811 (*State Register*, Tuesday, February 19, 1991, Volume 15, Number 34, pages 1803-1811). The rules as published at 15 S.R. 1803-1811 were subsequently withdrawn from consideration. The text of said rules, as amended by the attachment hereto, and notice of the Board's intent to adopt the rules without a public hearing are hereby republished by reference.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents, will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the rules as adopted should submit a written request to Lois E. Mizuno at the address listed above.

Dated: 22 April 1991

Lois E. Mizuno  
Executive Director

### Rules as Amended

The rules as proposed at *State Register*, Volume 15, Number 34, pages 1803 to 1811, are proposed with the following amendments:

#### 6900.0010 DEFINITIONS.

Subp. 8. **Initial licensure period.** For a license issued after the ~~effective date of parts 6900.0100 to 6900.0500 on which the biennial renewal period becomes effective~~, "initial licensure period" means the period which begins on the date licensure is granted and ends on June 30 of the first fiscal year following the fiscal year in which the license is granted.

#### 6900.0020 LICENSURE REQUIREMENTS.

Subp. 5. **Clinical residency.** A clinical residency is a formal, structured postdoctoral training program approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association and sponsored by and conducted in an ~~accredited~~ institution such as a hospital or ambulatory health care facility or conducted by a college of podiatric medicine accredited by the Council on Podiatric Medical Education ~~or of the American Podiatric Medical Association~~. The residency must:

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

A. provide the podiatric medical graduate with a well-rounded exposure in preparation for management of podiatric conditions and diseases as they are related to systemic diseases of children and adults;

Subp. 6. **Preceptorship.** A preceptorship is a formal, structured postdoctoral training program, with written objectives appropriate to all aspects of the program and a written evaluation process, conducted by a podiatrist primarily in an office-based setting and controlled and supervised by a college of podiatric medicine accredited by the Council on Podiatric Medical Education ~~or of the~~ American Podiatric Medical Association. The ~~residency~~ preceptorship must provide the recent podiatric medical graduate sufficient experiences to have further patient care exposure, to improve clinical management and communication skills, and to obtain increased self confidence.

Subp. 7. **Preceptor requirements.** The preceptor must:

C. have a hospital staff appointment with podiatric surgical privileges; however, the granting of staff privileges is solely within the discretion of individual institutions; ~~and~~

D. not have been the subject of disciplinary action concerning professional conduct or practice; and

E. instruct and direct the unlicensed podiatrist in the podiatrist's duties, oversee and check the work, provide general directions, and comply with at least the following criteria:

(1) review and evaluate patient services provided by the unlicensed podiatrist on a daily basis from information in patient charts and records; review may either be in person or by telecommunication;

(2) be on-site at facilities staffed by an unlicensed podiatrist;

(3) be present during the performance of surgical treatment by the unlicensed podiatrist; and

(4) supervise no more than two unlicensed podiatrists at any one time.

Subp. 8. **Other graduate training.** Other graduate training must meet the requirements of items A to ~~D~~ C and of subpart 7, items A ~~and~~ D, and E, and include written goals, objectives, and an evaluation process.

C. The supervisor must have a hospital appointment with surgical privileges or have a written arrangement for the unlicensed podiatrist to have at least four months experience with a licensed podiatrist who holds a hospital appointment with surgical privileges. However, the granting of staff privileges is solely within the discretion of individual institutions. The podiatrist with a hospital appointment and surgical privileges must be present during the performance of surgical treatment by the unlicensed podiatrist.

~~D. The supervisor shall instruct and direct the unlicensed podiatrist in the podiatrist's duties, oversee and check the work, provide general directions, and comply with at least the following criteria:~~

~~(1) the supervisor shall review and evaluate patient services provided by the unlicensed podiatrist on a daily basis from information in patient charts or records. Review may either be in person or by telecommunication;~~

~~(2) the supervisor shall be on site at facilities staffed by an unlicensed podiatrist;~~

~~(3) one of the licensed podiatrists referred to in item C must be present during the performance of surgical treatment by the unlicensed podiatrist; and~~

~~(4) the supervisor may not supervise more than two unlicensed podiatrists at any one time.~~

Subp. 9. **Personal appearance.** The applicant shall be scheduled for a personal appearance before one or more members of the board or the executive director when the other requirements for licensure have been met. ~~The board may require the applicant to respond satisfactorily~~ Applicants must be prepared to answer questions regarding ethics of practice.

### 6900.0160 TEMPORARY PERMIT.

Subpart 1. **Prerequisites.** An applicant for a temporary permit to practice podiatric medicine must submit a complete, acceptable application for a Minnesota license and temporary permit and pay the required fee for a temporary permit. The clinical examination and personal interview may be completed during the permit period.

The applicant must submit written evidence that the applicant has been accepted as a resident, preceptee, or graduate trainee in a an acceptable graduate training program and that the program meets the standards in part 6900.0020, subpart 4, 5, 6, or 7.

Subp. 2a. **Revocation.** The permit is may be revoked if an applicant has engaged in conduct that constitutes grounds for denial of licensure or disciplinary action, discontinues training, or moves out of Minnesota.

### 6900.0300 CONTINUING EDUCATION.

Subp. 2. **Obtaining continuing education hours.** Continuing education hours shall be obtained in the following manner:

C. participation in acceptable graduate training ~~that meets the requirements of part 6900.0020, subpart 4, 5, 6, or 7.~~

**6900.0500 WAIVERS AND VARIANCES.**

Subpart 1. ~~Waivers; Application.~~ A licensee or applicant for licensure may petition the board for a time-limited waiver or variance of any rule except for any part of a rule which incorporates a statutory requirement. The waiver or variance shall be granted if:

A. ~~the rule in question does not address a problem of significance to the public in relation to the practice or application of the petitioner;~~

~~B. adherence to the rule would impose an undue burden on the petitioner; and~~

C. ~~B.~~ the granting of a waiver or variance will not adversely affect the public welfare; and

C. in the case of a variance, the rationale for the rule in question can be met by alternative practices or measures specified by the petitioner.

Subp. 2. ~~Waivers; Renewal, reporting, and revocation.~~ A waiver or variance shall be renewed upon reapplication according to the procedure described in subpart 1 if the circumstances justifying its granting continue to exist. Any petitioner who is granted a waiver or variance shall immediately notify the board in writing of any material change in the circumstances which justify its granting. A waiver or variance shall be revoked if a material change in the circumstances which justify its granting occurs or, in the case of a variance, if the petitioner has not complied with the alternative practices or measures specified in the petition.

Subp. 3. ~~Variances; application.~~ A licensee or applicant may petition the board for a time-limited variance from any rule except for any part of a rule which incorporates a statutory requirement. A variance shall be granted if the petitioner specifies alternative practices or measures equivalent to or superior to those prescribed in the rule in question and provides evidence that:

A. ~~the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;~~

~~B. adherence to the rule would impose an undue burden on the petitioner; and~~

~~C. the granting of the variance will not adversely affect the public welfare.~~

Subp. 4. ~~Variances; compliance.~~ Any petitioner who is granted a variance shall comply with the alternative practices or measures specified in the application for the variance.

Subp. 5. ~~Variance; renewal, reporting, and revocation.~~ A variance shall be renewed upon reapplication according to the procedure described in subpart 3 if the circumstances justifying its granting continue to exist. Any petitioner who has been granted a variance shall immediately notify the board of any material change in circumstances which justify the granting of the variance. A variance shall be revoked if a material change in the circumstances which justify its granting occurs.

Subp. 6. 3. Burden of proof. The burden of proof is upon the petitioner to demonstrate to the board that the requirements in subparts subpart 1 and 3 have been met.

Subp. 7. 4. Statement of reasons. The minutes of any meeting at which a waiver or variance is granted, denied, renewed, or revoked shall include the reason for the action.

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## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Minnesota State Arts Board

### Adopted Permanent Rules Relating to Deadlines

The rules proposed and published at *State Register*, Volume 15, Number 22, pages 1259-1260, November 26, 1990 (15 SR 1259) are adopted as proposed.

