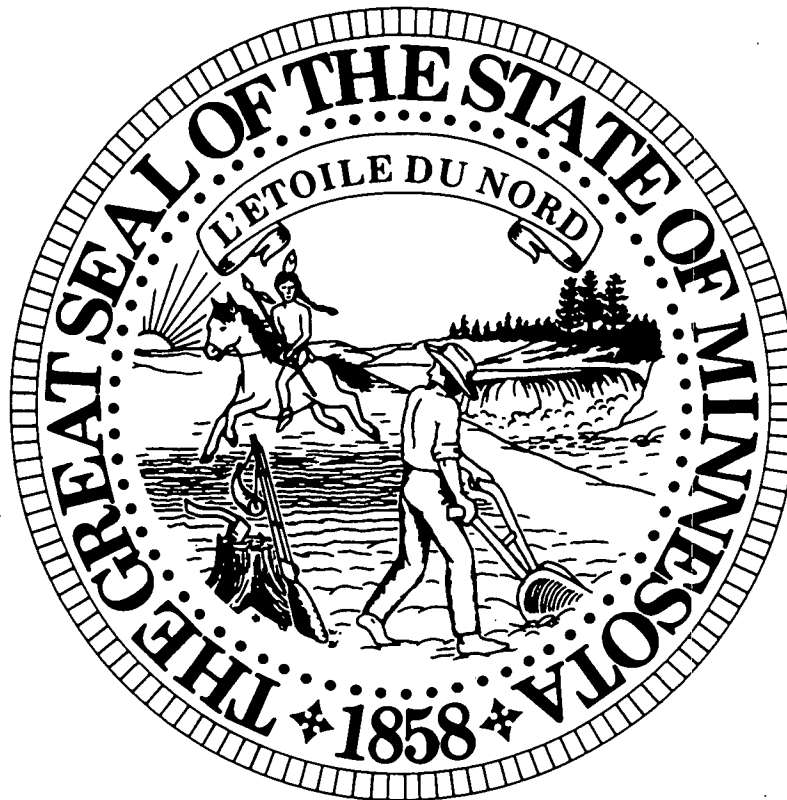


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# State Register

## 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 and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

### Printing Schedule and Submission Deadlines

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18	Monday 31 October	Monday 17 October	Monday 24 October
19	Monday 7 November	Monday 24 October	Monday 31 October
20	Monday 14 November	Monday 31 October	Monday 7 November

Arne H. Carlson, Governor

Debra Rae Anderson, Commissioner  
Department of Administration

Kathi Lynch, Director  
Print Communications Division

Robin PanLener, Editor 612/297-7963  
Debbie George, Circulation Manager 612/296-0931

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**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504  
Room 231 State Capitol, St. Paul, MN 55155

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**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

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Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

# 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 1-800-657-3757.

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## 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.

## Department of Education

### Proposed Permanent Rules Relating to Special Education Rules

#### Notice of Hearing

**Notice of Hearing.** Notice is hereby given that a public hearing will be held following procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on Tuesday, November 29, 1994, at the Sheraton Midway Hotel, I-94 at Hamline Ave., St. Paul, MN, beginning at 9:00 A.M. and continuing until all interested persons have been heard. The rules proposed for adoption are Rules 3525.0200-3525.4400 Governing Special Education and 3500.1000, A Rule Governing Experimental Programs. 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) 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, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138 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 address 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 14.14 to 14.20, and by *Minnesota Rules* 1400.0200 to 1400.1200. Questions about the rule hearing procedure may be directed to the ALJ. The administrative law judge assigned to conduct the hearing is Steve M. Mihalchick. Judge Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, the telephone number is (612) 349-2544. The hearing will continue, if necessary at additional times and places as determined by the administrative law judge.

**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

**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

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* 121.11, subd. 7b and *Laws of 1994*, article 3, Sec. 20.

The agency estimates that there will be no additional costs to local school districts in the state to implement these rules, nor will the rules 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. If you have any questions on the content of the proposed rules, contact:

Nevin Nolder (612 296-8586),  
Thomas Lombard (612 297-4681), or  
Wayne Erickson (612 296-1793);

Or write to:

Minnesota Department of Education  
819 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

**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 any time prior to the filing of the rules with the Secretary of State.

*Minnesota Statute*, 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.

Dated: 1 September 1994

Marsha Gronseth, Executive Director  
Minnesota State Board of Education

### Rules as Proposed

#### 3500.1000 EXEMPTIONS FOR EXPERIMENTAL AND FLEXIBLE SCHOOL YEAR PROGRAMS.

Subpart 1. **Request.** A district may request approval from the State Board of Education for an experimental program of study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

- A. ~~improved~~ improve instructional quality;
- B. increase cost effectiveness; ~~or~~
- C. make better use of community resources or available technology; or
- D. establish an alternative eligibility criteria intended to identify pupils in need of special education services.

Subp. 2. **Exemption from state rules.** If the proposed program is approved, the State Board of Education shall provide an exemption to state rules that otherwise would apply.

Subp. 3. **Contents of proposal.** The proposal shall include: specific state rules from which the district requests exemption, the goals and objectives of the program, the activities to be used to accomplish the objectives, a definite time limit which may not exceed three years, and the evaluation procedures to be used.

Subp. 4. **Involvement required Participation and approval.** ~~Evidence shall be provided that the proposal has been given thorough exposure to students and parents, that the faculty has been involved in the development of the proposal, and that the proposal has the approval of the school board. The district shall provide evidence that the district staff, pupils, 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.~~

Subp. 5. **Permanent exemption Criteria for continuation.** ~~If the evaluation at the end of the time period is positive, the State Board of Education finds that the program has met the proposed goals and objectives, the board shall authorize permanent continu-~~

ation of the program and specify the state rules from which the program is exempt and the period of time the program will be continued.

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

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

Subp. 1a. **Administrator or administrative designee.** "Administrator" or "administrative designee" means a representative of the school district, other than the pupil's teacher, who is licensed to provide or supervise the provision of special education and who has the authority to make decisions about the appropriateness of the proposed program and who has the authority to commit the responsible district's resources. An administrator or an administrative designee must participate at each IEP meeting and must be identified at the meeting.

Subp. 1b. **Aids.** "Aids" means equipment, devices, and materials and curriculum adaptations which enable a pupil to achieve satisfactorily in the regular classroom.

Subp. 1c. **Assessment or reassessment.** "Assessment" or "reassessment" means an appropriate individual educational evaluation of a pupil's performance or development conducted by appropriately licensed personnel according to recognized professional standards and parts ~~3525.2500~~ 3525.2550 to ~~3525.2850~~ 3525.2750.

Subp. 1d. **Aversive procedure.** "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 2c.

Subp. 1e. **Aversive stimulus.** "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.

Subp. 1f. **Community-based.** "Community-based" means a service, program, or environment located outside the district with nondistrict governance.

Subp. 1g. **Conditional procedures.** "Conditional procedures" means interventions that meet the definitions of aversive and deprivation procedures which are not prohibited. Conditional procedures include:

- A. the use of manual restraint;
- B. the use of mechanical or locked restraints;
- C. time out procedures for seclusion; and
- D. temporary delay or withdrawal of regularly scheduled meals or water not to exceed 30 minutes except as provided in subpart 2a.

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

Subp. 2a. **Deprivation procedure.** "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 2c.

Subp. 2b. **Direct services.** "Direct services" means special education services provided by a teacher or a related service professional when the services are related to instruction, including cooperative teaching.

Subp. 2c. **Emergency.** "Emergency" means a situation in which immediate intervention is necessary to protect a pupil or other individual from physical injury, emotional abuse due to verbal and nonverbal threats and gestures, or to prevent severe property damage. The emergency intervention must be the least intrusive intervention possible to reasonably react to the emergency situation. This subpart 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.

[For text of subps 3a and 4a, see M.R.]

Subp. 6a. **Individual education program plan or IEP.** "Individual education program plan" or "IEP" means a written individualized educational plan annually developed for a pupil. It is based on an assessment of the pupil's performance, presenting problems and its effect on learning in appropriate settings. ~~It shall include a description of:~~

- ~~A. the pupil's current level of performance;~~

**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

- B. the pupil's needs determined in a team process;
- C. an identification of appropriate goals and objectives;
- D. a description of special education services designed to help the pupil accomplish the goals and objectives;
- E. a description of the environment in which the services will be provided;
- F. a schedule for periodic review; and
- G. criteria for evaluating the pupil's performance.

[For text of subps 7a and 8a, see M.R.]

Subp. 8b. [See repealer.]

**Subp. 8c. Indirect services.** "Indirect services" means special education services which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor and observe. Indirect services may be provided by a teacher or related services professional to another regular education, special education teacher, related services professional, paraprofessional, support staff, parents, and public and nonpublic agencies to the extent that the services are written in the pupil's IEP and IFSP.

**Subp. 8d. Individualized family service plan or IFSP.** "Individualized family service plan" or "IFSP" means a written plan for providing services to a pupil and the pupil's family through interagency agreements. Procedural and program requirements for the IEP also apply to the educational components of the IFSP.

**Subp. 8e. Manual restraint.** "Manual restraint" means physical intervention intended to hold a person immobile or limit a person's movement by using body contact as the only source of physical restraint.

**Subp. 8f. Mechanical restraint.** "Mechanical restraint" means the use of devices such as mittens, straps, or restraint chairs to limit a person's movement or hold a person immobile as an intervention precipitated by the person's behavior. Mechanical restraint applies to uses intended to prevent injury with persons who engage in behaviors such as head-banging, gouging, or other self-injurious actions that result in tissue damage and medical problems. Mechanical restraint does not apply to restraint used to treat a person's medical needs or to position a person with physical disabilities.

Subp. 9b. [See repealer.]

**Subp. 10. Nondiscrimination.** "Nondiscrimination" means a requirement that districts shall:

A. comply with chapter 3535 and Minnesota Statutes, chapter 363 and not discriminate in any manner in the full use of or benefit from any services rendered by an educational institution because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability; and

B. provide procedures that ensure that, in accordance with recognized professional standards, testing and evaluation materials and procedures used for the purposes of identification, assessment, classification, educational program plan development, educational placement including special education services, program implementation, review and evaluation, notice, and hearing are selected and administered so as not to be discriminatory including cultural discrimination. The procedures and materials shall take into account the special limitations of handicapped persons and the racial or cultural differences presented by persons and must be justified on the basis of their usefulness in making educational program decisions that serve the individual pupil.

**Subp. 10a. Paraprofessional.** "Paraprofessional" means a district employee who is primarily engaged in direct interaction with one or more pupils for instructional activities, physical or behavior management, or other purposes under the direction of a regular education or special education teacher or related services provider.

**Subp. 11a. Parent or parents.** For a pupil under age 18, "parent" or "parents" means the mother, father, guardian, person acting as the parent of the child, conservator, or surrogate parent who has been appointed in accordance with parts 3525.2430 3525.2435 to 3525.2455 for a pupil under age 18. For a pupil over age 18 or over, it means "parent" or "parents" also includes the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the parent who has the legal right, by court decree or agreement, to determine the pupil's education, even though the pupil may be living with the other parent.

Parents whose legal rights have not been terminated but who have not been granted legal custody have the right of access to, and to receive copies of important school records and the right to be informed by school officials about the child's welfare, educational progress, and status, and to attend school and parent-teacher conferences unless otherwise ordered by a court. The school need not hold a separate conference for each parent.

[For text of subp 15a, see M.R.]

**Subp. 16a. Pupil.** "Pupil" means a student or other person who is eligible for special education according to *Minnesota Statutes*,

sections 120.03 and 120.17. ~~Students or other persons who are pregnant or chemically dependent and do not have a disabling condition are not eligible for special education.~~

[For text of subp 17a, see M.R.]

Subp. 18a. **Regular education program.** ~~"Regular education program" means the normal early childhood, elementary, secondary, gifted, or vocational education offerings, including instruction, training, aids, and services in the classroom or other appropriate places~~ program in which the pupil would be enrolled if the pupil did not have disabilities.

Subp. 18b. [See repealer.]

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

**Subp. 19b. Significant change in program or placement.** "Significant change in program or placement" means:

- A. the IEP goals have been completed or require modification based on a periodic review;
- B. there is a need to add or delete a service based on a periodic review or assessment;
- C. there is a change in the type of site or setting in which the pupil receives special education;
- D. the amount of time a pupil spends with nondisabled peers is changed;
- E. the amount of special education to accomplish the goals or objectives needs to be increased or decreased; or
- F. the team determines there is a need for a conditional intervention procedure.

Subp. 20a. **Special education.** ~~"Special education" means any specially designed instruction and related services to meet the unique cognitive, academic, communicative, affective, or psychomotor social and emotional, motor ability, vocational, sensory, physical, or behavioral and functional needs of a pupil as stated in the IEP.~~

**Subp. 20b. Surrogate parent.** "Surrogate parent" means a person appointed by the providing district to intervene on behalf of a pupil, to help ensure that the rights of the pupil to a free and appropriate education are protected. The surrogate parent shall not be a person who receives public funds to educate or care for the child. However, a foster parent may serve as a surrogate parent if appointed and if no conflict of interest exists.

[For text of subps 24 and 25, see M.R.]

**Subp. 25a. Time out for exclusion.** "Time out for exclusion" involves procedures which remove a pupil from the regularly scheduled education program for brief periods not to exceed 30 minutes. Time out for exclusionary purposes is not regulated by this chapter.

**Subp. 25b. Time out for seclusion.** "Time out for seclusion" involves procedures which place the pupil in a specially designated isolation room or similar space.

Subp. 26. **Vocational assessment.** "Vocational assessment" means an ongoing, comprehensive process used to assist the pupil and the team to determine the pupil's strengths, interests, abilities, and needed support to be successful in a vocational setting. A vocational assessment is one component of the ongoing special education multidisciplinary assessment described in parts ~~3525.2500 3525.2550 to 3525.2850 3525.2750.~~

### **3525.0300 PROVISION OF FULL SERVICES.**

Children and youth ~~who are handicapped with disabilities~~ and who are eligible for special education services based on an appropriate individual assessment shall have access to free appropriate public education, as that term is defined by applicable law. ~~The special education shall be suited to the pupil's individual needs including the special education based on an appropriate assessment and according to the IEP. School districts shall provide education suitable to pupils' individual needs regardless of the severity of the pupil's mental, physical, or emotional disability, or other impairment or handicap. The responsibility of the school district is not diminished by the availability of nonpublic schools or other services located within the district.~~

### **3525.0400 LEAST RESTRICTIVE ALTERNATIVE ENVIRONMENT.**

To the maximum extent that there are no detrimental effects appropriate, children ~~who are handicapped with disabilities~~ shall be educated with children who do not have ~~handicaps disabilities~~ and shall attend regular classes. A ~~handicapped person with disabilities~~ shall be removed from a regular educational program only when the nature or severity of the ~~handicap disability~~ is such that

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education in a regular educational program with the use of supplementary aids and services cannot be accomplished satisfactorily. Furthermore, there must be an indication that the ~~person~~ pupil will be better served outside of the regular program. The needs of the ~~person~~ pupil shall determine the type and amount of services needed.

### 3525.0700 PARENTAL INVOLVEMENT.

Parents of children with disabilities have a right to be involved by the school district in the education decision-making process by participating or being afforded the opportunity to participate at each IEP meeting to develop, review, or revise the IEP. ~~School district staff members shall document efforts to contact and involve parents in developing a pupil's IEP including scheduling IEP meetings at a mutually agreed upon time and location. At the time of contact, the district shall inform the parents of their right to bring anyone of their choosing to accompany them to the meeting. The district shall inform the pupil's parents about the alternatives and methods of instruction as described in Minnesota Statutes, section 120.17, subdivision 2.~~

### 3525.0750 IDENTIFICATION OF CHILDREN WITH DISABILITIES.

School districts shall develop systems designed to identify persons with disabilities beginning at birth, students with disabilities attending school, and persons with disabilities who are of school age and are not attending any school.

The district's identification system shall be developed in accordance with the requirement of nondiscrimination and included in the district's total special education system plan.

### 3525.0800 RESPONSIBILITY FOR ENSURING PROVISION OF INSTRUCTION AND SERVICES.

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

Subp. 2. **Purchased services.** The district shall not purchase special educational services for a ~~child~~ pupil from a public or private agency when such service is available or can be made available and can be more appropriately provided as the least restrictive alternative within the district. Whenever it is appropriate for a district to purchase special education service for ~~children who are handicapped pupils with disabilities~~ and who reside in the district, it continues to be the responsibility of the school district, consistent with the provisions of *Minnesota Statutes* and parts 3525.0200 to 3525.4700, to assure and ascertain that such ~~children~~ pupils and youth receive the education and related services and rights to which they are entitled.

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

Subp. 4. **Resident district responsibilities; district initiated out-of-district placement.** If the resident district places a pupil in an out-of-district placement, the resident district is still responsible to assure that an appropriate IEP is developed, that the pupil is placed in the least restrictive environment, and that due process procedures associated with these responsibilities are followed.

It is the responsibility of the providing district, agency, or academy to implement the IEP, conduct periodic and annual reviews, convene and facilitate the IEP team meeting, and assure that due process procedures associated with these responsibilities are followed.

The annual IEP must be developed jointly by the providing district, agency, or academy and resident district. ~~The resident district must, at a minimum, involve a district administrator or an administrative designee according to part 3525.0200, subpart 1a, to assure that the pupil's educational needs and rights are met. The resident district may appoint a member of the providing district as its administrative designee representative.~~

Subp. 5. **Responsibility for disagreements.** The resident district is responsible for resolving disagreements between the pupil's parents and district, including conciliation and due process hearings when the placement has been made by the resident district. If the providing district, agency, or academy receives a request for a conciliation conference, mediation, or due process hearing from the parent, the providing district, agency, or academy must notify the resident district of the parent's request within one school day.

[For text of subps 6 to 8, see M.R.]

Subp. 9. **Financial and legal responsibility for pupils 18-20 18 through 21.** For a pupil who is age 18 through ~~20~~ 21 years of age and is receiving special education, the district where the pupil's parents, legal guardian, or conservator lives shall be financially responsible for the cost of the special education program even in those cases where the pupil serves as the parent according to part 3525.0200, subpart 11a, for due process purposes.

### 3525.0850 BEHAVIOR INTERVENTIONS.

This policy 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.

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

Subpart 1. **State responsibility for all educational programs for pupils.** The State Department of Education is responsible for ensuring that all pertinent requirements in the Code of Federal Regulations, title 34, chapter III, and this part are carried out by the

local education agencies. Each special education program within the state, including programs administered by any other public agency is under the general supervision of the persons responsible for special education in the State Department of Education.

This shall be done, in part, by reviewing each district's and program's TSES for compliance. Districts and programs will also be monitored periodically by the Department of Education for their implementation of the TSES and all requirements in *Code of Federal Regulations*, title 34, chapter III, *Minnesota Statutes*, and this part.

**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:

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

D. Specific programs for involving parents of children with disabilities and pupils in district policy-making and decision-making pursuant to federal regulations, including, but not limited to, a district or jurisdictional special education advisory council.

E. Operating procedures of interagency committees required in statute.

~~E. F.~~ 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 receives a satisfactory corrective action plan that complies with standards for the education of pupils.

G. Policy describing the district's procedures for implementing the use of conditional interventions with pupils. Policies must be reviewed regularly and shall include, at a minimum, the following components:

(1) ongoing personnel development activities for all staff, contracted personnel, and volunteers who work with pupils who are disabled that:

(a) promote the use of positive approaches;

(b) provide an awareness of how to limit the use of aversive and deprivation procedures;

(c) provide an awareness of how to avoid abuse of such procedures;

(d) provide an awareness of specific cautions for the use of conditional procedures with specific populations of pupils or for the use of certain procedures; and

(e) provide staff training requirements for the design and use of all conditional interventions prior to their use;

(2) documentation procedures of the use of interventions and maintenance and retention of records of use; and

(3) description of the district's procedure for reviewing emergency situations where conditional procedures are used.

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

**Subpart 1. Availability to nonpublic school students.** Districts shall identify and make available special education to all students who are disabled regardless of whether they attend a nonpublic school. For those students who attend a nonpublic school according to *Minnesota Statutes*, section 124A.034, and who are referred for special education services, the district shall inform parents of their right to special education services for eligible students.

**Subp. 2. Assessment.** 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

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D. hold IEP or IFSP 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

Subp. 3. Provision of special education. In the assessment or provision of special education to eligible pupils, the district shall:

A. 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,

B. 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:

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

~~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. E. school psychological services and school social worker services provided alone for pupils identified as emotional or behavioral disordered according to parts 3525.1329 and 3525.2900 alone or in conjunction with the instructional program outlined in any pupil's IEP; and~~

~~L. G. other related services provided in conjunction with the instructional program as outlined in the pupil's IEP; and~~

~~H. paraprofessional services provided under the direction of a regular or special education teacher or a related services provider. The services must be:~~

~~(1) to enhance the instruction provided by the teacher or related services staff; and~~

~~(2) to supplement instructional activities or to provide extended practice in instances in which the paraprofessional has had training and ongoing support from a special education teacher or related services staff.~~

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

### 3525.1348 TRAUMATIC BRAIN INJURY (TBI) DEFINITION AND ENTRANCE CRITERIA.

Subpart 1. Definition. "Traumatic brain injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that may adversely affect a child's educational performance and result in the need for special education and related services. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as: cognition, speech/language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, and information processing. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Subp. 2. Criteria. The team shall determine that a pupil is eligible and in need of special education and related services if the pupil meets the criterion in item A and the criteria in items B and C as documented by the information gathered according to item D:

A. There is documentation by a physician of a medically verified traumatic brain injury.



B. There is a functional impairment attributable to the traumatic brain injury that adversely affects educational performance in one or more of the following areas: intellectual-cognitive, academic, communication, motor, sensory, social-emotional-behavioral, and functional skills-adaptive behavior. Examples of functional impairments which may adversely affect educational performance are:

(1) intellectual-cognitive, such as, but not limited to, impaired:

- (a) attention or concentration;
- (b) ability to initiate, organize, or complete tasks;
- (c) ability to sequence, generalize, or plan;
- (d) insight/consequential thinking;
- (e) flexibility in thinking, reasoning, or problem-solving;
- (f) abstract thinking;
- (g) judgment or perception;
- (h) long-term or short-term memory;
- (i) ability to acquire or retain new information;
- (j) ability to process information;

(2) academic, such as, but not limited to:

- (a) marked decline in achievement from preinjury levels;
- (b) impaired ability to acquire basic skills (reading, written language, mathematics);
- (c) normal sequence of skill acquisition which has been interrupted by the trauma as related to chronological and developmental age;

(3) communication, such as, but not limited to:

- (a) impaired ability to initiate, maintain, restructure, or terminate conversation;
- (b) impaired ability to respond to verbal communication in a timely, accurate or efficient manner;
- (c) impaired ability to communicate in distracting or stressful environments;
- (d) impaired ability to use language appropriately (requesting information, predicting, analyzing, or using humor);
- (e) impaired ability to use appropriate syntax;
- (f) impaired abstract or figurative language;
- (g) perseverative speech (repetition of words, phrases, or topics);
- (h) impaired ability to understand verbal information;
- (i) impaired ability to discriminate relevant from irrelevant information;
- (j) impaired voice production/articulation (intensity, pitch, quality, apraxia, or dysarthria);

(4) motor, such as, but not limited to, impaired:

- (a) mobility (balance, strength, muscle tone, or equilibrium);
- (b) fine or gross motor skills;
- (c) speed of processing or motor response time;
- (d) sensory/perceptual motor skills;

(5) sensory, such as, but not limited to, impaired:

- (a) vision (tracking, blind spots, visual field cuts, blurred vision, or double vision);
- (b) hearing (tinnitus, noise sensitivity, or hearing loss);

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(6) social-emotional-behavioral, such as, but not limited to:

- (a) ability to initiate or sustain appropriate peer or adult relationships;
- (b) impaired ability to perceive, evaluate, or use social cues or context appropriately;
- (c) impaired ability to cope with over-stimulating environments, low frustration tolerance;
- (d) mood swings or emotional ability;
- (e) impaired ability to establish or maintain self-esteem;
- (f) denial of deficits affecting performance;
- (g) poor emotional adjustment to injury (depression, anger, withdrawal, or dependence);
- (h) impaired ability to demonstrate age-appropriate behavior;
- (i) impaired self-control (verbal or physical aggression, impulsivity, or disinhibition);
- (j) intensification of preexistent maladaptive behaviors or disabilities;

(7) functional skills-adaptive behavior, such as but not limited to, impaired:

- (a) ability to perform developmentally appropriate daily living skills in school, home, leisure, or community setting (hygiene, toileting, dressing, eating);
- (b) ability to transfer skills from one setting to another;
- (c) orientation (places, time, situations);
- (d) ability to find rooms, buildings, or locations in a familiar environment;
- (e) ability to respond to environmental cues (bells, signs);
- (f) ability to follow a routine;
- (g) ability to accept change in an established routine;
- (h) stamina that results in chronic fatigue.

C. The functional impairments are not primarily the result of previously existing:

- (1) visual, hearing, or motor impairments;
- (2) emotional-behavioral disorders;
- (3) mental retardation;
- (4) language or specific learning disabilities;
- (5) environmental or economic disadvantage;
- (6) cultural differences.

D. Information/data to document a functional impairment in one or more of the areas in item B must, at a minimum, include one source from Group One and one source from Group Two:

(1) GROUP ONE:

- (a) checklists;
- (b) classroom or work samples;
- (c) educational/medical history;
- (d) documented, systematic behavioral observations;
- (e) interviews with parents, student, and other knowledgeable individuals;

(2) GROUP TWO:

- (a) criterion-referenced measures;
- (b) personality or projective measures;
- (c) sociometric measures;
- (d) standardized assessment measures; (academic, cognitive, communication, neuropsychological, or motor).

**3525.1350 EARLY CHILDHOOD: SPECIAL EDUCATION.**

**Subpart 1. Definition.** Early childhood special education must be available to pupils from birth to seven years of age who have a substantial delay or disorder in development or have an identifiable sensory, physical, mental, or social/emotional condition or impairment known to hinder normal development and need special education.

**Subp. 2. Criteria for birth through two years of age.** The team shall determine that a child from birth through the age of two years and 11 months is eligible for early childhood special education if:

- A. the child meets the criteria of one of the disability categories; or
- B. the child meets one of the criteria in subitem (1) in addition to criteria in subitems (2) and (3):

(1) the child:

(a) has a medically diagnosed syndrome or condition that is known to hinder normal development including, but not limited to, cerebral palsy, chromosome abnormalities, fetal alcohol syndrome, maternal drug use, neural tube defects, neural muscular disorders, cytomegalovirus, grades III and IV intracranial hemorrhage, and bronchopulmonary dysplasia (BPD);

(b) has a delay in overall development demonstrated by a composite score of 1.5 standard deviations or more below the mean on an assessment using at least one technically adequate, norm-referenced instrument that has been individually administered by an appropriately trained professional; or

(c) is less than 18 months of age and has a delay in motor development demonstrated by a composite score of 2.0 standard deviations or more below the mean on an assessment using technically adequate, norm-referenced instruments. These instruments must be individually administered by an appropriately trained professional;

(2) the child's need for instruction and services is supported by at least one documented, systematic observation in the child's daily routine setting by an appropriate professional. If observation in the daily routine setting is not possible, the alternative setting must be justified;

(3) corroboration of the development or medical assessment with a developmental history and at least one other assessment procedure that is conducted on a different day than the medical norm-referenced assessment. Other procedures may include parent report, language sample, criterion-referenced instruments, or developmental checklists.