## Department of Human Services

### Adopted Permanent Rules Relating to Rehabilitation and Therapeutic Services

The rules proposed and published at *State Register*, Volume 15, Number 25, pages 1398-1405, December 17, 1990 (15 SR 1398) are adopted with the following modifications:

#### Rules as Adopted

#### 9505.0385 REHABILITATION AGENCY SERVICES.

Subp. 3. **Eligibility as rehabilitation agency service; required site of service.** To be eligible for medical assistance payment, a rehabilitation agency service must be provided at a site that has been surveyed by the Minnesota Department of Health and certified according to Medicare standards; or at a site that meets the standards of the State Fire Marshal as documented in the provider's records; or at the recipient's residence. If the federal government denies reimbursement for services at non-Medicare certified sites, because the sites are not Medicare certified, then the eligibility for rehabilitation agency services shall be restricted to sites which meet the Medicare certification standards.

#### 9505.0390 REHABILITATIVE AND THERAPEUTIC SERVICES.

Subpart 1. **Definitions.** For purposes of parts 9505.0390 to 9505.0392 and 9505.0410 to 9505.0412, the following terms have the meanings given them in this part.

B. "Direction" means, notwithstanding any other definition of direction in parts 9505.0170 to 9505.0475, the actions of a physical or occupational therapist who instructs the physical ~~therapy~~ therapist assistant or the occupational therapy assistant in specific duties to be performed, monitors the provision of services as the therapy assistants provide the service, is on the premises not less than every sixth treatment session of each recipient when treatment is provided by a physical ~~therapy~~ therapist assistant or occupational therapy assistant, and meets the other supervisory requirements of parts 5601.1500 and 5601.1600.

G. "Physical ~~therapy~~ therapist assistant" means a person who is qualified as specified in part 5601.0100, subpart 3.

K. "Specialized maintenance therapy" means a health service that is specified in the recipient's plan of care by a physician, that is necessary for maintaining a recipient's functional status at a level consistent with the recipient's physical or mental limitations, and that ~~includes may include~~ treatments ~~adjunctive in addition~~ to rehabilitative nursing services.

Subp. 2. **Covered service; occupational therapy and physical therapy.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, occupational therapy and physical therapy must be:

B. provided by a physical or occupational therapist or by a physical ~~therapy~~ therapist assistant or occupational therapy assistant who, as appropriate, is under the direction of a physical or occupational therapist;

D. specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient's attending physician at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare.



Subp. 3. **Covered service; speech-language service.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, a speech-language service must be:

D. specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient's attending physician at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare.

Subp. 4. **Covered service; audiology.** To be eligible for medical assistance payment as a rehabilitative and therapeutic service, an audiology service must be:

D. specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient's attending physician at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare.

Subp. 5. **Covered service; specialized maintenance therapy.** To be eligible for medical assistance payment, specialized maintenance therapy must be:

B. specified in a plan of care that is reviewed, and revised as medically necessary, by the recipient's physician at least once every 60 days unless the service is a Medicare covered service and is to a recipient who also is eligible for Medicare. If the service is to a recipient who also is eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by the physician or by the physician delegate as required by Medicare; and

Subp. 7. **Payment limitation; therapy assistants and aides.** To be eligible for medical assistance payment on a fee for service basis, health services provided by therapy assistants must be provided under the direction of a physical or occupational therapist. Services of a therapy aide in a long-term care facility are not separately reimbursable on a fee for service basis ~~and shall be included within the per diem payment under parts 9549.0010 to 9549.0080 or 9553.0010 to 9553.0080~~. Services of a therapy aide in a setting other than a long-term care facility are not reimbursable.

Subp. 8. **Excluded restorative and specialized maintenance therapy services.** Restorative and specialized maintenance therapy services in items A to K are not eligible for medical assistance payment:

A. physical or occupational therapy that is provided without a ~~written order from~~ prescription of a physician;

B. speech-language or audiology service that is provided without a written referral from a physician;

C. services provided by a long-term care facility that are included in the costs covered by the per diem payment under parts 9549.0010 to 9549.0080 and 9553.0010 to 9553.0080 including:

(1) services for contractures that are not severe and do not interfere with the recipient's functional status or the completion of nursing care as required for licensure of the long-term care facility;

(3) services for conditions of chronic ~~degenerative joint~~ pain that does not interfere with the recipient's functional status and that can be managed by routine nursing measures;

(4) services for ~~maintenance of~~ activities of daily living when performed by the therapist, therapist assistant, or therapy aide; and

G. service ~~provided without the physician review~~ specified in a plan of care that is not reviewed, and revised as medically necessary, by the recipient's attending physician as required in subparts 2 to 5;

H. service that is not ~~related to the recipient's functional disability~~ designed to improve or maintain the functional status of a recipient with a physical impairment;

K. service that is provided by a rehabilitation agency as defined in part 9505.0385, subpart 1, item B, and that takes place in a sheltered workshop, service in a developmental achievement center as defined in part 9525.1210, subpart 8, or service at a residential or group home that is affiliated with a which is an affiliate of the rehabilitation agency ~~as defined in part 9505.0385, subpart 1, item B.~~

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## Adopted Rules

### 9505.0410 LONG-TERM CARE FACILITIES; REHABILITATIVE AND THERAPEUTIC SERVICES TO RESIDENTS.

Subp. 3. **Payment for restorative therapy and specialized maintenance therapy.** Medical assistance payment for restorative therapy and specialized maintenance therapy may be made ~~on a fee for service basis or as an allowable operating cost in establishing the facility per diem payment according to part 9505.0445, item O, or as provided in parts 9549.0010 to 9549.0080 or 9553.0010 to 9553.0080, or as specified in the contract between the department and a prepaid health plan according to part 9505.0285.~~

Subp. 4. **Payment for rehabilitative nursing services.** Medical assistance payment for rehabilitative nursing services ~~may~~ shall be made ~~only as an allowable operating cost in establishing the facility per diem payment as provided in parts 9549.0010 to 9549.0080 or 9553.0010 to 9553.0080, as applicable. However, payment for a rehabilitative nursing service shall not be made on a fee for service basis.~~

### 9505.0412 REQUIRED DOCUMENTATION OF REHABILITATIVE AND THERAPEUTIC SERVICES.

A rehabilitative or therapeutic service provided under parts 9505.0385, 9505.0386, 9505.0390, 9505.0391, 9505.0395, 9505.0396, 9505.0410, and 9505.0411 must be documented as specified in items A to D.

A. The service must be specified in the recipient's plan of care that is reviewed and revised as medically necessary by the recipient's physician at least once every 60 days. However, if the service is to a recipient who is also eligible for Medicare and the service is a Medicare covered service, the plan of care must be reviewed at the intervals required by Medicare and the recipient must be visited by a physician or by the physician delegate as required by Medicare.

## Department of Public Safety

### Driver and Vehicle Services Division

### Adopted Permanent Rules Relating to Drivers' Licensure Following Disqualification of Commercial Drivers

The rules proposed and published at *State Register*, Volume 15, Number 31, pages 1675-1681, January 28, 1991 (15 SR 1675) are adopted with the following modifications:

#### Rules as Adopted

#### 7409.0300 NOTICE OF LICENSE ACTION.

Subp. 2. **Notice of disqualification.** The commissioner shall notify a person who is disqualified under *Minnesota Statutes*, section 171.165, subdivision 1, clause (2), (3), or (4); subdivision 3; or subdivision 4, or when requirements from a previous disqualification have not been satisfied. ~~The notification~~ disqualification will be effective when all available possibilities of administrative review under *Minnesota Statutes*, section 171.166, have been completed. The notification must be in writing and sent by first class mail to the address shown on department records. The notice must contain the following information and may contain other information that the commissioner considers appropriate:

#### 7409.0600 REINSTATEMENT.

Subp. 2. **Reinstatement notice.** After the person completes the requirements for reinstatement, the department shall notify the person ~~by mail of reinstatement. The driving privilege is reinstated only when the notice is sent to the address shown on department records.~~

## Department of Public Safety

### Adopted Permanent Rules Relating to Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

The rules proposed and published at *State Register*, Volume 15, Number 31, pages 1681-1694, January 28, 1991 (15 SR 1681) are adopted with the following modifications:

#### Rules as Adopted

#### 7503.0800 REVOCATION PERIODS.

Subp. 2. **For criminal vehicular operation.** Upon receiving a record of conviction, the commissioner shall revoke the driver's license or driving privilege of a person convicted under *Minnesota Statutes*, section 609.21, subdivision 1, clause (2), (3), or (4), or subdivision 3, clause (2), (3), or (4), for a period of five years ~~from the date the record of conviction is received.~~ The commissioner shall revoke the driver's license or driving privilege of a person convicted under *Minnesota Statutes*, section 609.21, subdivision 2,

clause (2), (3), or (4), subdivision 2a, clause (2), (3), or (4), or subdivision 4, clause (2), (3), or (4), for a period of three years from the date the record of conviction is received.