**Subp. 3. Criteria for three through six years of age.** The team shall determine that a child from the age of three years through the age of six years and 11 months is eligible for early childhood special education when:

- A. the child meets the criteria of one of the disability categories; or
- B. the child meets one of the criteria in subitem (1) in addition to criteria in subitems (2) and (3):

(1) the child:

(a) has a medically diagnosed syndrome or condition that is known to hinder normal development including cerebral palsy, chromosome abnormalities, fetal alcohol syndrome, maternal drug use, neural tube defects, neural muscular disorders, cytomegalovirus, grades III and IV intracranial hemorrhage, and bronchopulmonary dysplasia (BPD); or

(b) has a delay in each of two or more areas of development that is verified by an assessment using technically adequate, norm-referenced instruments. Subtests of instruments are not acceptable. The instruments must be individually administered by appropriately trained professionals and the scores must be at least 1.5 standard deviations below the mean in each area;

(2) the child's need for special education is supported by at least one documented, systematic observation in the child's daily routine setting is not possible, the alternative setting must be justified;

(3) corroboration of the developmental or medical assessment with a developmental history and at least one other assessment procedure in each area that is conducted on a different day than the medical or norm-referenced assessment.

Other procedures may include parent report, language sample, criterion-referenced instruments, or developmental checklists.

**3525.1352 DEVELOPMENTAL ADAPTED PHYSICAL EDUCATION: SPECIAL EDUCATION.**

**Subpart 1. Definition.** "Developmental adapted physical education: special education" means specially designed physical education instruction and services for pupils with disabilities who have a substantial delay or disorder in physical

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development. Developmental adapted physical education: special education instruction for pupils age three through 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 adapted physical education: special education. Provisions and modifications 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 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 in each respective criteria in parts 3525.1325 to 3525.1341, 3525.1345, and 3525.1354: autism, deaf/blind, emotional or behavioral disorders, hearing impaired, specific learning disability, mentally impaired, severely multiply impaired, other health impaired, physically impaired, visually impaired, traumatic brain injury or part 3525.1350, subpart 3.

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; or

(2) the pupil's development or achievement and independence in school, home, and community settings is inadequate to allow the pupil to succeed in the regular physical education program 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; systematic observations; and social, emotional, and behavioral assessments.

### **3525.1347 3525.1354 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 and 3525.2335, 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. **Record of team overrides.** The district director of special education shall keep sufficient records regarding the extent of the team override provision to assist the state in evaluating the adequacy of the various entrance criteria.

### **3525.1349 3525.1356 EXIT PROCEDURES.**

The team shall discontinue special education instruction and services when:

A. the pupil has achieved IEP goals and objectives such that the pupil demonstrates 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 pupil's IEP; or

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

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

For any pupil discontinuing special education and services pursuant to item A or C, 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.

### **3525.1400 FACILITIES, EQUIPMENT AND MATERIALS.**

Classrooms and other facilities in which pupils receive instruction, related services, and ~~support~~ support supplementary aids and services shall: ~~be accessible as defined in Code of Federal Regulations, title 34, section 104;~~ be essentially equivalent to the regular education program; provide an atmosphere that is conducive to learning; and meet the pupils' special physical, sensory, and emotional needs.

The necessary special equipment and instructional materials shall be supplied to provide instruction, related services, and support supplementary aids and support services.

### **3525.1510 PERSONNEL VARIANCES.**

A district may apply to the commissioner of education for and the commissioner shall grant a variance from ~~part 3525.1500, subparts 1 to 3~~ Minnesota Statutes, section 125.04, with regard to its employees for one year or less when:

A. the district has made ~~documented~~ attempts to employ an appropriately licensed person and ~~none are available~~ no one who meets district qualifications is available; and

B. the person who will be employed holds any license issued by the Board of Teaching or the State Board of Education.

### **3525.1550 CONTRACTED SERVICES.**

Subpart 1. Licensure. When contracting for assessments or special education services, a district shall contract with personnel who hold appropriate licenses issued by the Board of Teaching or State Board of Education. If either board does not issue a license for a necessary service, the district shall contract with personnel who are members in good standing of professional organizations that regulate the conduct of its members and set standards for that profession.

Subp. 2. Community-based services. A school district may provide direct or indirect special education services by district special education staff to a pupil attending a community-based program. A school district may contract for special education services with a community-based program if the program meets State Board of Education rules.

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

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

**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 disabled.

A. If a regular education student has been identified as ~~handicapped~~ disabled and has a current IEP:

Initial due process procedures for previously identified pupils placed for care and treatment in a short-term facility may be accomplished by telephone; however, the required written documentation, including notices, consent forms, and IEP's, must follow immediately. If the pupil has a current IEP in the home school, the home school must give the providing agency an oral review of the IEP goals and objectives and services provided. The providing agency must contact the parents and together an agreement must be reached about continuing or modifying special education services in accordance with the current IEP goals and objectives. If agreement is not reached over the phone, the providing district shall hold a team meeting as soon as possible. At least the following people shall receive written notice to attend: the person or agency placing the pupil, the resident district, the appropriate teachers and related services staff from the providing district, the parents, and, when appropriate, the pupil. This meeting may be held in conjunction with a meeting called by a placing agency. A copy of the documentation, including the modified IEP, must be provided to the parents with a copy of their rights, including a response form.

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

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(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~~ 3525.2550 to ~~3525.2850~~ 3525.2750. 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:

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

B. If the student has not been identified as disabled or if the providing district cannot determine if the student has been identified as disabled, 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~~ 3525.2550 to ~~3525.2850~~ 3525.2750.

If the student meets 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 subp 4, see M.R.]

**Subp. 5. Minimum service required.** The team must predict how long the pupil or regular education student must be placed for care and treatment. If the prediction is for a restricted period of more than 170 days or its equivalent, exclusive of summer school, the district shall make available:

(1) ~~A.~~ the instruction necessary for the student or pupil to make progress in the appropriate grade level for the successful completion of the courses, programs, or classes the student or pupil would have been enrolled in if the student or pupil were not placed for care and treatment;

(2) ~~B.~~ preferably a normal school day in accordance with part ~~3525.2300~~ 3525.2900, subpart 3;

(3) ~~C.~~ an average of at least two hours a day of one-to-one instruction; or

(4) ~~D.~~ a minimum of individualized instruction for one-half of the normal school day if it is justified in the pupil's IEP or student's education plan that none of these options are appropriate. ~~The district shall apply for a variance from length of a normal school day in accordance with part 3525.2300.~~

If the predicted restricted period is fewer than 171 days, exclusive of summer school, the district shall make available at a minimum either small group instruction for one-half of the normal school day or at least an average of one hour a day of one-to-one instruction.

Provision of special educational services for pupils outside of the providing school district's regular calendar is optional unless the pupil has an extended year IEP.

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

[For text of items A and B, see M.R.]

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~~ 3525.2550 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 or an emotional or behavioral disorder. 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.

**Subp. 7. Student's and pupil's and regular education student's placement; aid for special education.** Special education services provided to pupils and regular education students who have been placed for care and treatment are reimbursable in accordance with parts 3525.0800 and 3525.1310.

A. When regular education and special education services are provided, only the special education portion shall be reimbursed with special education aid.

B. The special education services provided to pupils in accordance with an IEP are reimbursable.

C. The indirect or consultative services provided in conjunction with regular education prereferral interventions and assessment provided to regular education students suspected of being ~~handicapped~~ disabled and who have demonstrated learning or behavioral problems in a screening are reimbursable.

D. Regular education, including screening, provided to students, pupils, and regular education students are not reimbursable with special education categorical aids.

### **3525.2335 EARLY CHILDHOOD; ELIGIBILITY AND PROGRAM SERVICES, ALTERNATIVES, AND SETTINGS.**

Subpart 1. [See repealer.]

Subp. 2. **Program services, alternatives, and settings.** Appropriate program alternatives to meet the special education needs, goals, and objectives of the pupil must be determined on an individual basis. Choice of specific program alternatives must be based on the pupil's current levels of performance, pupil special education needs, goals, and objectives, and written in the IEP. Program alternatives are comprised of type of services, setting in which services occur, and amount of time and frequency in which special education services occur. A pupil may receive special education services in more than one alternative based on the IEP or IFSP.

A. There are two types of special education services: services provided directly and services provided indirectly.

(1) ~~Direct special education services are provided by a teacher or a related services professional when the services are related to instruction. Direct services occur when a teacher provides instruction directly to the pupil, or to the pupil, parent, or caregiver together in a center-based, home-based, or community-based setting. Direct services occur when a related services professional provides services related to instruction directly to the pupil, or to the pupil, parent, or caregiver together in a center-based, home-based, or community-based setting.~~

(2) ~~Indirect special education services include ongoing progress review; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment; curriculum, materials, or equipment; and direct contact with the pupil to monitor, observe, and follow up. Indirect services may be provided by a teacher or related services professional to another teacher, related services professional, support staff, parents, and public and nonpublic agencies to the extent that the services are written in the pupil's IEP.~~

B. There are three types of settings: home, district early childhood special education (ECSE) classroom, and community-based programs.

(1) Home includes the home of the pupil and parent or relative, or legal family day care setting in which the pupil is placed by the parent. ~~Home is the preferred setting for pupils under age three to receive special education.~~

(2) District ECSE classroom includes classrooms that are located in one of the district's schools or community center buildings housing elementary students or preschool-aged children ~~without a disability~~ District ECSE classes must have at least one program support assistant employed while pupils are in attendance. The maximum number of pupils in an ECSE classroom at any one time with a teacher and a program support assistant is eight. The maximum number of pupils in an ECSE classroom at any one time with an early childhood team according to part 3525.2335, subpart 5, is 16. Class size must be adjusted downward based on age, severity of disabilities or delays, and amount of services necessary to meet the IEP goals and objectives who do not have disabilities.

(3) Community-based programs ~~are any early childhood programs other than an ECSE classroom or district elementary school or community center including early childhood family education; include~~ licensed public or private nonsectarian child care programs other than a family day care setting, licensed public or private nonsectarian early education programs, community cultural centers, Head Start programs, and hospitals. A school district may provide direct or indirect special education services by district special education staff to a pupil attending a community-based program.

C. ~~For pupils who are not yet five years old on September 1, the amount of time and frequency of special education services must be determined individually and written in the pupil's IEP for pupils who are not yet five years old on September 1 or IFSP. For pupils who are five years old as of September 1, requirements for amount of time and frequency of special education services must be determined individually, written on the pupil's IEP, and be consistent with part 3525.2300 or IFSP. Direct or indirect~~

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special education services must be provided a minimum of an average of one hour every week unless the parents request or the team recommends an alternative.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

### **3525.2340 EDUCATIONAL SERVICE ALTERNATIVES CASE LOADS.**

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

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

Subp. 5. Case loads for early childhood program alternatives. A teacher's case load must be adjusted downward based on pupils' severity of disability or delay, travel time necessary to serve pupils in more than one program alternative, and if the pupils on the teacher's case loads are receiving services in more than one program alternative or the pupils are involved with other agencies. The maximum number of pupils that can be assigned to a teacher in any early childhood program alternative is:

A. birth through two years: 12 pupils per teacher;

B. three through six years: 16 pupils per teacher; and

C. birth through six years: 14 pupils per teacher.

District early childhood special education (ECSE) classes must have at least one paraprofessional employed while pupils are in attendance. The maximum number of pupils in an ECSE classroom at any one time with a teacher and a program support assistant is eight. The maximum number of pupils in an ECSE classroom at any one time with an early childhood team is 16.

### **3525.2350 MULTIDISABILITY TEAM TEACHING MODELS.**

[For text of subps 1 and 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, items A and B, 3525.0200 must be provided to the general or special education teacher providing instruction if not licensed in the disability. The frequency and amount of time for specific consultation and indirect services shall be included in the pupil's determined by the IEP team.

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

Subp. 5. [See repealer.]

### **3525.2380 CONSIDERATIONS WHEN DETERMINING VARIANCES FROM RATIOS.**

Subpart 1. **Variations.** The district may apply to the State Board of Education or its designee for a variance from the case loads in parts 3525.2335 and part 3525.2340. 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 for students with severe disabilities.

Subp. 3. [See repealer.]

### **3525.2405 DIRECTORS.**

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

Subp. 2. **Reimbursement for full-time director Conditions.** Conditions for special education reimbursement of employment of one full-time director of special education include:

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

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

Subp. 4. [See repealer.]

### **3525.2415 ASSISTANT DIRECTORS AND OTHER SUPERVISORY PERSONNEL.**

Districts may employ and receive reimbursement for supervisors to coordinate or supervise staff development and program development, evaluation, and implementation; and in-service training.



**3525.2420 VARIANCE.**

A district may apply to the commissioner of education for a variance from the mandatory employment of a director and conditions for reimbursements. The commissioner shall grant a variance from part 3525.2405 when:

- A. the growth patterns of a district or cooperative demonstrate that the public and nonpublic school enrollment will increase over the minimum in the next two years;
- B. ~~when~~ districts cannot efficiently cooperate due to geographical isolation; or
- C. the variance will result in a decrease in combined state and local costs and better delivery of instruction and related services to pupils.

**3525.2470 SUSPENSION, EXCLUSION, AND EXPULSION.**

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

Subp. 2. **Team meeting required.** A team meeting shall be held before exclusion or expulsion of a pupil. Within five school days of a suspension, a team meeting shall occur. If a pupil is placed on in-school suspension status according to the district policy established for all students for all or part of the day for two or more consecutive days or three times in one month, a team meeting must be held. The team shall:

- A. determine whether the misconduct is related to the ~~disabling condition~~ disability;
- B. review any assessments and determine the need for further assessment; and
- C. review the IEP and amend the goals and objectives or develop an alternative IEP program.

Subp. 3. **Exclusion and expulsion.** A pupil shall not be excluded or expelled when the misconduct is related to the pupil's ~~disabling condition~~ disability. When it is determined in a team meeting or a Pupil Fair Dismissal Act proceeding that a pupil's misconduct is related to the pupil's ~~disabling condition~~ disability, then the assessment, IEP, and least restrictive alternative shall be reviewed according to parts 3525.0200 to 3525.4700.

**3525.2550 CONDUCT BEFORE ASSESSMENT.**

Subpart 1. **Student performance review.** After a referral is submitted and before conducting an assessment, the team shall conduct a review of the person's performance in the following areas: intellectual functioning, academic performance, communicative status, motor ability, vocational potential, sensory status, physical status, emotional and social development, and behavior and functional skills. ~~The referral review must be documented and used as the basis to plan the assessment to ensure that the person is assessed in areas of the presenting problems.~~ The referral review shall:

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

B. Include a review of the regular education-based prereferral interventions required by Minnesota Statutes, section 126.237, conducted before referral for an assessment. Prereferral interventions are planned, systematic efforts by regular education staff to resolve apparent learning or behavioral problems. ~~The design and outcome of these interventions must be documented.~~

Subp. 2. **Team duties after review.** ~~Based on the referral review,~~ The team shall:

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

**3525.2750 EDUCATIONAL ASSESSMENT.**

Subpart 1. **Function of the assessment.** The assessment must reflect the person's present level of performance and shall be the basis for later educational planning. An assessment:

- A. must be conducted when a person's academic, behavioral, emotional, social, physical, communication, or functional skill acquisition in the present educational placement indicates a disability and a need for a special educational placement, program, or service;
- B. must be conducted at least every three years. If the previous two reassessments have been consistent and valid, a reassessment of intellectual ability is not needed;
- C. may be conducted if the student or other agency requests; ~~and~~

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D. must be conducted if the parent or student over age 18 requests;

Subp. 2. **Function of the assessment.** The assessment must reflect the person's current level of performance and shall be the basis for later educational planning. The assessment must:

A. E. must be conducted by a multidisciplinary team in accordance with the parts 3535.0900 to 3535.1200 together with an assessment plan developed as part of the referral review. The team shall conduct a comprehensive assessment in those areas of suspected disability using technically adequate instruments and procedures;

B. Include a review of the person's functioning in current and anticipated environments. The environmental review must address classroom performance based on the specific instructional strategies used in the classroom; performance in other daily routine environments; and information reported by parents, classroom teachers, and others involved regularly with the person. Specific instructional strategies include curriculum and curriculum modifications, classroom grouping patterns, and supports such as adaptive devices, materials and equipment available, and staff members.

C. E. must make reasonable efforts to obtain information from the parents and others with knowledge of the person and about the person's functioning in current and anticipated environments when the team determines it to be necessary because of cultural or other differences presented by the person or due to the nature of the person's presenting disabling condition. disability;

D. G. must be provided and administered in the person's primary language or mode of communication unless it clearly is not feasible to do so;

E. H. must be performed in accordance with recognized professional standards which include recognition or accommodation for persons whose differences or conditions cause standardized instruments to be invalid and otherwise in accordance with the requirements of nondiscrimination;

I. must be conducted with procedures that ensure that, in accordance with recognized professional standards, testing, and evaluation materials and procedures used for the purposes of identification, assessment, classification, educational program plan development, educational placement, including special education services, program implementation, review, and evaluation, notice, and hearing, are selected and administered so as not to be discriminatory, including cultural discrimination. The procedures and materials shall take into account the special limitations of persons with disabilities and the racial or cultural differences presented by persons and must be justified on the basis of their usefulness in making educational program decisions that serve the individual pupil; and

J. must include an analysis of purpose, effect, and seriousness of behavior when the use of a conditional intervention procedure is under consideration. The assessment team must document that it has ruled out any other treatable cause such as a medical or health condition for the interfering behavior.

Subp. 3. **Assessment summary report.** For the person assessed, results of any or all assessments shall be summarized in a report. The summary report shall include the reason for referral; summary of instruments and procedures used; results and interpretation of the assessment including the review of the person's functioning in current and anticipated environments; and, the person's current present level of performance in the areas assessed, and the team's judgments and recommendations regarding eligibility for services. The assessment summary report shall contain the team's signature team members' names, title titles, and date of report.

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

Subpart 1. **General requirement to develop an IEP for pupils who are disabled.** Following an initial assessment, and annually thereafter, an IEP must be developed and implemented for each pupil determined to be disabled under parts 3525.1325 to 3525.1347 3525.1354. The responsible district shall:

A. Designate a team of persons responsible for determining the IEP and authorizing expenditures to implement the IEP of pupils kindergarten to through 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; and the special education 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.

(1) one or both parents;

(2) the pupil, if appropriate. In cases when transition needs are being considered, the pupil must be invited to the meeting. If the pupil fails to attend, the district must implement procedures to determine pupil preferences;

(3) the pupil's special education teacher;

(4) a teacher or other representative of the general education program where the pupil is enrolled or expected to enroll;

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(5) a representative of the school district, other than the pupil's teacher, who is qualified to provide or supervise the provision of special education services;

(6) for the pupils initial evaluation, at least one member of the assessment team or a person knowledgeable of the evaluation procedures used and the results;

(7) other individuals at the discretion of the parent or district;

(8) when a regulated procedure is being considered, one person on the team who is knowledgeable about ethnic and cultural issues relevant to the pupil's behavior and education; and

(9) if appropriate, someone who is a member of the same minority or cultural background or who is knowledgeable concerning the racial, cultural, or disabling differences of the pupil.

B. 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. Document which team members attended the IEP meeting.

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 disabling differences of the student.

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

E. D. Prepare an IEP in writing for each person determined to be disabled according to parts 3525.1325 to 3525.1347. If before an initial out-of-district placement, ensuring that both districts have representatives participating in the meeting. When the responsible district is not the resident district for subsequent IEPs, a copy of the IEP must be sent to the resident district.

F. E. 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~~ 3525.0200, subpart 19b.

G. Implement the IEP for a regular school year unless otherwise specified on the IEP, except

E. Ensure that the duration ~~cannot of the IEP does not~~ 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 60 school days.

H. ~~Consider an~~ G. Provide extended school year services 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 and 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 H. The educational components of an individual family services plan (IFSP) must meet all requirements of an IEP.

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

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

Subp. 3. Content and sequence of individual educational program plan. In preparing the IEP, the district shall follow this sequence and 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

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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 instructional needs 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.

C. A statement of annual instructional goals 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 including the criteria for attainment.

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

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

(2) a description of the educational activities, frequency, and amount of time in which the pupil will participate in environments which include nondisabled peers. This provision must be included in the plan only when the pupil will be placed in a segregated special education program more than 50 percent of the school day.

A. for the areas identified in part 3525.2550, subpart 1, item A, where there are presenting problems, a statement of the pupil's present levels of educational performance;

B. a statement of annual goals, including short-term instructional objectives;

C. a statement of the specific special education and related services to be provided to the pupil and the extent that the pupil will be able to participate in regular educational programs;

D. the projected dates for initiation of each service and the anticipated duration of services;

E. alterations of the pupil's school day, when needed, which must be based on student needs and not administrative convenience;

F. a transition plan, as required by subpart 4;

G. conditional intervention procedures to be used; and

H. appropriate evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

Subp. 4. Transition planning. By grade nine or age 14, whichever comes first, the IEP plan shall address the pupil's needs for transition from secondary services to postsecondary education and training, employment, and community living.

A. For each pupil, the district shall conduct a multidisciplinary assessment of secondary transition needs and plan appropriate services to meet the pupil's transition needs. Areas of assessment and planning must be relevant to the pupil's needs and may include work, recreation and leisure, home living, community participation, and postsecondary training and learning opportunities. To appropriately assess and plan for a pupil's secondary transition, additional IEP team members may be necessary and may include vocational education staff members and other community agency representatives as appropriate.

B. Secondary transition assessment results must be documented as part of an assessment summary according to part

3525.2750. Current and secondary transition needs, goals, and instructional and related services to meet the pupil's secondary transition needs must be considered by the team with annual needs, goals, objectives, and services documented on the pupil's IEP.

**Subp. 5. The IEP and regulated interventions.**

**A. There are two types of regulated interventions: conditional procedures and prohibited procedures.**

**(1) Conditional procedures may only be used when included as part of the pupil's IEP or in an emergency situation according to part 3525.0200. In order to utilize a conditional procedure, the IEP team must:**

- (a) identify the frequency and severity of target behaviors for which the conditional procedure is being considered;**
- (b) identify at least two positive interventions implemented and the effectiveness of each; and**
- (c) design and implement regulated interventions based on present levels of performance, needs, goals and objectives, and document in the IEP.**

**(2) Prohibited procedures are interventions that are prohibited from use in schools by school district employees, contracted personnel, and volunteers. The procedures or actions listed in subitems (a) to (i) are prohibited:**

- (a) corporal punishment as defined in *Minnesota Statutes*, section 127.45;**
- (b) requiring a pupil to assume and maintain a specified physical position, activity, or posture that induces physical pain as an aversive procedure;**
- (c) presentation of intense sounds, lights, or other sensory stimuli as an aversive stimulus;**
- (d) use of noxious smell, taste, substance, or spray as an aversive stimulus;**
- (e) denying or restricting a pupil's access to equipment and devices such as hearing aids and communication boards that facilitate the person's functioning except temporarily when the pupil is perceived to be destroying or damaging equipment or devices;**
- (f) faradic skin shock;**
- (g) totally or partially restricting a pupil's auditory or visual sense not to include study carrels when used as an academic intervention;**
- (h) withholding regularly scheduled meals or water; and**
- (i) denying a pupil access to toilet facilities.**

**B. All behavioral interventions must be consistent with the district's discipline policy. Continued and repeated use of any element of a district's discipline policy must be reviewed in the development of the individual pupil's IEP.**

**C. 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. 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 five school days after emergency procedures have commenced. District administration and parents must be notified immediately when a regulated procedure is used in an emergency situation.**

**D. Time-out procedures that seclude a student in a specially designated isolation room or similar space must meet the following conditions:**

- (1) specific criteria for returning the pupil to the routine activities and regular education environment;**
- (2) an evaluation to determine whether seclusion is contraindicated for psychological or physical health reasons;**
- (3) provision for the pupil to be continuously monitored by trained staff;**
- (4) adequate access to drinking water and to a bathroom for a time-out that exceeds 15 minutes;**
- (5) documentation of the length of time spent in each time-out procedure and the number of occurrences each day;**

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## Proposed Rules

(6) 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;

(7) an observation window or other device to permit continuous monitoring of the pupil;

(8) a space that is at least five feet by six feet or 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;

(9) be well-lighted, well-ventilated, adequately heated, and clean; and

(10) all applicable fire and safety codes.

### 3525.3100 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. Pupils who are discontinued from all special education services may be reinstated within 12 months. If data on the student's present levels of performance are available and an assessment had been conducted within three years pursuant to part 3525.2750, the district is not required to document two prereferral interventions or conduct a new assessment.

### 3525.3150 REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA.

Beginning at grade nine or age 14 and annually thereafter, the IEP team shall address the graduation requirements for a high school diploma for a pupil.

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

D. The IEP team shall determine the criteria for satisfactory achievement of the IEP goals and objectives including modified courses, programs, or classes.

A pupil shall receive an identical high school diploma granted to all regular education students upon graduation or termination of special education services at through age 21, with satisfactory attainment of the program plan objectives.

### 3525.3200 FORMAL NOTICE TO PARENTS.

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

### 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 and B, see M.R.]

C. Inform the parents of their right and the procedure to have included on the team that interprets the assessment data and develops the individual program plans, the persons described in part 3525.2900, subpart 1, including a person who is a member of the same minority or cultural background or who is knowledgeable concerning the racial, cultural, or ~~handicapping disability~~ differences of the student.

[For text of items D to V, see M.R.]

### 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~~ 3525.2750, 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:

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

### 3525.3600 NOTICE OF CHANGE OR REFUSAL TO CHANGE EDUCATIONAL PLACEMENT OR PROGRAM.

Before the initiation or significant change or the refusal to initiate or significantly change a pupil's educational placement or special education services, as set forth in part 3525.2900, subpart 1, item F, the school district shall prepare and serve a notice that meets the requirements of parts 3525.3200 to 3525.3400.

A. The portion of the notice which is specific to the educational placement and provision of services shall:

- (1) A. include a copy of the individual educational program plan as described in part 3525.2900, subpart 3;
- (2) B. inform the parents that the school district will not proceed with the initial placement and provision of services as defined in part 3525.0200 without prior written consent of the pupil's parents; and
- (3) C. inform the parents that except for the initial placement and provision of services, the district will proceed with the proposed placement and provision of services unless the parents object in writing on the enclosed response form or otherwise in writing within ten days after the receipt of the notice.

B. For purposes of this part, a significant change in program or placement requiring a notice to parent and revision of the IEP shall occur when:

- (1) the IEP goals have been completed or require modification based on a periodic review;
- (2) there is a need to add or delete a service based on a periodic review or assessment;
- (3) there is a change in the type of site or setting in which the pupil receives special education;
- (4) the amount of time a pupil spends with peers without a disability is changed; and
- (5) the amount of special education to accomplish the goals or objectives needs to be increased or decreased.

### **3525.3700 CONCILIATION CONFERENCE.**

Subpart 1. **When a conference must be offered.** If the parent does not object in writing, to a proposed action as set forth in parts 3525.2550 to ~~3525.2850~~ 3525.2750 or part 3525.2900, subpart 5, within 14 days after receipt of the notice, and the proposed action is not an initial action as defined in part 3525.0200, subparts 7a and 8a, the proposed action shall take place. If a written objection is made, the resident school district shall offer the parent an opportunity to conciliate the matter. If the parent is willing to enter conciliation, the district shall arrange for a conference with the parent to review the reasons for the proposed action and conciliating the matter. The conference shall be held at a time and place mutually convenient to the parent and the school district representatives and shall be held within ten days after receipt of the written objection. There may be more than one conference and the parent or district may request a hearing under part 3525.3800 at any time.