#### **7503.1000 ADMINISTRATIVE REVIEW OF REVOCATION OR DISQUALIFICATION.**

Subp. 5. **Scope and standard of review.** The scope of an administrative review is ~~limited to the issue of the validity of the order of revocation or disqualification. Upon reviewing the evidence, the commissioner shall sustain the order if there is sufficient cause to believe that the revocation or disqualification is authorized by law. On finding that there is not sufficient cause to believe the revocation or disqualification is authorized by law, the commissioner shall rescind the order as set forth in Minnesota Statutes, section 169.123, subdivision 5b.~~

#### **7503.1700 REHABILITATION.**

Subp. 4a. **Removing restriction following rehabilitation.** A person who is licensed after the successful completion of a first rehabilitation may request that the restriction be removed from the driver's license and ~~driving record from the computer records that are disclosed to persons or agencies outside the driver and vehicle services division, Department of Public Safety,~~ after the following requirements are met:

#### **7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.**

Subp. 2. **Notice of reinstatement.** After the person fulfills the reinstatement requirements, the department will ~~mail notification of reinstatement to notify the person of reinstatement. The commercial motor vehicle driving privilege is reinstated when the notice is sent to the address shown on department records.~~

## **Department of Public Service**

### **Adopted Permanent Rules Relating to Minnesota Energy Code**

The rule proposed and published at *State Register*, Volume 15, Number 34, pages 1831-1841, February 19, 1991 (15 SR 1831) is adopted as proposed.

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## **Commissioners' Orders**

### **Department of Natural Resources**

#### **Commissioner's Order #2409: Regulations for the Taking of Bear During 1991**

**PURSUANT TO AUTHORITY** vested in me by *Minnesota Statutes* §§ 97B.401-.431 and other applicable law, I, Rodney W. Sando, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of bear during 1991. All dates and time periods specified in this order are inclusive unless otherwise noted.

##### **Section 1. DEFINITIONS.**

(a) Legal firearms. A firearm or ammunition may be used to take bear if it meets the following requirements:

- (1) Handguns, rifles, shotguns, and all projectiles used therein shall be at least 23/100ths of an inch in caliber;
- (2) All firearms shall be loaded only with ammunition containing single projectiles;
- (3) All projectiles shall be of a soft point or an expanding bullet type;
- (4) All ammunition shall have a case length of at least 1.285 inches except that 10 millimeter cartridges shall be at least 0.95 inches in length; and

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## Commissioners' Orders

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(5) Muzzleloaders must be incapable of being loaded at the breech. Smooth-bore muzzleloaders shall be at least .45 caliber and rifled muzzleloaders shall be at least .40 caliber.

It is unlawful to take bear with a .30 caliber M-1 carbine cartridge or with any other firearm or ammunition which does not meet the requirements set forth in this section.

(b) Legal bow and arrow. Bows must have a pull of no less than 40 pounds at or before full draw. Arrowheads used for taking big game must be sharp and have a minimum of two metal cutting edges, be of a barbless broadhead design, and must have a diameter of at least 7/8ths inch. It is unlawful to take bear with any poisoned arrow or arrow with explosive tip. A person may not hunt with a bow drawn, held, or released by a mechanical device, except that a person may use a mechanical device attached to the bowstring if the person's own strength draws, holds, and releases the bowstring.

(c) Drawings. Computerized random drawings will be conducted by the Department of Natural Resources to determine those who will be eligible to apply for a bear license within the bear permit areas. Preference in the drawings will be given to each applicant based upon the number of times he or she has correctly applied for a permit in previous years but has been unsuccessful in the drawing. Obtaining a no-quota bear license will have no effect upon eligibility or preference in the drawings except that no person may purchase more than one bear license in a calendar year.

(d) No-quota area. That part of the State of Minnesota not included within the boundaries of permit areas described in Sec. 3.

(e) Bear feeding station. Bear feeding station means any location at which any materials are placed for the purpose of attracting or attempting to attract bear for any purpose other than hunting. This definition shall not be construed to include a bear bait station.

(f) Bear bait station. Bear bait station means any location at which any materials are placed for the purpose of attracting or attempting to attract bear for the purpose of hunting. This definition shall not be construed to include a garbage dump or bear feeding station, nor shall it be construed to include materials that are at all times attended by the hunter.

(g) Garbage dump. Garbage dump means any site regularly and primarily used for the disposal of garbage or other refuse. This definition shall not be construed to include a bear bait station.

### Sec. 2. BEAR HUNT DRAWING AND LICENSING.

(a) Persons desiring to hunt bear have a choice of two means of obtaining a bear license. Persons desiring to hunt within one of the permit areas described in Sec. 3 and subject to the quotas set forth in Sec. 4 must take part in the license application drawing. Persons desiring to hunt in the no-quota area outside of the permit areas described in Sec. 3 do not have to participate in a drawing and may purchase a bear license from a county auditor's office, license vendors in Pine, Kanabec, Roseau, and Marshall Counties, or the DNR License Bureau in St. Paul. No person may hunt bear without having first obtained a bear hunting license. A person obtaining a bear license for a permit area is restricted to hunting bear within the permit area for which the license is issued. A person obtaining a bear license for the no-quota area is restricted to hunting bear outside of the permit areas.

(b) Any resident or nonresident who is at least 12 years old prior to September 1, 1991 and whose big game hunting privileges are not suspended pursuant to *Minnesota Statutes* { 97A.421 is eligible to purchase a bear license for the no-quota area or to enter a drawing for a permit area license. Persons under the age of 16 must possess a valid Firearms Safety Certificate to hunt.

(c) Application for the drawing must be made on the form provided by the Department of Natural Resources and all information requested must be supplied. A driver's license number, an official State of Minnesota identification number issued by the Department of Public Safety, or a 13-digit Firearms Safety Certificate number must be provided.

(d) Each permit area applicant may apply only once and for only one of the permit areas. Any person who submits more than one such application in any one year shall be ineligible to receive a bear license in that year and shall be guilty of a misdemeanor. Improperly completed applications will be rejected.

(e) Applications must be returned to the DNR License Bureau, Box 26 DNR Building, 500 Lafayette Rd., St. Paul, MN 55155-4026. If mailed, applications must be submitted in envelopes and postmarked no later than May 1, 1991. If hand-delivered applications must be delivered no later than 4:30 p.m., May 1, 1991.

(f) Persons may apply individually or as part of a group totaling no more than four persons. Those who wish to apply as a group must submit their applications for the drawing together in one envelope. All applications in a group must be for the same permit area. The individual within a group with the lowest preference rating will determine the preference rating of the group. Either all members of the group will be drawn or none will. Improperly completed applications will be rejected but will not disqualify other members of the group.

(g) Successful drawing applicants will receive a license application with instructions for obtaining their licenses. Successful applicants who do not return the license application and the fee according to the provisions specified on the license application or who do not provide all of the requested information will be disqualified. All accumulated preference is lost upon issuance of a bear hunting license. Anyone under the age of 16 years must have a Firearms Safety Certificate to be eligible to obtain a license. Licenses for the quota bear permit areas shall not be issued to successful drawing applicants after the hunting permit selection process.

**Sec. 3. BEAR HUNT PERMIT AREAS.****(a) Bear Hunt Permit Area 12.**

That portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 72 and the northern boundary of the state; thence along STH 72 to the Tamarac River; thence along the southerly shore of said river to Upper Red Lake; thence along the southeasterly shore of said lake to the eastern boundary of the Red Lake Indian Reservation; thence along the easterly, southerly, and westerly boundaries of said Reservation to the point where the Clearwater River leaves the Reservation boundary; thence along the south shore of said river to County State Aid Highway (CSAH) 2, Polk County; thence along CSAH 2 to CSAH 27, Pennington County; thence along CSAH 27 to STH 1; thence along STH 1 to CSAH 28, Pennington County; thence along CSAH 28 to CSAH 54, Marshall County; thence along CSAH 54 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 2, Roseau County; thence along CSAH 2 to STH 89; thence along STH 89 to STH 310; thence along STH 310 to the northern boundary of the state; thence along the northern boundary of the state to the point of beginning.

**(b) Bear Hunt Permit Area 13.**

That portion of the state lying within the following described boundary:

Beginning on the northern boundary of the state at State Trunk Highway (STH) 72; thence along the northern boundary of the state to a point due north of the intersection of STH 11 and U.S. Highway 71; thence due south to U.S. Highway 71; thence along U.S. Highway 71 to STH 6; thence along STH 6 to STH 1; thence along STH 1 to STH 72; thence north along STH 72 to the point of beginning.

**(c) Bear Hunt Permit Area 22.**

That portion of the state known as the Boundary Waters Canoe Area Wilderness (BWCAW) but excluding the detached part of the BWCAW lying south of the Echo Trail, St. Louis County, and known as the Trout Lake unit or block.

**(d) Bear Hunt Permit Area 24.**

That portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Highway 2 and State Trunk Highway (STH) 65; thence along STH 65 to STH 1; thence along STH 1 to the Soudan-Two Harbors Branch of the Duluth, Missabe and Iron Range Railway Company (DM&IR); thence along said railroad to County State Aid Highway (CSAH) 16, St. Louis County; thence along CSAH 16 to U.S. Highway 53; thence along U.S. Highway 53 to CSAH 133, St. Louis County; thence along CSAH 133 to CSAH 25, Itasca County; thence along CSAH 25 to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

**(e) Bear Hunt Permit Area 25.**

That portion of the state lying within the following described boundary:

Beginning at the junction of State Trunk Highway (STH) 1 and STH 65; thence along STH 1 to STH 169; thence along STH 169 to the first Shagawa River bridge at Winton; thence along the northerly shore of said river to Fall Lake; thence along the westerly and northerly shores of Fall Lake to the southern boundary of the Boundary Waters Canoe Area Wilderness (BWCAW); thence westward along the southerly boundary of the BWCAW to the intersection with the northern boundary of the state; thence along the northern boundary of the state to a point due north of the junction of U.S. Highway 71 and STH 11 at Pelland; thence due south to said junction; thence along U.S. Highway 71 to STH 6; thence along STH 6 to STH 1; thence along STH 1 to the point of beginning.

**(f) Bear Hunt Permit Area 26.**

That portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Highway 2 and State Trunk Highway (STH) 65; thence along STH 65 to STH 1; thence along STH 1 to STH 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

**(g) Bear Hunt Permit Area 31.**

That portion of the state lying within the following described boundary:

Beginning on U.S. Highway 53 at the eastern boundary of the state; thence along U.S. Highway 53 to County State Aid Highway (CSAH) 16, St. Louis County; thence along CSAH 16 to the Soudan-Two Harbors Branch of the Duluth, Missabe and Iron Range Railway Company (DM&IR); thence along said railroad to State Trunk Highway (STH) 169; thence along STH 169 to the first Shagawa River bridge at Winton; thence along the northerly shore of said river to Fall Lake; thence along the westerly and northerly shores of Fall Lake to the southern boundary of the Boundary Waters Canoe Area Wilderness (BWCAW); thence easterly along said boundary of the BWCAW to the northern boundary of the state at Magnetic Lake; thence easterly along the northern boundary of the state to the boundary of the BWCAW on the south shore of North Lake; thence along the boundaries of this detached part of the BWCAW to

## Commissioners' Orders

the northern boundary of the state at South Fowl Lake; thence along the northern and eastern boundaries of the state to the point of beginning; EXCEPT that portion lying within the following described boundary is closed to bear hunting:

Beginning at the intersection of CSAH 16, Lake County and the eastern boundary of Township 62 North, Range 11 West; thence south along said boundary to the northeast corner of Township 61 North, Range 11 West; thence south along the eastern boundary of Township 61 North, Range 11 West to the north shore of Harris Lake; thence along the north shore of Harris Lake, Nira Creek, and Denley Creek to the east shore of Birch Lake; thence north along the east shore of Birch Lake to the south shore of the South Fork of the Kawishiwi River; thence along the south shore of the South Fork of the Kawishiwi River to the eastern boundary of Township 62 North, Range 11 West; thence south along said eastern boundary to the point of beginning.

(h) **Bear Hunt Permit Area 41.**

That portion of the state lying within the following described boundary:

Beginning at the junction of the northern boundary of the White Earth Indian Reservation and County State Aid Highway (CSAH) 6, Polk County; thence along CSAH 6 to CSAH 3, Polk County; thence along CSAH 3 to CSAH 2, Polk County; thence along CSAH 2 to the Clearwater River; thence along the south shore of said river to the western boundary of the Red Lake Indian Reservation; thence along the western, southern and eastern boundaries of said reservation to the southeasterly shore of Upper Red Lake; thence along said lakeshore to the Tamarac River; thence along the southerly shore of said river to State Trunk Highway (STH) 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 2; thence along U.S. Highway 2 to STH 92; thence along STH 92 to the northern boundary of the White Earth Indian Reservation; thence west along said reservation boundary to the point of beginning.

(i) **Bear Hunt Permit Area 43.**

That portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Highway 59 and the northern boundary of the White Earth Indian Reservation; thence along said boundary to State Trunk Highway (STH) 92; thence along STH 92 to U.S. Highway 2; thence along U.S. Highway 2 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence along U.S. Highway 169 to STH 23; thence along STH 23 to the Mississippi River; thence upstream along the easterly shore of said river to STH 27 at Little Falls; thence along STH 27 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 10; thence along U.S. Highway 10 to U.S. Highway 59; thence along U.S. Highway 59 to the point of beginning.

The Tamarac National Wildlife Refuge within Area 43 is not open for bear hunting.

(j) **Bear Hunt Permit Area 51.**

That portion of the state lying within the following described boundary:

Beginning on U.S. Highway 53 on the eastern boundary of the state; thence along U.S. Highway 53 to County State Aid Highway (CSAH) 133, St. Louis County; thence along CSAH 133 to CSAH 25, Itasca County; thence along CSAH 25 to U.S. Highway 2; thence along U.S. Highway 2 to State Trunk Highway (STH) 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence along U.S. Highway 169 to STH 23; thence along STH 23 to STH 47; thence along STH 47 to STH 27; thence along STH 27 to STH 65; thence along STH 65 to STH 18; thence along STH 18 to the western boundary of Pine County; thence along the western and northern boundaries of Pine County to STH 23; thence along STH 23 to CSAH 22, Pine County; thence along CSAH 22 to CSAH 32; thence along CSAH 32 to the eastern boundary of the state; thence along the eastern boundary of the state to the point of beginning.

### **Sec. 4. BEAR HUNT PERMIT AREA QUOTAS.**

The following quotas on hunter numbers are established for each bear hunt permit area:

<u>Permit Area</u>	<u>Quota</u>
12	340
13	300
22 (BWCAW)	310
24	560
25	680
26	990
31	1,120
41	350
43	1,080
51	<u>1,410</u>
TOTAL	7,140

The quota of licenses listed for any permit area may be modified in order to accommodate party members if the last applicant to be selected is a member of a party.

**Sec. 5. SEASON DATES, METHODS, AND HOURS.**

Bear may be taken by licensed hunters using legal firearms or legal bow and arrow from September 1 to October 13, 1991 in all permit areas and in the no-quota area between one-half hour before sunrise and sunset each day. However, no person shall hunt bear while having in possession or having under control both a firearm and a bow and arrow. Each hunter may hunt only within the permit area designated on his or her license.