If the parent refuses to provide prior written consent for initial assessment and initial placement under parts 3525.3500, item D, and 3525.3600, item A, subitem (2), within ten days after the receipt of the notice and response form, the district shall offer the parent an opportunity to conciliate the matter. If the parent is willing to enter conciliation, the district shall arrange for a conference with the parent to review the parent's suggestions and concerns, and to conciliate the matter. The conference shall be held at a time and place mutually convenient to the parent and school district representatives. If no response is received in cases of initial assessment or placement, the school district shall offer a conciliation conference to be held within ten days after the expiration of the ten-day period for parent response. In cases where the parent fails to attend the initial conciliation conference, the district may choose to offer to schedule additional conciliation conferences.

Subp. 2. **Memorandum.** ~~Within seven days of~~ After the parents and district agree the final conciliation conference was held, the district shall serve the parent with a written memorandum within seven days that informs the parent:

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

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

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

A hearing regarding a proposed action under parts 3525.2550 to ~~3525.2850~~ 3525.2750 or 3525.2900 shall be held whenever: (a) the district receives the parents' request for a hearing; (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.

### **3525.3900 NOTICE OF A HEARING.**

Written notice of the time, date, and place of hearings shall be given to all parties by the district at least ten days in advance of the hearings; and the hearing shall be held at a time, date, and place mutually convenient to all parties.

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## Proposed Rules

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Within five days of receipt of the parent's written request for a hearing, the district shall serve the parent with a written notice of rights and procedures relative to the hearing that informs the parent:

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

D. That at the hearing the burden of proof is on the district to show that the proposed action is justified on the basis of the person's educational needs or the person's current educational performance, or presenting ~~disabling conditions~~ disabilities taking into account the presumption that placement in a regular public school class with special education services is preferable to removal from the regular classroom.

E. That the hearing officer will make a written decision based only on evidence received and introduced into the record at the hearing not more than 45 days from the receipt of the request for the hearing and that the proposed action will be upheld only upon showing by the school district by a preponderance of the evidence. A proposed action that would result in the pupil being removed from regular education program may be sustained only when, and to the extent the nature or severity of the ~~handicap~~ disability is such that a regular education program would not be satisfactory and the pupil would be better served in an alternative program. Consideration of alternative educational programs must also be given.

[For text of items F and G, see M.R.]

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

Subpart 1. **Information received before the hearing.** Five days before the hearing, the person conducting the hearing shall receive copies of:

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

D. other information from the district or parent as the hearing officer may have requested at a prior date provided that a copy of the information is provided to all parties, and further provided that the information is made a part of the hearing record.

The provisions of items B and C need not apply when the hearing concerns a proposed action under parts 3525.2550 to ~~3525.2850~~ 3525.2750.

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

### **3525.4200 HEARING RIGHTS OF 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 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~~ 3525.2750 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 3525.3700, subpart 2. 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 have the right to 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 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.

### **3525.4300 HEARING PROCEDURES.**

The hearing officer shall preside over and conduct the hearing and shall rule on procedural and evidentiary matters, and the hearing officer's decision shall be based solely upon the evidence introduced and received into the record. The district shall bear the burden of proof as to all facts and as to grounds for the proposed action. One purpose of the hearing is to develop evidence of specific facts



concerning the educational needs, current educational performance, or ~~presenting disabling conditions~~ apparent disabilities of the person as it relates to the need for the proposed action. Consistent with the rights and procedures in parts 3525.3300 to 3525.4700, nothing in parts 3525.0200 to 3525.4700 limits the right of the hearing officer to question witnesses or request information.

A tape recording, stenographic record, or other record of the hearing shall be made, and if an appeal is filed under parts 3525.4600 and 3525.4700, the hearing must be transcribed by the district and must be accessible to the parties involved within five days of the filing of the appeal.

#### **3525.4400 DECISIONS OF HEARING OFFICER.**

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

**Subp. 2. Decisions regarding assessment or reassessment.** The hearing officer may sustain a proposed assessment or reassessment of the person as set forth in parts 3525.2550 to 3525.2750 upon a showing by the district by a preponderance of the evidence that demonstrates that there are facts, relating to the person's performance in the present education placement or ~~presenting disabling conditions~~ apparent disabilities, which indicate reasonable grounds to believe that the educational assessment or reassessment procedures are justified, as a step toward the possible initiation of or change in the person's educational placement or program, including special education services, which will provide an educational program, including special education services, appropriately suited to the person's needs.

Consistent with the standards, requirements, and principles in statute and parts 3525.0200 to 3525.4700, the hearing officer shall have the authority, based on the evidence received at the hearing, to modify the proposed assessment or reassessment instruments or procedures to ensure compliance with the requirement of nondiscrimination.

**Subp. 3. Decisions regarding educational placement.** Based on an application of the standards, requirements, and principles in *Minnesota Statutes*, section 120.17, subdivision 3a, and in parts 3525.0200 to 3525.4700, the proposed action regarding the person's educational placement or special education services in part 3525.2900, subpart 3, shall be sustained in whole or in part by the hearing officer only upon a showing of need by the district by a preponderance of the evidence. In deciding if the proposed action is to be sustained, in whole or in part, the educational needs of the child shall be determinative. However, there shall be a presumption that among alternative programs of education, that to the maximum extent appropriate, a primary placement in a regular public school class and program with appropriate special education services is preferable to removal from the regular classroom.

The hearing officer may sustain a proposed action that would result in the child being removed from a regular education program only when, and to the extent that, the nature or severity of the ~~handicap~~ disability is such that education in the program with the use of special education services cannot be accomplished satisfactorily, and there is indication that the child will be better served with an alternative program or services. This decision shall be made in accordance with the principle of least restrictive alternatives. The hearing officer shall also determine whether the district sufficiently considered alternative educational programs including special education services and opportunities and at the hearing, may receive any additional evidence presented by any interested party or person about the availability and suitability of reasonable and viable educational alternatives. If the hearing officer concludes that there are no reasonable or viable educational alternatives, the findings shall so state.

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

**REPEALER.** *Minnesota Rules*, parts 3525.0200, subparts 8b, 9b, and 18b; 3525.0650; 3525.1200; 3525.1320; 3525.1500; 3525.2300; 3525.2330; 3525.2335, subparts 1, 3, 4, and 5; 3525.2340, subparts 1, 2, and 3; 3525.2345; 3525.2350, subpart 5; 3525.2380, subpart 3; 3525.2405, subpart 4; 3525.2410; 3525.2430; 3525.2500; 3525.2925; and 3525.2950, are repealed.

## **Department of Labor and Industry**

### **Proposed Permanent Rules Relating to OSHA; Incorporation by Reference**

#### **Rules as Proposed**

#### **5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.**

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

**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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

Q. *Federal Register*, Volume 59:

(1) *Federal Register*, Vol. 59, No. 20, dated January 31, 1994, "Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment."

(2) *Federal Register*, Vol. 59, No. 126, dated July 1, 1994, "Personal Protective Equipment for General Industry; Final Rule; Corrections."

(3) *Federal Register*, Vol. 59, No. 128, dated July 6, 1994, "Personal Protective Equipment for General Industry; Final Rule; Administrative Stay."

(4) *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, "Retention of DOT Markings, Placards, and Labels (1910.1201); Final Rule."

(5) *Federal Register*, Vol. 59, No. 152, dated August 9, 1994, "Safety Standards for Fall Protection in the Construction Industry; Final Rule and Amended Reference in 1910.269(g)(2)(i)."

(6) *Federal Register*, Vol. 59, No. 153, dated August 10, 1994, "Occupational Exposure to Asbestos (1910.1001); Final Rule."

(7) *Federal Register*, Vol. 59, No. 161, dated August 22, 1994, "Hazardous Waste Operations and Emergency Response (1910.120 and 1926.65); Amendments to Final Rule."

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

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

F. *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, "Retention of DOT Markings, Placards, and Labels (1915.100); Final Rule."

G. *Federal Register*, Vol. 59, No. 141, dated July 25, 1994, "Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment; Final Rule."

H. *Federal Register*, Vol. 59, No. 153, dated August 10, 1994, "Occupational Exposure to Asbestos (1915.1001); Final Rule."

Subp. 4. **Part 1917.** Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129 of the *Federal Register* on July 5, 1983; and subsequent changes made prior to April 1, 1988 as follows:

*Federal Register*, Vol. 52, No. 186, dated September 25, 1987; "Servicing of Single Piece and Multipiece Rim Wheels at Marine Terminals (1917.44); Final Rule."

*Federal Register*, Vol. 52, No. 251, dated December 31, 1987; "Grain Handling Facilities (1917.1 and 1917.72-[removed]); Final Rule."

*Federal Register*, Vol. 59, No. 137, dated July 19, 1994, "Retention of DOT Markings, Placards, and Labels (1917.29); Final Rule."

Subp. 5. **Part 1918.** Part 1918: Safety and Health Regulations for Longshoring as published in Part II, Volume 39, No. 119 of the *Federal Register* on June 19, 1974 incorporating changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes made prior to June 1, 1984 as follows:

[For text of items A and B, see M.R.]

C. *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, "Retention of DOT Markings, Placards, and Labels (1918.100); Final Rule."

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

**J. Federal Register, Volume 59:**

(1) *Federal Register*, Vol. 59, No. 1, dated January 3, 1994, "Occupational Safety and Health Standards for Cadmium in Shipyard Employment and Construction; Final Rule; Miscellaneous Corrections and Technical Amendments."

(2) *Federal Register*, Vol. 59, No. 137, dated July 19, 1994, "Retention of DOT Markings, Placards, and Labels (1926.61); Final Rule."

(3) *Federal Register*, Vol. 59, No. 152, dated August 9, 1994, "Safety Standards for Fall Protection in the Construction Industry."

(4) *Federal Register*, Vol. 59, No. 153, dated August 10, 1994, "Occupational Exposure to Asbestos (1926.1101); Final Rule."

(5) *Federal Register*, Vol. 59, No. 161, dated August 22, 1994, "Hazardous Waste Operations and Emergency Response (1910.120 and 1926.65); Amendments to Final Rule."

Subp. 7. **Part 1928.** Part 1928: Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the *Federal Register* on April 25, 1975, and subsequent changes made prior to May 31, 1993 as follows:

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

**G. Federal Register, Vol. 59, No. 137, dated July 19, 1994, "Retention of DOT Markings, Placards, and Labels (1928.21); Final Rule."**

## **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 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.

## **Department of Agriculture**

### **Adopted Permanent Rules Relating to Rural Finance Authority Value-added Agricultural Product Loan Program**

#### **Notice of Adoption of Rules Exempt from Rulemaking Provisions of the Administrative Procedures Act, *Minnesota Statutes*, Chapter 14**

**NOTICE IS HEREBY GIVEN** that the Rural Finance Authority Board has adopted a rule governing the Value-added Agricultural Product Loan Program. The authority to adopt this rule is *Minnesota Statutes*, section 41B.07 which allows the Rural Finance Authority of the department to adopt rules to administer *Minnesota Statutes*, Chapter 41B without following the procedures of the Administrative Procedures Act, *Minnesota Statutes*, Chapter 14.

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## Adopted Rules

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A copy of the adopted rule is attached to this notice.

Dated: 3 October 1994

Rural Finance Authority Board  
Elton Redalen, Chairman

### Rules as Adopted (all new material)

#### 1656.0010 ESTABLISHMENT OF PROGRAM; PROGRAM RULES.

Subpart 1. **Establishment.** The Rural Finance Authority, by its Resolution No. 94-08, has established a program to help farmers finance the purchase of stock in a cooperative proposing to directly or indirectly build or purchase and operate an agricultural product processing facility authorized by *Minnesota Statutes*, section 41B.046.

Subp. 2. **Authority and purpose.** This chapter is adopted by the Rural Finance Authority pursuant to *Minnesota Statutes*, section 41B.07, to define and provide for administration of the program.

Subp. 3. **Application.** This chapter applies to all applications for and loans made pursuant to the program, the use of loan proceeds, and all eligible borrowers and lenders participating in the program.

#### 1656.0020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Agricultural product processing facility.** "Agricultural product processing facility" means land, buildings, structures, fixtures, and improvements located or to be located in Minnesota and used or operated primarily for the processing or production of marketable products from agricultural crops, including waste and residues from agricultural crops, but not including livestock or livestock products, poultry or poultry products, or wood or wood products.

Subp. 3. **Applicant.** "Applicant" means a potential borrower who submits an application to the RFA through an eligible lender.

Subp. 4. **Application.** "Application" means the application for a stock loan in the form prescribed and provided by the RFA.

Subp. 5. **Assets.** "Assets" means property, real or personal, tangible or intangible, and all contract rights of value that constitute assets, including cash crops or feed on hand, livestock held for sale, breeding stock, marketable bonds and securities, securities not readily marketable, accounts receivable, notes receivable, cash invested in growing crops, cash value of life insurance, machinery and equipment, cars and trucks, farm and other real estate including life estates and personal residence, and the value of a beneficial interest in trusts.

Subp. 6. **Borrower.** "Borrower" means the person or persons liable on a stock loan made under this program. A borrower may also be a domestic family farm corporation as defined in *Minnesota Statutes*, section 500.24.

Subp. 7. **Executive director.** "Executive director" means the executive director of the RFA or any other officer duly authorized to act on behalf of the RFA board or its executive director.

Subp. 8. **Liabilities.** "Liabilities" means the debts or other obligations for which an applicant is responsible including: accounts payable, notes or other indebtedness owed to any source, taxes, rent, amount owed on real estate contracts or mortgages, judgments, and accrued interest payable.

Subp. 9. **Net worth.** "Net worth" means the total value of an applicant's assets and the assets of the applicant's spouse and dependents, less the liabilities of the same parties.

Subp. 10. **Note and loan agreement.** "Note and loan agreement" means the form prescribed by the RFA that is signed by a borrower evidencing the terms of the stock loan and the borrower's obligation to repay the loan.