**Sec. 6. NUISANCE BEAR.**

Nuisance bear may be taken under special permit by licensed bear hunters from July 1, 1991 to August 31, 1991, between one-half hour before sunrise and sunset each day, pursuant to the following conditions:

(1) Permits shall be issued by a conservation officer on a case-by-case basis only after the conservation officer has determined that a nuisance bear problem does in fact exist, and that no practical alternatives to killing the bear exist for alleviating the problem.

(2) Permits shall be issued to hunters with licenses valid for the permit area in which the damage is occurring. Permits issued for nuisance bears outside the permit areas shall be issued only to hunters with valid licenses for the no-quota area. Only one hunter shall hunt under any one permit. Each permit shall be restricted to a specified location.

(3) Any person taking a bear pursuant to this section shall register it with the officer who issued the permit (or his/her designee) within 48 hours after taking.

(4) Anyone who kills a bear pursuant to this section shall not kill, hunt, or tag another bear during 1991.

(5) Nuisance bear permittees are subject to all provisions of this order not inconsistent with this section and all laws relating to the taking of wild animals.

**Sec. 7. BAG LIMIT.**

(a) No person shall take more than one bear during any calendar year whether by firearm or bow and arrow. Bear taken may be of either sex or any age except that cub bear may not be taken. Cub bear are any bear less than one year of age.

(b) Party hunting for bear is not permitted. No hunter shall affix the locking seal provided with his or her license to a bear which he or she did not kill. No hunter shall affix to a bear the locking seal of another hunter. No hunter shall kill a bear for another hunter.

**Sec. 8. BEAR BAIT STATIONS, FEEDING STATIONS, AND GARBAGE DUMPS.**

(a) No person shall establish, service, or maintain any bait station prior to August 16, 1991.

(b) No person shall establish a bait station without registering the site as follows:

(1) The following information must be provided on an 8-1/2 inch by 11 inch sheet of paper:

(A) Name, address, and telephone number of person who established the bait station.

(B) County, township, range and section in which the bait station is established.

(2) The above information must be mailed no later than the next postal service day following establishment of the bait station to the Division of Enforcement, Department of Natural Resources, Box 47 DNR Building, 500 Lafayette Rd., St. Paul, MN 55155-4047.

(c) Any person establishing a bait station shall display a sign at the site as follows:

(1) The sign shall be made of plastic, wood, or metal and shall be at least 6 inches by 10 inches in size.

(2) The sign shall contain the full name and Minnesota driver's license number or the full name, address, and telephone number, all in the English language, of the person placing the bait.

(3) Letters and numbers shall be legibly printed and either painted or impressed on the sign material.

(4) The sign shall be prominently displayed between 6 and 10 feet above the natural ground level and within 20 feet of the bait.

(5) Signs must be removed within 48 hours of the close of the bear season and shall not be displayed before the following year's bait station establishment date.

(d) No person shall hunt bear within 100 yards of a bait station unless it is registered and marked with a sign as prescribed by this section.

(e) To attract bear, a person may not use a bait with:

(1) A carcass from a mammal, if the carcass contains more than 25 percent of the intact carcass;

(2) Meat from mammals, if the meat contains bones;

(3) Bones of mammals;

## Commissioners' Orders

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- (4) Solid waste containing bottles, cans, plastic, paper, or metal;
- (5) Materials that are not readily biodegradable; or
- (6) Any part of a swine, except that cured bacon and ham may be used.

(f) No person shall take or attempt to take bear within one-half mile of a garbage dump, designated municipal or county garbage collection point, or bear feeding station, except as authorized pursuant to Sec. 6 of this order or as otherwise authorized by law. No person who is licensed to take bear may be in possession of an uncased weapon legal for taking bear while within one-half mile of any such location that has existed at any time within the preceding four months.

(g) No person shall establish a bait station within 150 yards of a campsite or in Bear Hunt Permit Area 22.

### Sec. 9. SPECIAL PROVISIONS.

(a) Locking seal. Every person killing a bear must affix to the carcass the locking seal provided with his or her bear hunting license. The seal must be fastened around the bear's sternum (breast bone) in such a way that the seal cannot be removed without breaking the lock.

(b) Registration. Every person taking a bear shall present it for registration at an official bear registration station or, in the case of a nuisance bear permit, to the issuing officer, within 48 hours after taking and obtain a Big Game Possession Tag. Prior to transporting the bear from the registration station the possession tag shall be attached to the bear in the same manner as the locking seal. Bear taken in the no-quota area must be registered within the no-quota area.

(c) Tooth and rib collection. Every person killing a bear must submit a bear tooth and rib sample to the Department of Natural Resources according to instructions, and in the envelope provided at bear registration stations. It is the responsibility of each person killing a bear to mail the envelope to the DNR except in those cases where a bear registration station is collecting the teeth and ribs.

(d) No person shall take or molest any bear in a den.

(e) No person shall take or attempt to take bear with the aid of dogs.

(f) No bear shall be taken in any manner in any area of the state except as herein expressly provided or as otherwise provided by commissioner's order or by law.

(g) None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

(h) All animals taken pursuant to this order must be killed before being removed from the site where taken.

(i) No licensed bear hunter may take a bear being studied under authority of a research permit issued by the commissioner if the permittee or his/her designee is accompanying the bear and has identified the bear to the hunter as a research animal.

Dated at St. Paul, Minnesota, this 5th day of April, 1991.

Rodney W. Sando, Commissioner  
Department of Natural Resources

## Official Notices

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Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Agricultural Chemical Response and Reimbursement Account

### Notice of Cancellation of Agricultural Chemical Response and Reimbursement Account Board Meeting

Due to the lack of completed applications, notice is hereby given of cancellation of the Agricultural Chemical Response and Compensation Board (ACRRA Board) meeting, scheduled for May 15, 1991. The regularly scheduled meeting of the ACRRA Board will be Wednesday, June 19, 1991, from 8:30 a.m. to 10:00 a.m. at the Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota, Conference Room 1. If you need further information, please call the ACRRA Program at (612) 297-3490.



## **Minnesota Comprehensive Health Association**

### **Notice of Meeting of Nominating Committee**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association Nominating Committee will be held on Wednesday, May 8, 1991, at 9:00 a.m. at Blue Cross and Blue Shield of Minnesota located at 3535 Blue Cross Road, Eagan, Minnesota. The meeting will be held in the sixth floor dining room.

For additional information, please call Lynn Gruber at 683-2150.

## **Minnesota Comprehensive Health Association**

### **Notice of Meeting of Member Company Appeal Committee**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association Member Company Appeal Committee will be held on Wednesday, May 8, 1991 at 2:30 p.m. in the lower level conference room at the Park Place Office Center, located at 5775 Wayzata Boulevard, St. Louis Park, Minnesota.

For additional information, please call Lynn Gruber at 683-2150.

## **Minnesota Historical Society**

### **State Review Board Regular Meeting**

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, May 23, 1991, in the Auditorium of the Fort Snelling History Center, Fort Snelling, Minnesota. The Preservation Office staff will make an informational presentation on program activities at 5:30 p.m. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:00 p.m. For further information contact the State Historic Preservation Office, Minnesota Historical Society, Fort Snelling History Center, St. Paul, MN 55111, (612) 726-1171.

## **Department of Human Services**

### **Mental Health Division**

### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Revision of Adopted Rules Governing Community Support Services for Chronically Mentally Ill Persons**

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose revisions to adopted rules governing Community Support Services Programs for Chronically Mentally Ill Persons, parts 9535.0100 to 9535.1600. These rules, also known as DHS Rule 14, will be revised to bring the rule into compliance with the Adult Comprehensive Mental Health Act, *Minnesota Statutes*, sections 245.61 to 245.486.

The rules are authorized by *Minnesota Statutes*, section 256E.12, subdivision 3.

The State Department of Human Services requests information and opinions concerning the administration of grants for the provision of community support services to persons with serious or persistent mental illness. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Eleanor Weber  
Rules and Bulletins Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

Oral statements will be received during the regular business hours over the telephone at (612) 297-4301 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

## Official Notices

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### Department of Labor & Industry

#### Labor Standards Division

#### Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified April 1, 1991 for labor classifications 420—Roofer for Commercial construction in the following county has been corrected, Winona.