Subp. 11. **Participation agreement.** "Participation agreement" means the document entered into between the RFA and an approved lender that establishes the relationship between the parties and the terms and conditions of stock loans to be offered to the RFA for participation under the value-added stock loan participation program.

Subp. 12. **RFA.** "RFA" means the Rural Finance Authority established by *Minnesota Statutes*, sections 41B.01 to 41B.23.

Subp. 13. **RFA participation.** "RFA participation" means the RFA's undivided interest in the principal of a stock loan, all rights and interests in the loan documents, all payments arising under the loan, the stock securing the loan, and any other collateral pledged to secure the loan.

Subp. 14. **Stock loan or loan.** "Stock loan" or "loan" means a loan secured by the stock purchased, a personal note executed by the borrower, and whatever other security is required by the lender or the RFA, made by an eligible lender to an eligible borrower, offered to the RFA for participation, and in which the RFA has purchased a participation.

Subp. 15. **Unit of stock.** "Unit of stock" means the minimum number of shares of common stock an applicant must purchase to

become a member of a cooperative proposing to directly or indirectly build or purchase and operate an agricultural product processing facility.

Subp. 16. **Value-added stock loan participation program or value-added agricultural product loan program or program.** "Value-added stock loan participation program" or "value-added agricultural product loan program" or "program" means the program authorized and created by *Minnesota Statutes*, section 41B.046.

#### **1656.0030 BORROWER ELIGIBILITY.**

To be eligible for assistance through a loan participation under the value-added stock loan participation program, an applicant must:

- A. be a resident of Minnesota or a domestic family farm corporation as defined in *Minnesota Statutes*, section 500.24, subdivision 2;
- B. be a grower of the agricultural product which is to be processed by an agricultural product processing facility;
- C. demonstrate an ability to repay the loan;
- D. have a total net worth not to exceed current RFA guidelines for the basic beginning farmer participation program, which are available by calling the RFA office for a current quote; and
- E. have not previously participated in the value-added stock loan participation program.

#### **1656.0040 LENDER ELIGIBILITY.**

Subpart 1. **Statutory eligibility.** A bank, credit union, or savings and loan association chartered by the state of Minnesota or federal government, a subdivision of the farm credit system (Agri Bank), the Federal Deposit Insurance Corporation, or any insurance company, fund, or other financial institution doing business as an agricultural lender within the state may apply to the RFA for certification as an approved lender.

Subp. 2. **Approval.** Upon a lender's demonstration of its ability to originate and service agricultural loans, the RFA shall designate it as an approved lender for purposes of RFA programs.

Subp. 3. **Participation agreement.** Before offering stock loans to the RFA for participation, each approved lender must enter into an RFA master participation agreement. The agreement shall specify the relationship between the parties and the terms and conditions of stock loans to be made by the lender under the value-added stock loan participation program and offered to the RFA for participation.

#### **1656.0050 APPLICATION PROCESS AND OFFER OF PARTICIPATION.**

Subpart 1. **Request for a value-added stock loan participation.** All applications under the program must be in the form designated by the RFA. A lender and an applicant must jointly complete and sign an application and prepare all supporting documents identified in the application. Financial statements should be dated within 90 days of the application.

Subp. 2. **Lender determination.** The lender shall complete the initial review of the proposal and determine the creditworthiness of the applicant and the value of the collateral to be used to secure the loan. If the lender agrees to make a stock loan to the applicant, the lender and the applicant shall jointly prepare the application and the required loan documents.

Subp. 3. **Offer.** The lender, as the originator of the stock loan, shall present the application and loan documents to the RFA. Presentation of the documents constitutes an offer to sell a participation interest in the loan.

Subp. 4. **Fee.** A nonrefundable \$50 application fee must be submitted with each application.

Subp. 5. **Loan participation.** The maximum RFA participation is 45 percent of the loan principal or \$24,000, whichever is less. The interest rate on the loan participation must be 4.0 percent or one-half of the lender's effective rate (APR), rounded down to the nearest one-tenth of one percent, at the time of loan closing, whichever rate is lower. This rate shall remain the fixed rate for the duration of the loan participation.

Subp. 6. **Terms of loan.** The maximum term of the loan is eight years. Loan payments of interest only are permitted for up to two years, with a fully amortized repayment schedule of interest and principal calculated for the remaining years. The loan may not have a balloon. The lender may, for its portion of the loan, use a variable interest rate correlated to a specific index.

Subp. 7. **Misrepresentation in application.** If a change occurs in the information provided by the lender to the RFA prior to the

**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.

## Adopted Rules

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closing of a loan, the lender shall immediately update and correct that information. Misrepresentation in the application or failure to update any required information is grounds to reject an application, revoke a notice of approval, or refuse to close the loan.

### 1656.0060 RFA REVIEW, NOTICE, APPEAL.

Subpart 1. **RFA review.** The RFA shall accept or reject all applications within a reasonable time after their receipt. If the documentation is not sufficient to make a determination, the RFA may request additional information as needed.

Subp. 2. **RFA acceptance.** The RFA will accept applications based upon whether:

- A. the applicant meets all eligibility criteria;
- B. the applicant demonstrates an ability to repay the stock loan and other obligations based on the financial information submitted with the application;
- C. loans are restricted to the purchase of new issue stock purchased directly from the issuing cooperative whose facilities are or will be located in Minnesota;
- D. no more than 95 percent of the purchase price of the first unit of stock purchased, 80 percent of the second unit, or any portion thereof, and 50 percent of any additional units, or any portion thereof, purchased will be financed under this program; and
- E. the RFA has sufficient funds available to purchase a participation in the loan.

Subp. 3. **RFA notice.** The RFA shall promptly notify the lender in writing whether or not an application is accepted. If the application is not accepted the notice must state the reasons.

Subp. 4. **Administrative appeal.** If an application is rejected, either the lender or the applicant may petition for administration reconsideration. The petition must be in writing and must be sent within 30 days of the date of the RFA notice. The petition must state the grounds for the appeal, and may include additional relevant information. Within 15 working days of receiving the petition, the executive director shall send a written response to the petitioner upholding or reversing the original decision and giving the reasons for the decision.

Subp. 5. **Formal appeal.** After administrative appeal, a petitioner may appeal the executive director's decision directly to the RFA board by written notice to the executive director within 15 days of receiving the executive director's reconsideration decision. The decision of the board is final.

### 1656.0070 LOAN CLOSING, PURCHASE OF PARTICIPATION, AND LOAN MANAGEMENT.

Subpart 1. **Closing.** Upon receiving notification of RFA acceptance, the lender shall close the stock loan within the time frame prescribed by the RFA. The lender must record needed security instruments and cross-reference all documents relating to the loan, including the RFA note and loan agreement. The lender must notify the RFA that the loan is closed and the required security instruments are recorded and submit the original RFA application and copies of the recorded documents to the RFA.

Subp. 2. **Payment.** Within approximately ten business days of receipt of written notice under subpart 1 that the stock loan is closed and recorded, the RFA shall pay the lender for the RFA's participation interest in the loan.

Subp. 3. **Participation certificate.** Within five working days after the receipt of RFA funds and participation certificate, the lender shall complete and return the certificate as prescribed by the RFA witnessing the RFA's undivided pro rata interest in the stock loan.

Subp. 4. **Loan management.** The lender shall manage the loan, including the RFA participation interest, with the degree of care and diligence usually maintained by agricultural lenders. The lender shall have custody and control of all loan documents, except the original application which shall be retained by the RFA. The lender shall manage, administer, and enforce the loan documents in its own name and also on behalf of itself and the RFA, including, without limitation, the right to accelerate a stock loan on default and to foreclose or otherwise enforce remedies against the borrower.

Subp. 5. **Lender notification.** The lender shall promptly notify the RFA of occurrences that substantially affect the security, collection, or enforcement of any stock loan.

Subp. 6. **Prior written consent.** The lender shall obtain the prior written consent of the borrower and the RFA before:

- A. making or consenting to a release, substitution, or exchange of collateral that reduces the aggregate value of the collateral;
- B. waiving a claim against the borrower or a guarantor, surety, or obligor in connection with the indebtedness; or
- C. modifying or waiving a term of the notes or related instruments evidencing or securing the stock loan.

### 1656.0080 PARTICIPATION REPURCHASE.

- A. A lender is under no obligation to repurchase any RFA participation interest in a stock loan except as provided in this part.
- B. A lender may, at its option and upon written approval by the RFA, repurchase an RFA participation interest at any time.

C. A lender must repurchase the RFA participation interest whenever the stock loan is paid in full or refinanced.

D. A lender must repurchase the RFA participation interest if the lender has made misrepresentations or fails to perform its obligations under the participation agreement, has received written notice from the RFA, and has not corrected the representation or performance under the notice.

E. A repurchase must be for the outstanding and unpaid principal balance of the RFA participation plus accrued interest and any penalties or costs incurred by the RFA to secure repurchase.

#### **1656.0090 REVIEW OF LOAN AND COLLATERAL.**

Subpart 1. **Inspection.** At any time during the term of a stock loan, the RFA or the state legislative auditor may inspect the books, records, documents, and accounting practices of the lender relative to the loan to determine compliance with the terms and conditions of the loan and the participation agreement. Inspections must be during the lender's normal business hours. The lender must allow the RFA to copy any documents relating to the stock loan and the RFA participation.

Subp. 2. **Collateral.** The lender and the RFA may physically inspect the collateral securing the stock loan upon notice to the borrower. Inspections must be conducted at a reasonable time.

## **Labor and Industry**

### **Adopted Permanent Rules Relating to OSHA; Incorporation by Reference**

The rules proposed and published at *State Register*, Volume 19, Number 6, pages 280-283, August 8, 1994 (19 SR 280), are adopted as proposed.

## **Department of Trade and Economic Development**

### **Adopted Permanent Rules Relating to Tourism Loan Program**

The rules proposed and published at *State Register*, Volume 19, Number 5, pages 214-218, August 1, 1994 (19 SR 214), are adopted with the following modifications:

#### **Rules as Adopted**

#### **4308.0030 ELIGIBILITY OF PROJECT FOR LOANS.**

A loan must be to an eligible borrower for an eligible cost in an eligible project. The maximum state contribution for a loan may not be for more than 50 percent of the total cost of the project loan, with a maximum state loan of ~~\$50,000~~ \$65,000 for any one project.

Proposed eligible projects of \$10,000 or greater require a participation loan. Proposed eligible projects of under \$10,000 may receive a direct loan. The Community Development Division may require a participation loan in lieu of a direct loan if it determines that such action would further the purposes of the loan program.

**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.

# Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

## Department of Revenue

### Revenue Notice #94-24: Income Tax - 1993 Depreciation Modification

The 1994 Minnesota Legislature adopted all of the changes the federal Congress made to federal taxable income in 1993. The Minnesota changes became effective at the same time the 1993 federal changes became effective. One of the 1993 federal changes was to lengthen the depreciation life of non-residential real property (placed in service after May 12, 1993) from 31.5 years to 39 years.

The 1993 Minnesota income tax forms for individuals, trusts, estates, and C corporations assumed that Minnesota would not adopt this federal change. Thus, line 15 of the Minnesota Schedule M-1M for individual taxpayers, line 26 of Form M-2 for fiduciary income tax and line 30 of Schedule MC for corporate taxpayers are incorrect and should not have been allowed as subtractions from federal taxable income in computing 1993 Minnesota taxable income.

Taxpayers who claimed this subtraction on their 1993 Minnesota income tax year should file amended Minnesota income tax returns for 1993 correcting this error. The Department will abate the interest due on the additional tax generated by correcting this error if the amended return is filed with the Department on or before December 31, 1994.

Dated: 24 October 1994

Patricia A. Lien  
Assistant Commissioner for Tax Policy

## Information for Health Care Services

### *Health Care Facilities Directory*

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

### *Minnesota Health Statistics -- 1990*

Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of health care publications.

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.



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## Official Notices

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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### Minnesota Comprehensive Health Association

#### Notice of Informational Meetings for Insurance Agents Regarding Changes in the MCHA/Blue Cross and Blue Shield of Minnesota Writing Carrier Contract (January 1, 1995 - December 31, 1997)

The Minnesota Comprehensive Health Association (MCHA) is currently negotiating with Blue Cross and Blue Shield of Minnesota (BCBSM) regarding the details of a three year "writing carrier" contract.

The contract will require BCBSM to provide administrative services, managed care expertise, and provider networks to the MCHA population for the period January 1, 1995 through December 31, 1997.

Conceptual changes in the contract include changes in the BCBSM provider networks in four select areas: pharmaceutical network; cardiac care; mental health/chemical dependency; and home infusion therapy.

The meetings are as follows:

<u>LOCATION</u>	<u>DATE</u>	<u>TIME</u>
<b>Rochester</b> Best Western Apache Hiawatha Room 1517 16th Street S.W. Rochester, MN 55902	Wednesday, October 26, 1994	4:00 p.m.
<b>Fergus Falls</b> Otter Tail Power Minnesota & South Dakota Community Rooms 216 South Cascade Fergus Falls, MN 56538	Thursday, October 27, 1994	4:00 p.m.
<b>Minneapolis/St. Paul</b> Sheraton Park Place Hotel Terrace 1 1500 Park Place St. Louis Park, MN 55416	Wednesday, November 2, 1994	4:00 p.m.

### Minnesota Comprehensive Health Association

#### Notice of Joint Meeting of the Executive Committee and Ad Hoc Committee on Writing Carrier Contract

**NOTICE IS HEREBY GIVEN** that a joint meeting of the Minnesota Comprehensive Health Association (MCHA), Executive Committee and Ad Hoc Committee on Writing Carrier Contract will be held at 7:30 a.m., on Thursday, November 3, 1995 at HealthPartners, 8100 34th Avenue South, Bloomington, Minnesota. The meeting will be in room 6 West "A."

For additional information please call Lynn Gruber at (612) 593-9609.

## Official Notices

### Minnesota Comprehensive Health Association

#### Notice of Actuarial Committee Meeting

**NOTICE IS HEREBY GIVEN** that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 2:00 p.m. on Tuesday, November 8, 1994 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in the sixth floor dining room.