Copies of the corrected certifications may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155, or calling (612) 296-6452.

John Lennes, Commissioner  
Department of Labor and Industry

### Public Employees Retirement Association

#### Notice of Meetings

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) is scheduled to be held on Thursday, May 9, 1991, at 9:30 a.m. in the Association offices, 514 St. Peter Street, Suite 200, St. Paul, Minnesota.

A Finance Committee meeting will be held on Tuesday, May 21, at 9:30 a.m. in the Association offices.

Meetings of the Public Safety Officers and Information Forum are scheduled to be held Wednesday, May 22, beginning at 1:00 p.m. in the Association offices.

### Department of Revenue

#### Appeals and Legal Services Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Income Taxation: Annual Payment and Returns for Employers Who Withhold \$500 or Less in One Year

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose a rule governing annual payment and returns of withheld income tax for employers who withhold \$500 or less in one year. The adoption of this rule is authorized by *Minnesota Statutes*, section 270.06 (13) which requires the commissioner of revenue to promulgate rules for the administration and enforcement of state tax laws.

The Minnesota Department of Revenue requests information and opinions concerning subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Fran Gerten  
Department of Revenue  
Appeals and Legal Services Division  
10 River Park Plaza  
Mail Station 2220  
St. Paul, MN 55146-2220

Oral statements will be received during regular business hours over the telephone at (612) 296-1022 and in person at the above address.

All statements of information and opinions shall be accepted until May 21, 1991. Any written material received by the Minnesota Department of Revenue shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is adopted.

Dated: 25 April 1991

Fran Gerten  
Attorney

## **Department of Transportation**

### **Crow Wing County**

#### **Petition of the County of Crow Wing for a Variance from State Aid Administration Requirements for Determination of Maintenance Monies**

**NOTICE IS HEREBY GIVEN** that the County Board of the County of Crow Wing has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 from requirements for releasing the County of Crow Wing's 1991 State Aid Municipal Maintenance Allocation.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.1400 subpart 5., B., (2) adopted pursuant to *Minnesota Statutes* Chapter 161 and 162 which requires the County to file a request for advance payments prior to the annual apportionment in January. The granting of the variance will permit the County to receive 50% of their 1991 Municipal Maintenance Allotment immediately and 40% of their 1991 Municipal Maintenance Allotment in July. The remaining 10% will be released upon receipt of their report of actual maintenance expenditures.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 18 April 1991

John H. Riley  
Commissioner

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## **State Contracts and Advertised Bids**

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

## **Materials Management Division—Department of Administration:**

### **Contracts and Requisitions Open for Bid**

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** Brainerd Community  
College furniture  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** May 10  
**Agency:** Brainerd Community College  
**Deliver to:** Brainerd  
**Requisition #:** 02310-19087

**Commodity:** All-terrain vehicles  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** May 10  
**Agency:** Natural Resources  
**Deliver to:** Various  
**Requisition #:** 29002-20841

**Commodity:** Lancaster mixer  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** May 10  
**Agency:** Transportation  
**Deliver to:** Maplewood  
**Requisition #:** 79000-14383

## State Contracts and Advertised Bids

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**Commodity:** Automatic door operators  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 4:30pm:** May 8  
**Agency:** Administration Department—  
Building Construction  
**Deliver to:** Cambridge Regional  
Treatment Center  
**Requisition #:** 02310-18998

**Commodity:** Learning stations  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 2pm:** May 8  
**Agency:** Community College  
**Deliver to:** Brainerd  
**Requisition #:** 02310-19059

**Commodity:** Hand paper punches  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** May 9  
**Agency:** Minnesota State Lottery  
**Deliver to:** Roseville  
**Requisition #:** 99997-00123

**Commodity:** Tandem axle trailer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** May 13  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29003-04772

**Commodity:** 12 passenger van  
**Contact:** Brenda Thielen 296-9075  
**Bid due date at 2pm:** May 13  
**Agency:** Human Services Regional  
Treatment Center  
**Deliver to:** Faribault  
**Requisition #:** 55303-15382

**Commodity:** 15 passenger vans 350  
**Contact:** Brenda Thielen 296-9075  
**Bid due date at 2pm:** May 13  
**Agency:** Corrections Department  
**Deliver to:** St. Paul  
**Requisition #:** 78500-26560

**Commodity:** Custom plastic bags  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** May 13  
**Agency:** Vocational-Technical Education  
Board  
**Deliver to:** St. Paul  
**Requisition #:** 36000-02270

**Commodity:** Carpeting, vinyl flooring  
and install  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** May 14  
**Agency:** Community College  
**Deliver to:** Brainerd  
**Requisition #:** 02310-19122

**Commodity:** Filing supplies  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** May 20  
**Agency:** Administration Department—  
Central Stores  
**Deliver to:** St. Paul and various  
**Requisition #:** Price contract

**Commodity:** Refillable stick pens  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** May 20  
**Agency:** Administration Department—  
Central Stores  
**Deliver to:** St. Paul and various  
**Requisition #:** Price contract

**Commodity:** T-carrier multiplexers and  
nodal equipment  
**Contact:** Don Olson 296-3771  
**Bid due date at 2pm:** May 21  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Vibrating wire  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 10  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26863

**Commodity:** Soil pressure cells  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 10  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26866

**Commodity:** Soil pressure cells  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 14  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26865

**Commodity:** Accelerometer  
and supplies  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 14  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26870

**Commodity:** Clip gauges  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 14  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26862

**Commodity:** Strain gauge  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 14  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26858

**Commodity:** Tiltmeters and cable  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 14  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26861

**Commodity:** Furnish and install blinds  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** May 14  
**Agency:** Judicial Center  
**Deliver to:** St. Paul  
**Requisition #:** 02310-17999

**Commodity:** Reader printer  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** May 14  
**Agency:** Finance Department  
**Deliver to:** St. Paul  
**Requisition #:** 10000-04278

**Commodity:** Elevator maintenance  
**Contact:** Joyce Dehn 297-3830  
**Bid due date at 2pm:** May 14  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

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## State Contracts and Advertised Bids

**Commodity:** Lab supplies  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 15  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26857

**Commodity:** Furnish and install gas/oil conversion burner  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** May 15  
**Agency:** Military Affairs Department  
**Deliver to:** Jackson  
**Requisition #:** 01000-06534

**Commodity:** Furnish and install gas/oil conversion burner  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** May 15  
**Agency:** Military Affairs  
**Deliver to:** Rochester  
**Requisition #:** 01000-06533

**Commodity:** Soil pressure cells  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 17  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26868

**Commodity:** Strain gauges  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** May 17  
**Agency:** Transportation Department  
**Deliver to:** Maplewood  
**Requisition #:** 79050-26868

**Commodity:** Purchase of a crawler dozer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** May 17  
**Agency:** Natural Resources Department  
**Deliver to:** Bemidji  
**Requisition #:** 29000-56120 (RFP)

## Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

**Commodity:** Conference folders, 12M 15½"x19¼" folded to 9½"x11¾" with 2—4" V-cut pockets, type to set  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 9  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 16028

**Commodity:** Fish disposition report, 6M 5-part sets, 20 to a book, 4¼"x7¼" includes stub, preprinted numbering, carbonless, stitched with chipboard and wrap-around cover, type to set + negs, 1-sided forms, 2-sided cover  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 9  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 16033

**Commodity:** Notice to report for exam, continuous cards, 10M camera ready, 2-sided, 4"x13" included tear strips, 2-up, 1 ply  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 9  
**Agency:** Employee Relations Department  
**Deliver to:** St. Paul  
**Requisition #:** 16087

**Commodity:** SCSU Viewbook, 40M books, 32 pages + cover, 1-fold, 8¼"x10¾" finished size, camera ready, 2-sided, 4-color, saddle stitch  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 13  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 16060

**Commodity:** Work order, 5M 4-part sets, carbon interleave, various size parts (see specs) negs available 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 9  
**Agency:** Administration Department—Plant Management  
**Deliver to:** St. Paul  
**Requisition #:** 16052

**Commodity:** Parking permit/receipt, 20 books of 200 sets, 2-parts with preprinted numbering, 1-sided, 6½"x11" with stub left side, spiral binding left side  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 9  
**Agency:** Administration Department—Plant Management  
**Deliver to:** St. Paul  
**Requisition #:** 16056

# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

## Minnesota Department of Corrections

### Request for Proposals for Vocational Programs for Criminal Offenders

The newly reauthorized Carl Perkins Vocational and Applied Technology Act designates that 1% of the total state allocation will be set aside for vocational programs for the criminal offenders. Included in the definition of criminal offender are individuals charged with or convicted of any criminal offense, including a youth offender or a juvenile offender. State and local correctional facilities are eligible to receive funds.

The 1% monies, approximately \$128,000, are now being administered jointly by the Department of Corrections and the State Board of Technical Colleges, as defined by law. Money will be available on a competitive basis to proposals rated by a panel of readers. Proposal emphases should focus on one or more of the following: Functional Literacy; Assessment Procedures; Vocational Exploration; Transition. Proposals are due no later than Monday, May 27, 1991.

Programs educating criminal offenders may apply for Carl Perkins money through a request for proposal procedure. Complete details on the RFP and forms for submitting a proposal are available by phoning Roger Knudson at (612) 642-0244.

## Minnesota Historical Society

### Advertisement for Bids for Trail Construction at the Minnesota Historical Society's Lower Sioux Agency

#### 1. Bids

Sealed bids for Trail Construction at Lower Sioux Agency, Route 1, Box 125, Morton, MN 56270, in Renville County, in accordance with bidding documents dated April 15, 1991 and prepared by Sanders Wacker Wehrman Bergly, Inc. will be received in the office of the Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101 until 4:00 p.m., Central Daylight Time, on June 1, 1991, at which time the bids will be publicly opened and read aloud. Bids received after the aforementioned time will not be considered.

#### 2. Bid Security

Each bid must be accompanied by a cashier's check, certified check, or surety bond of a surety company authorized to do business in Minnesota, in the sum of not less than five percent (5%) of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security to guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the contractor's bid and project specifications and will furnish the required Payment and Performance bond and insurance coverages.

#### 3. Plans and Specifications

Copies of the bidding documents will be available for inspection at the offices of Sanders Wacker Wehrman Bergly, Inc., 365 Kellogg Boulevard, St. Paul, MN 55101 and at the Minneapolis, St. Paul, Mankato and Southwest Builders' Exchanges and at the Lower Sioux Agency Interpretive Center. Copies of the bidding documents for use by contractors submitting a bid may be obtained from the Architects upon deposit of \$10.00. Checks are to be made out to Sanders Wacker Wehrman Bergly, Inc. Deposits will be returned to bidders who return bidding documents in good condition within ten (10) days following the scheduled closing time for the receipt of bids.

#### 4. Conditions of Bids

The Minnesota Historical Society reserves the right to accept any bid or reject all bids and to waive any informalities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

## Minnesota State Lottery

### Request for Proposals for Assistance in Designing a Monthly Retail Newsletter

The Minnesota State Lottery is seeking request for proposals (RFP) to assist in the design of the monthly retailer newsletter. The

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## Non-State Public Contracts

retailer newsletter is typically 6-8 pages, and uses a four-color printing process. Estimated contract cost: \$15,000. Deadline for responses is May 27, 1991. Persons interested in applying should contact:

Tom Barrett, Administrative Services Manager  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
(612) 635-8108

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## Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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### Cass County

#### Planning & Zoning Office

#### Request for Proposals to Prepare an Environmental Impact Statement for Lake Harbor Estates Development

Cass County is requesting proposals from any qualified individual interested in the preparation of an Environmental Impact Statement for Lake Harbor Estates Project, Leech Lake, Cass County, MN. The EIS must evaluate potential impacts as identified in the Final Scoping Decision.

Proposals must be received by 4:30 p.m., Friday, May 17, 1991, with final selections by May 30, 1991. The completion for this project is August 30, 1991.

For a copy of the Request for Proposal contact:

Carol Millard, Zoning Administrator  
Environmental Services Department  
Cass County Court House  
Walker, MN 56484

Dated: 23 April 1991

Carol J. Millard  
Zoning Administrator  
(218) 547-3300

### Metropolitan Transit Commission

#### Request for Proposals for Sale of Advertising

The Metropolitan Transit Commission of Minneapolis-St. Paul, Minnesota is seeking proposers for the sale of exterior; and interior and pocket schedule advertising.

Proposers may obtain a request for proposals document by calling or submitting a written request to:

Bob LaShomb  
Metropolitan Transit Commission  
560 Sixth Avenue North  
Minneapolis, MN 55411  
612-349-7680

## Non-State Public Contracts

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### Metropolitan Waste Control Commission

#### Request for Proposal (RFP) for Consulting Services for Fleet Management Program

The Metropolitan Waste Control Commission (MWCC) is requesting proposals for Consulting Services for Fleet Management Service.

The MWCC owns and operates the Metropolitan Waste Disposal System located in the Twin Cities Metropolitan Area. In order to accomplish this travel requirement, the MWCC owns and operates a fleet of 300 vehicles. These vehicles range from passenger automobiles, to front end loaders and over the road Class B sludge tank trucks.

The MWCC would like to engage the services of a consultant to assess the current status of our fleet, make recommendations on the most effective method of maintaining our fleet, and assist in the selection of a software package to manage the fleet.

RFP's can be obtained by writing to the MWCC, Mears Park Centre, 230 East 5th Street, St. Paul, MN 55101 or by contacting Mr. George Kaczor at (612) 229-2035.

RFP's will be accepted by the Metropolitan Waste Control Commission until 5:00 p.m., Friday, May 24, 1991 at its Central Office at the above address.

The MWCC reserves the right to reject any or all proposals and to waive any minor irregularities and deviations from requirements outlined in the Request for Proposals.

**BY ORDER of the Metropolitan Waste Control Commission**  
**Gordon O. Voss, Chief Administrator**

## Announcements

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**Environmental Quality Board (EQB):** Comments are due May 29 on the EAWs (environmental assessment worksheets) for the following projects at their listed regional governing unit: **CSAH 6-T.H. 59 to CSAH 4, Mahnomen County** (218) 935-2296; **McKenna Sand and Gravel Mine-Shakopee**, City of Shakopee (612) 445-3650; **Knowlton Creek Interceptor Replacement**, MPCA (MN Pollution Control Agency) (612) 296-7795; **Crow Wing County Landfill**, MPCA (612) 296-7795; **Holthaus Pit Gravel Mine**, Wright County (612) 682-3900; **Koch Refining Company Clean Fuels and Emission Reduction Projects**, MPCA (612) 297-1766; **RECOMP Food Waste Composting Facility**, Metropolitan Council, (612) 291-6361, with a public meeting on Tuesday 14 May at 7:30 p.m. in the City Council Chambers of the Rosemount City Hall, 1367—145th St., Rosemount. Copies of the draft EAW are available at various libraries. Call for list. • Petitions for environmental review have been filed for the **Tree Removal Highway 169—Zimmerman to Princeton**, MnDOT (Dept. of Transportation) (612) 296-1251.

**Deer Harvest in 1990 Set Record:** A total of 178,425 deer were harvested in Minnesota's 1990 deer hunting season, including 166,589 by firearms hunters, 11,106 by archers, and 730 by muzzleloader hunters during the special late season. The harvests for each of the three hunts are higher than any previous year and the total deer harvest is more than 20 percent higher than the previous record of 148,394 set in 1988. DNR wildlife officials said they believe the high harvest was due to several factors, including a very healthy deer population in most areas of the state. "We were at or above our goal for deer populations in 98 out of 111 antlerless permit areas in 1990," said Dave Schad, DNR Forest Wildlife Program leader. Schad said early indications are that the deer herd came through the winter in good condition, and another successful season is anticipated in 1991. Opening dates for the 1991 seasons are Sept. 14 for the archery season, Nov. 9 for the regular firearms season, and Nov. 30 for the late muzzleloader hunt. Regulations will be available in early August.