For additional information please call Lynn Gruber at (612) 593-9609.

### Department of Education

#### Notice of Invitation to Hearing on the Development of an Information Technology System for Instructional Delivery in the Future

The Minnesota Department of Education Task Force on Information Technologies invites interested parties to provide responses to the following questions at a hearing to be held from 9:15 to 12:15 p.m. on October 26, 1994, at the Earle Brown Center in St. Paul.

1. What does the future hold for informational technologies?
2. How do you see these advancements and applications applying to learning? What results can we expect?
3. What new capabilities will information technologies offer for:
  - curriculum design;
  - instructional delivery;
  - administration—including financial management, student records, data transmission, collection, and analysis; and
  - academic and lifework guidance and counseling?
4. If you were designing an informational technologies system for Minnesota schools and the Minnesota Department of Education, what are the key characteristics and attributes the system should have?
5. If you were starting from scratch, what is the first thing you would do in establishing this informational technologies system?

**The purpose of this hearing is to gather information.** The amount of time for presentations on October 26 to the Task Force on Information Technologies will be limited; therefore, parties are asked to submit a written response to the above questions and use their presentation to elaborate on specific issues of interest. Please contact Ms. Mary Mehsikomer, Department of Education, at (612) 296-2752 to schedule a presentation to the Task Force on October 26, 1994.

Please submit your written response to the above questions to Ms. Mary Mehsikomer, Office of Information Technologies, Minnesota Department of Education, 550 Cedar Street, St. Paul, Minnesota, 55101, or by FAX at (612) 297-1795.

### Gambling in Minnesota

#### *Lawful Gambling Statutes 1992*

Chapter 349. 65 pp. 2-5 SR \$ 6.95

#### *Lawful Gambling Rules 1993*

Chapter 7861 thru 7865. 80pp. 3-3 SR \$ 6.95

#### *Gambling Manager's Handbook 1992*

Requirements of gambling activities 10-19SR \$16.95

#### *High Stakes: Gambling in Minnesota 1992*

Overview to gambling in Minnesota 10-46SR \$ 8.95

#### *Gambling in Minnesota 1993*

Supplement to High Stakes Gambling 10-26s1SR \$ 5.95

#### *Gaming News Subscription*

Yearly subscription. 90-8SR \$40.00

#### *Gambling Organizations' Directory*

Lists name and address of licensed gambling organizations in Minnesota 99-2SR \$29.95

#### *Regulatory Accounting Manual*

Procedures guide includes tax forms 10-40SR \$14.95

#### *Accounting Manual Worksheets*

8-11SR \$ 7.95

#### *View-through Binder*

8 1/2 x 11 10-25 SR \$ 5.95

*Tab Dividers* 10 per package 10-19 SR \$16.95

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## **Department of Human Services**

### **Quality Services Division**

#### **Notice of Publication of State Title XX Activities Report**

The Quality Services Division of the Minnesota Department of Human Services has submitted a Title XX Activities Report for the period of October 1, 1992 through September 30, 1993 to the United States Department of Health and Human Services, Office of Community Services. The report is intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The plan is available for public review and comment. A copy of the plan can be obtained by contacting:

Minnesota Department of Human Services  
Quality Services Division  
Title XX Activities Report - 1993  
444 Lafayette Road  
St. Paul, Minnesota 55155-3839

## **Department of Human Services**

### **Quality Services Division**

#### **Notice of Publication of State Title XX Intended Use Report**

The Quality Services Division of the Minnesota Department of Human Services has submitted a Title XX Intended Use Report for the period of October 1, 1994 through September 30, 1995 to the United States Department of Health and Human Services, Office of Community Services. The report is intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The plan is available for public review and comment. A copy of the plan can be obtained by contacting:

Minnesota Department of Human Services  
Quality Services Division  
Title XX Intended Use Report - 1995  
444 Lafayette Road  
St. Paul, Minnesota 55155-3839

## **Department of Human Services**

### **Health Care Policy Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Repeal of Rules Governing Eligibility for Medical Assistance**

The State Department of Human Services hereby gives notice that it seeks information or opinions from sources outside the agency in preparing to propose the repeal of the rule governing eligibility for medical assistance. The repeal of the rule is authorized by *Minnesota Statutes*, section 256B.04, which permits the department to make uniform rules for the administration of medical assistance.

During the rule repeal process the department will consider repeal of incorrect or outdated provisions in the medical assistance eligibility rule to conform to state and federal law. The rule will also be amended to comply with a statutory amendment to be effective July 1995. The proposed repeals will **not** change the current law on eligibility for medical assistance. The provisions proposed for repeal are: *Minnesota Rules*, part 9505.0015, subparts 7, 10, 15, 18, 22, 26; part 9505.0020; part 9505.0030; part 9505.0040; part 9505.0055; parts 9505.0059-9505.0065; and part 9505.0110.

The department will form an advisory task force to aid in the repeal of the rule. The department will invite the following persons or associations to join the advisory task force: county social workers, advocacy groups, legal aid attorneys, care providers, depart-

## Official Notices

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ment program persons, and others. The department will appoint the advisory task force by November 1994. It is expected that the advisory task force will complete consideration of the rule by December 1994.

The department anticipates that the rule repeal process will take approximately nine months.

The department requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Please address written statements to: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. She will receive oral statements during regular business hours over the telephone at (612) 282-9850 and in person at the above address.

The department will accept all statements of information and opinions 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 that the proposed rule provisions are repealed.

Dated: 17 October 1994

Asha Sharma  
Rules Division  
Department of Human Services

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective October 24, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Ramsey Elementary School #2-Ramsey; Anoka-Hennepin Middle School-Andover.

**Cass:** Ah-Gwah-Ching R.T.C. Water Softener Replacement.

**Clearwater:** Bagley Jr. & Sr. High School-Bagley.

**Cook:** Temperance River State Park Contact Station-Near Tofte.

**Dakota:** Rosemount Research Center Buildings 101A, 223A, 223B Reroofing Project-Rosemount.

**Freeborn:** South Central Technical College Daycare Center Gateway Building-Albert Lea.

**Hennepin:** Mound Westonka High School Phase 2, Fire Protection Sprinkler Upgrades-Mound; Anoka-Hennepin Kindergarten Center-Champlin; U of M Pioneer Hall 1994 Waterproofing-Minneapolis.

**Ramsey:** Eastcliff Acoustical Improvements-St. Paul.

**St. Louis:** Nett Lake Educational Center Addition-Nett Lake; U of M/Duluth Engineering 165 Fume Hood, KSC Loading Dock ventilation, Grounds Maintenance Snow Removal & Tree Service-Duluth.

**Sherburne:** Minnesota Correctional Facility Accessibility, St. Cloud State University Accessibility Improvements-St. Cloud.

**Stearns:** St. Cloud State University Accessibility Improvements-St. Cloud.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.  
Commissioner

## Public Employees Retirement Association

### Notice of Meetings of the Board of Trustees

A Meeting of the Legislative Committee of the PERA Board of Trustees will be held on Tuesday, October 25, 1994, at 9:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200 - Skyway Level, St. Paul, Minnesota.

## University of Minnesota Board of Regents

### Nominations Open for Four Positions on the Board of Regents

Nominations are open for four positions on the Board of Regents of the University of Minnesota. Terms of 2 at-large positions, the student position, and one position representing Congressional District 5 will expire in 1995. The Regent Candidate Advisory Council will screen applicants and recommend candidates to the Legislature. Nominees may be self-nominated or nominated by one or more citizens. For further information and/or applications, please contact Mary E. Ryan, (612) 296-1121 or write to Room 85, State Office Building, St. Paul, MN 55155. Applications of those nominated must be postmarked no later than December 9, 1994.

### — Volunteer Services of Minnesota Publications —

#### NEW!

#### *The Power & Potential of Youth in Service to Communities*

Outlines learner outcomes for leaders in developing service and mentoring programs. 10-48SR \$16.00

#### *Trainer's Manual: Part I*

Effective step-by-step training methods. 10-33SR \$30.00

#### *Trainer's Manual: Part II*

Training volunteer leaders. 10-34SR \$30.00

#### *Community Handbook, Part I:*

#### *Developing Public/Private Partnerships*

Partnership issues: leadership, research 10-31SR \$5.00

#### *Community Handbook, Part II:*

#### *Basic Volunteer Program Management*

Guidelines: recruitment, orientation... 10-32SR \$5.00

#### *Planning it Safe: How to Control Liability & Risk in Volunteer Programs*

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Best-selling guide to attracting wildlife with your landscaping plans that are easy and inexpensive. Packed with diagrams and 70 color photos. 144 pp. Paperback. 9-15 SR \$10.95

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# State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Economic Security

### Request for Proposals for Community Food and Nutrition Program Funding

The Department of Economic Security announces the availability of FFY 1994 Community Food and Nutrition Program (CFNP) funding in the amount of \$62,895 to be awarded through a statewide competition to statewide public or private, non-profit agencies.

#### Eligible Activities

The proposed activities must be statewide in scope and intend to meet at least one of the following three purposes of the program:

- 1) Improve coordination of existing private and public assistance resources to better serve low-income communities.
- 2) Assist low-income communities to identify potential sponsors of child nutrition programs and initiate programs in unserved and under-served areas; and
- 3) Develop innovative approaches at the state and local levels to meet nutritional needs of low-income individuals.

Activities funded through this award must also include outreach and public education activities designed to inform low-income and unemployed individuals of the nutrition services available under various federally-assisted programs.

#### Program Timelines

Five copies of the proposal must be received by 4:30 P.M. on Tuesday, November 22, 1994 at the following address:

Minnesota Department of Economic Security  
Community Based Services Division  
390 North Robert Street, Room 125  
St. Paul, Minnesota 55101  
Attn: Patrick Leary

All proposals should be submitted on the application package provided by the Department. Application packages can be obtained by calling Melody Khan at (612) 297-3403.

Proposals will be reviewed and ranked by a review committee comprised of State officials versed in food and poverty issues. Final awards will be announced by December 9, 1994.

The grant period will run from December 9, 1994 to September 30, 1995. Questions regarding this program should be addressed to Patrick Leary at (612) 297-3409.

## Office of Environmental Assistance

### Notice of Request for Proposals for Grant Funds Available for Waste Education Information and Facilities Projects

This notice is issued by the Director of the Office of Environmental Assistance (OEA) under authority provided in *Minnesota Statutes* §115.072 and *Minnesota Rules* Parts 9210.1000 to 9210.1060. Under this authority, the OEA has established the Waste Education Grant Program. The OEA has grant funds available for "waste education information projects" as defined in *Minnesota Rules* pt. 9210.1050, subp. 3 and "waste education facilities projects" as defined in *Minnesota Rules* pt. 9210.1060, subp. 3. Pursuant to the procedures set forth in *Minnesota Rules* pt. 9210.1020, subp. 1, the Director of the OEA hereby requests persons interested in receiving such funds to submit proposals to the OEA.

The OEA has approximately \$100,000 available for general waste education information projects and waste education facilities projects and approximately \$150,000 for recycling market development waste education information projects. These education projects may receive grants equal to 75 percent of the project costs. The remaining 25 percent must be satisfied with cash or in-kind contributions. The cash or in-kind contribution may come from a source other than the applicant.

The OEA has dedicated approximately \$150,000 for waste education projects that focus on recycling market development issues. Specifically the OEA is interested in funding projects focusing on:

1. Mixed Waste Paper - its recyclability, current and emerging markets, products made from mixed paper. The campaign could be targeted to county staff, recyclers, etc.
2. Buy Recycled - explains the importance of post-consumer content in a meaningful, easy to understand way.
3. Glass-as-Aggregate - explaining the feasibility, how-to, uses for, and test results targeted to Minnesota's road construction and building construction industry.
4. Post-Secondary curriculum on utilizing or manufacturing with recycled materials (could be Architecture, Business, Engineering, Process Design, Marketing).
5. "Clean it up at the curb" campaign - efforts that explain to consumers reasons why a clean recycling stream is important. **Maximum grant award is \$15,000.**

The OEA has dedicated approximately \$100,000 for waste education information projects and education facilities projects. In this funding round, the OEA is interested in funding information projects that disseminate or create and disseminate:

1. Information for local government staff (e.g. parks, transportation, purchasing departments, etc.) or elected officials about how source reduction, recycling or waste management issues can be incorporated into their job activities.
2. Information about problem materials.
3. Waste Education exhibits as permanent or traveling displays.
4. Backyard burning and other on-site issues.
5. Incorporation of waste education information into higher education curricula. **Maximum grant award is \$15,000.**

Waste Education Facilities projects are projects that incorporate long-term source reduction, recycling, buying recycled products, litter prevention, or improved problem materials management practices into the operation of formal or informal education facilities. The goal of this part of the program is to assist education facilities with the incorporation of proper waste management practices and to expand the education of students and staff by providing a positive and living example. This may include the implementation of a source reduction program, food waste reuse program, buying of recycled products, or expanding a recycling program. **Maximum grant award is \$15,000.**

The term "in-kind contributions" is defined in *Minnesota Rules* pt. 9210.1010, subp. 4. The rules also describe the procedures for obtaining a grant. Those procedures are summarized below.

Interested persons must submit proposals to the OEA. Proposals must contain the information set forth in *Minnesota Rules* pt. 9210.1020, subp. 2. After receiving final proposals, the OEA will first notify applicants of the eligibility and completeness of their proposal, and next will evaluate the proposals against the criteria established in *Minnesota Rules* pt. 9210.1050, subp. 7 and 9210.1060, subp. 7. All applicants will then be advised of the status of their applications.