**Children's Advisory Team on the Environment:** Gov. Arne Carlson is seeking 21 children to become members of the Governor's children's advisory team on the environment, known as the Minnesota Earth Team. The team is being formed to enable Minnesota children to express directly to the governor their concerns, hopes and ideas about the environment. The governor will consider the team's recommendations in the development of his administration's education and environmental policies. Environmentally concerned students who will be in grades 2-6 in the fall of 1991 are invited to submit applications for team membership. The membership term is September 1991 through August 1992. Three team members will come from each of the five DNR regions outside the Twin Cities area. Six will be from the metro area. Fourteen members of the team will be chosen at random from a pool of those who express interest. The rest will be selected by adult advisors to ensure representation from a diversity of ethnic, cultural, lifestyle and economic backgrounds. Student application forms are available from the DNR



Information Center at 500 Lafayette Road in St. Paul. Call (612) 296-6157, or call toll free in Minnesota 1-800-652-9747 (ask for the DNR). Application forms are also available from DNR regional offices in Bemidji, Grand Rapids, Brainerd, New Ulm, Rochester and St. Paul. Young People may also apply without the form by submitting the following information: 1. The student's name, address, phone number, school and grade. 2. A signed statement from a parent or guardian indicating approval of the applicant's participation in the program and willingness to arrange the child's transportation to team meetings. 3. The applicant's statement in 25 words or less completing this statement: I want to advise Gov. Carlson on the environment because... (Selection of team members is random and will not be based on the best statement.) Mail applications to: The Governor's Minnesota Earth Team, Department of Natural Resources, Information and Education, 500 Lafayette Road, St. Paul, MN 55155-4046. Applications will be accepted through May 21, 1991. Young people selected as team members will be notified by June 7, 1991. For more information about the Minnesota Earth Team, call the DNR Information Center at one of the phone numbers listed above.

**State Parks Get Two New Clubs:** Two new clubs are being introduced at Minnesota State Parks, the Hiking Club and Club Fish. The Hiking Club invites members to hike 62 of the best trails in Minnesota State Parks. For \$14.95 (or \$12.95 with a \$2 discount coupon available in every state park), members will receive a fanny pack and a guide book that describes the 62 Hiking Club trails. Shoelaces come with the kit for members' favorite footwear. Hiking Club members will receive special patches when they've hiked 25, 50, 75 and 100 miles of Hiking Club trails. At the 75- and 100-mile marks, members will receive a free night of camping at any state park. Awards may be picked up at all participating state parks. All state parks have designated a trail for the Hiking Club, except Hill Annex, Grand Portage and Franze Jevne. Here's how the Hiking Club works. Each trail is marked at the halfway mark with a colorful Hiking Club password. The password highlights a natural or historical feature along the trail. To verify having hiked the trail, members will just jot down the password in the Hiking Club book, along with the name of the state park and the date the trail was hiked. Awards may be picked up at all participating state parks. The State Parks Centennial also offers anglers of all abilities a new line on fishing. Club Fish is an opportunity for people who enjoy fishing to learn more about the sport, and to discover the best fishing spots in state parks. For \$16.95 (or \$14.95 with a \$2 discount coupon available in state parks), members will receive a one-of-a-kind, 40-page fishing guide that describes 30 different species of fish, the natural history, and what state parks to catch (and release) them in. Members will receive a fish pin after catching five different species of fish, and again when they've caught 10 different species. At the 15 and 20 species catch marks, a free night of camping will be awarded. In addition, fishing certificates will be given to "expert" and "master" anglers after they have hooked 20 and 30 species listed in the book. Awards may be picked up at any state park. For more information on the clubs, people may pick up the Centennial Times newspaper at any state park, or call DNR Information Center at (612) 296-6157 in the Twin Cities, or toll free in Minnesota 1-800-652-9747 (ask for the DNR).

### Catching criminals is only one part of law enforcement.

**Police Report Writing Style Manual 1989**—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$15.00.

**Motor Vehicle Traffic Laws 1990**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$16.95.

**Criminal Code & Selected Statutes 1990**—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$17.95.

**Blue Binder**—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.95.



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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# Human Services Laws and Rules

## Human Services Laws 1990

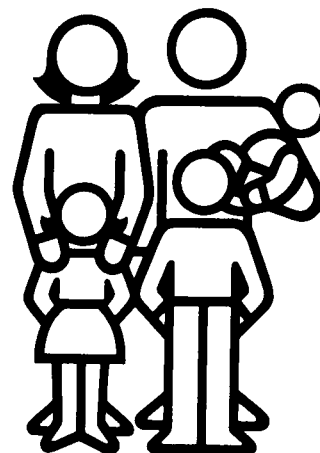
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$31.95.

## Human Services Rules 1989

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$34.95.

**3 ring binder.** 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.95.

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**Landscaping for Wildlife.** Gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages. Stock #9-15, \$8.95.

**Wildlife Set.** Order both books above as a set and save 15%. Stock #9-20, \$10.95.

**Minnesota's Favorite Birds Posters.** 22" x 17", full color. **Winter:** Code #9-2, \$5.00. **Summer:** Stock #9-50, \$5.00.

**Mammals of Minnesota,** discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Stock #19-35, \$16.95.

**Bird Portraits in Color,** a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Stock #19-41, \$12.95.

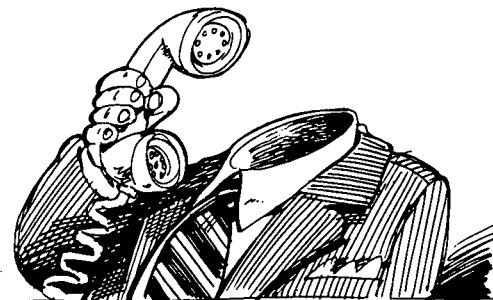
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**Minnesota Guidebook to State Agency Services.** A treasure of information that cuts red tape and gets you **RESULTS** from Minnesota state government. This important resource helps you through applications, fees, licenses, reports, history, recreation and travel. It describes agencies in detail and how they can assist you, giving addresses, phones and contact people. Stock #1-4, \$15.00 plus tax.



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# Minnesota's Bookstore

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## Publications, Services, Subscriptions

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### NEW PUBLICATIONS:

**1990 Minnesota Session Laws.** Two volume set includes laws passed during the 1990 session and the 1989 Special Session. Stock #18-6. \$40.00 + \$2.40 tax.

**Community Waste Education Manual.** Practical guide helps communities develop waste education campaigns with organizing volunteers, planning a budget, working with media and more. Includes camera-ready art and copy for media and publication needs. Stock #5-7. \$22.95 + \$1.38 tax.

**School District Profile 1988-89.** Comparative enrollment, staffing and financial data on Minnesota's school districts, evaluation of the statistical content with commentary on trends and patterns. Stock #5-3. \$5.00 + 30¢ tax.

**The School Book 1990-91.** Comprehensive guide to elementary schools in the Twin Cities: school addresses/phone, staffing information, and MTC bus connections at schools. Lists class size, student/teacher ratio, grading and curriculum. 554 pages. Stock #40-9. \$12.95 + 78¢ tax.

**Chemical Dependency Programs Directory 1989.** Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12. \$15.00 plus tax.

**Process Parenting—Breaking the Addictive Cycle.** A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4. \$15.00 plus tax.

**It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists.** Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16. \$19.95

### OTHER PUBLICATIONS

**Our Minnesota.** More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 plus tax.

**Historic Sites and Place Names of Minnesota's North Shore.** John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

**Landscaping for Wildlife.** Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15. \$8.95 plus tax.

**Minnesota Manufacturer's Directory, 1991.** More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchase managers, and four manufactured products. Stock #40-2. \$85.00.

### SUBSCRIPTIONS:

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$140; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

**Workers Compensation Decisions.** Volume 43. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$130.00.

### SERVICES:

**Mailing Lists.** Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

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**1991 Lake Map Index.** Listing over 4,000 lake maps. Free.

**State Register Binder.** Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 plus 39¢ tax.



**Department of  
Administration**

## Print Communications Division

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**Facsimile (FAX) (612) 296-2265**

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American Express/VISA/MasterCard No.			TOTAL	
Signature		Expiration Date	Telephone (During Day)	