The OEA has prepared a Request for Proposal (RFP) that provides detailed information for applicants. Applicants are encouraged to contact the OEA for assistance in preparing a proposal. Interested persons may obtain a copy of the RFP, including the rules governing this grant program, by contacting:

Nancy Skuta  
Minnesota Office of Environmental Assistance  
1350 Energy Lane, Suite 201  
St. Paul, MN 55108  
612-649-5753 or 1-800-657-3843

**To receive a WordPerfect 6.0 for Windows disk copy of the RFP, mail a 3 1/2 inch high density floppy disc to the OEA at the above listed address.**

The deadline for submitting proposals to the OEA is 4:30 p.m. C.S.T., Thursday, January 5, 1995. **PLEASE NOTE**, applications must be *received* by the OEA at the above address by January 5, 1995 or they will not be considered for funding. **No faxed proposals will be accepted.**

## State Grants

### Board of Water and Soil Resources

#### Announcement of Application Period for 1995 Natural Resources Block Grants

The Board of Water and Soil Resources (BWSR) is accepting applications from counties for Natural Resources Block Grants. The Natural Resources Block Grant includes the following separate categories:

- Base grant portion for implementing a comprehensive water plan;
- Wetland conservation act portion for administering the wetland conservation act;
- Shoreland portion for adoption or administration of state approved shoreland management programs; and
- Feedlot assistance and compliance portion for county administration of the feedlot permit program.

The BWSR has \$6,253,000 available for these grants. To be considered, applications must be received in the BWSR office in Saint Paul by 4:30 PM on January 16, 1995.

County Auditors have been notified of this application period. Any other local unit of government that wishes to be notified must contact the BWSR by writing to the executive director at the following address:

Ronald Harnack  
Executive Director  
Board of Water and Soil Resources  
155 South Wabasha Street, Suite 104  
Saint Paul, MN 55107

An application packet which includes additional information about the grants can be obtained by writing to the BWSR office.

#### Minnesota's Bookstore Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota agencies. Use the handy order form on the back of the *State Register* to order.

<i>Career Opportunity Bulletin</i> -- one year	90-3	\$ 30.00	<i>Workers Compensation Decisions</i> ,	90-12	\$400.00
<i>Career Opportunity Bulletin</i> -- six months	90-4	\$ 24.00	unpublished subs run Jan-Dec 1993; can be prorated		
<i>Gaming News</i> -- one year	90-8	\$ 40.00	<i>State Register</i> -- one year (via mail)	90-1	\$150.00
<i>Human Services Informational and</i>			<i>Contracts Supplement</i> (one year)		
<i>Instructional Bulletin</i>	90-6	\$120.00	-- via First Class Mail	90-5	\$125.00
<i>Minnesota Statutes</i> set + supplement	18-2	\$165.00	-- via FAX	90-7-fax	\$140.00
<i>Minnesota Rules</i> 1991 set + supplement	18-100	\$200.00	-- via ONLINE Service	90-7-online	\$140.00
<i>Tax Court/Property Decisions</i>	90-11	\$350.00	Trial Subscription (13 weeks) of both <i>State Register</i>		
<i>Workers Compensation Decisions</i> Vol. 48	90-13	\$195.00	and <i>Contracts Supplement</i>	90-2	\$ 60.00

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call 612/296-0931, or toll-free nationwide; 1-800-657-3757. Prepayment is required. Please include daytime phone. Prices are subject to change. FAX: 612-296-2265.



# 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.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or TDD (612)297-5353 and ask for 296-2600.

## Minnesota Community College System and the Department of Administration

### Request for Proposals for Construction Managers for Projects at Anoka-Ramsey, Fergus Falls and North Hennepin Community Colleges

The Minnesota Community College System and the Department of Administration intend to select construction managers for three projects. Interested parties are to respond to Dan Brennan, Director of Facilities, Minnesota Community College System, 203 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55202 second floor reception desk no later than 4:00 p.m., November 15, 1994.

The proposals must conform to the following:

- 1) Eight (8) copies of the proposal will be required.
- 2) All data shall be provided on 8 1/2" by 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project location together with the proposer's firm name, address, telephone number, and the name of the contact person.
- 4) The proposal must include the following:
  - a) Identity of the firm and an indication of its legal status. If the proposal is from a joint venture, this information must be provided for all firms comprising the joint venture.
  - b) Names and resumes of the persons who would be directly responsible for the major elements of work, including the project manager, project consultants, superintendent, and persons responsible for mechanical and electrical value engineering and estimating. The proposal must contain a statement indicating whether or not all consultants listed have been contacted and have agreed to be a part of the construction management team.
- 5) The proposal shall consist of no more than twenty (20) printed faces. Proposals exceeding this limit may be discarded without further examination.
- 6) In accordance with *Minnesota Statutes* 363.073 for all contracts estimated to be in excess of \$50,000.00 all responders having more than 20 full time employees at any time during the past 12 months must have an affirmative action plan approved by the Commissioner of Human Rights *before* a proposal may be accepted. All firms must indicate either:
  - a) they have a current affirmative action certificate issued by the Department of Human Rights; or
  - b) due to size of firm they are not required to have such a certificate.

**Proposals not responding to this item will be discarded.**

The locations and brief information on the three construction manager projects are as follows:

#### **NORTH HENNEPIN COMMUNITY COLLEGE**

Currently Phase I is funded for \$4.5 million with an anticipated bed date in spring, 1995 with occupancy in the fall of 1996. A Phase II is also anticipated which would total approximately \$3 million.

The project will provide a new 42,000 gsf building which will house student services and administrative functions as well as contemporary classrooms. The designer for the project is Bentz/Thompson/Rietow, Inc.

#### **ANOKA RAMSEY COMMUNITY COLLEGE**

The current appropriation is for design through the design development phase. A building funding request will be made to the 1996 legislature with an anticipated \$8 million construction budget. Cost estimating and value engineering are highly important with respect to this project.

## Professional, Technical & Consulting Contracts

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### FERGUS FALLS COMMUNITY COLLEGE

The current construction budget is \$1.6 million. While the schedule is to be determined, much of the work will need to be done during the summer of 1995.

The project includes a complete HVAC overhaul, laboratory and classroom remodeling, window replacement and roof replacement. The firm of Architecture One has been selected as the designer for this project.

The project comprises a comprehensive reorganization of the campus including 48,740 gsf of new construction. The design firm of Rafferty, Rafferty, Tollefson Architects has been selected for this project.

## Department of Administration

### State Designer Selection Board

### Request for Proposal for a University of Minnesota Project

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a University of Minnesota project. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., November 15, 1994, to:

George Iwan  
Executive Secretary, State Designer Selection Board  
Room G-10, Administration Building  
St. Paul, Minnesota 55155-3000

#### The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

#### 4) Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal *must* contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

#### 5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in

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## Professional, Technical & Consulting Contracts

excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

**The proposal will not be accepted unless it includes one of the following:**

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
  - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

### 7) **PROJECT - 28-94**

Library Addition and Remodeling

University of Minnesota - Duluth

The University of Minnesota is planning to remodel and expand the existing library located at the University of Minnesota, Duluth campus. At this time, the scope of the project includes a pre-design phase for project scope definition. The selected consultant will continue into full design services once future funding (including legislative appropriations) is received. The pre-design work will determine the scale of the project, which is anticipated to be library facility of approximately 225,000 gsf. The existing facility provides approximately 90,000 gsf which will be remodeled as part of the project.

The project will require the phasing of new construction and remodeling to allow the existing facility to remain in service until the new space can be utilized.

The current construction budget (anticipated to be approximately \$15,000,000) will need to be analyzed by the selected consultant as a part of the pre-design effort. The maximum fee available for the pre-design phase and the building assessment work, including all travel and reimbursables, is approximately \$90,000. The design team should have applicable prior experience in the programming, renovation and new construction of similar college libraries to current standards, designing phased construction projects, creative remodeling of existing facilities for reuse, cost estimating, security and electronic data transfer systems.

Additional information may be obtained from Orlyn Miller at (612) 624-7501 or Charles Knocker at (612) 624-0828.

Maureen Steele Bellows, Chair  
State Designers Selection Board

## Department of Human Services

### Anoka-Metro Regional Treatment Center

#### Notice of Request for Proposal for Team Consultation/Training Services

**NOTICE IS HEREBY GIVEN** that the Anoka-Metro Regional Treatment Center, Residential Program Management Division, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of Anoka-Metro Regional Treatment Center. Contracts will be written for the period beginning January 1, 1995 and ending June 30, 1995.

#### 1. **Team Consultation:**

The Minnesota Department of Human Services, Anoka-Metro Regional Treatment Center, is soliciting proposals from qualified consultants to provide direct consultation and training to AMRTC multidisciplinary treatment teams to assist

## Professional, Technical & Consulting Contracts

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them to work together in a cohesive, efficient and productive manner as they plan and implement treatment services for patients with serious and persistent mental illness. Proposals should address methods for delivering consultation/training in role clarification, problem identification, conflict resolution and efficiency improvement, and should also include methods of evaluating progress. These services will be delivered between January 1, 1995 and June 6, 1995. DHS has determined that the cost of this project may not exceed \$20,000.

### **2. Notice of Request for Proposal for Training Regional Treatment Center Staff to provide Biopsychosocial Rehabilitation Services:**

The Minnesota Department of Human Services, Anoka-Metro Regional Treatment Center is soliciting proposals from qualified trainers to develop and deliver training in biopsychosocial rehabilitation services for seriously and persistently mentally ill clients in the context of transitional, community-based living situations. Training will be provided to Regional Treatment Center staff between January 1, 1995 and June 30, 1995, and should result in a group of staff who are trained to a level at which they can then train other Regional Treatment Center staff to provide biopsychosocial rehabilitation services. The Department of Human Services has determined that the cost of this project may not exceed \$20,000.

Proposals must be received no later than November 14, 1994. The target date for completion of evaluation of proposals and final decision is November 30, 1994. Direct inquiries to: Dr. Judith Krohn, Director of Psychology, Anoka-Metro Regional Treatment Center, 3300 4th Avenue North, Anoka, MN 55303. Telephone number (612) 422-4255.

## Department of Transportation

### Engineering Services Division

### **Notice of Available Consultant Contract for a Study of Congestion/Road Pricing Options**

The Minnesota Department of Transportation is seeking a consultant for the following services:

To conduct a study of congestion/road pricing options in the State of Minnesota and Metropolitan Area.

Development and selection of specific congestion/road pricing options will be accomplished through a participative process involving several cycles of input and review by sponsor's affected interests and focus groups.

Work is proposed to start January 1, 1995 and continue through December 30, 1995.

A Request for Proposal can be obtained from the Mn/DOT Agreement Administrator:

Mr. Alex Chemayev, P.E.  
Consultant Agreements Unit  
Minnesota Department of Transportation  
395 John Ireland Boulevard, Mail Stop 680  
St. Paul, Minnesota 55155  
612-297-7333  
FAX: 612-282-5127

**Request for Proposals will be available by mail from this office through November 11, 1994. A written request is required to receive the Request for Proposal. Indicate whether your firm is a Small Targeted Business or Disadvantaged Business Enterprise in your written request. After November 11, 1994, the Request for Proposal must be picked up in person.**

**No time extensions will be granted.**

**Proposals must be received at the above address no later than 2:00 p.m. on November 18, 1994.**

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

## Non-State Public Bids, Contracts & Grants

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.

### Metropolitan Council

#### Transit Operations

#### Request for Proposals for a Technology Systems Consultant to Evaluate Existing Communications Systems and Future Requirements

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council Transit Operations will receive proposals at the office of the Metropolitan Council Transit Operations, 560 Sixth Avenue North, Minneapolis, Minnesota 55411-4398, until 2:00 p.m., Monday, October 31, 1994, for a Technology Systems Consultant to evaluate existing communication systems and future communication requirements.

All plans, specifications, and proposals are available from the Metropolitan Council Transit Operations at the above noted address or phone (612) 349-7440.

The Metropolitan Council Transit Operations reserves the right to reject all proposals. Contractor will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

All proposers will be required to certify that they are not on the Comptroller General's List of Ineligible Contractors.

It is the MTC's policy to award a reasonable portion of all procurements to Targeted Group Businesses (TGB's). "Targeted Group Business" means a small business designated by the Minnesota Department of Administration under *Minnesota Statute* 16B.19, that is majority owned and operated by women, disabled persons, or minorities. The MTC encourages all certified TGB's as well as DBE's, Disadvantaged Business Enterprises, to submit proposals for this contract.

The Metropolitan Council Transit Operations hereby notifies all proposers that in regard to any contract entered into pursuant to this Request for Proposals, Targeted Group Businesses and Disadvantaged Business Enterprises will be afforded full opportunity to submit proposals in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

### NEW Fire Code Books Now Available

#### *Minnesota State Fire Marshal Amendments 1993*

Minn. Rules Chapter 7510.3100 - 7510.3280.  
State fire safety standards for buildings, smoke detectors and alarms and changes to the Uniform Fire Code. Also rules governing storage and handling of flammable materials. 3-80 SR \$6.00

#### *Uniform Fire Code 1991*

National fire standards. Includes requirements for inspections, fire extinguishers, storage and handling of combustible materials, fireworks and more. 19-37 SR \$48.75



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## Non-State Public Bids, Contracts & Grants

### Metropolitan Council

#### Wastewater Services

#### Public Notice for Letters of Interest (LOI), Request for Qualifications (RFQ), and Statement of Qualifications (SOQ) for Geotechnical Professional Services

The Metropolitan Council Wastewater Services (MCWS) is soliciting Letters of Interest for Geotechnical Professional Services in support of in-house projects prepared by MCWS staff. The MCWS intends to engage 3 geotechnical professional services firms, each with an upper limit contract of \$50,000.

The type of work envisioned for these firms includes providing technical assistance to MCWS staff during those time periods when staff's experience does not include a specific area and/or when staff resources are insufficient to complete the project in a timely manner. The professional services will cover a variety of geotechnical engineering disciplines.

Firms interested in being considered for this work are to submit a LOI requesting the RFQ submittal package. RFQ submittal packages will be issued upon receipt of LOI's. SOQ's are due by **12 NOON on Tuesday, November 15, 1994**. LOI's are to be directed to:

Metropolitan Council Wastewater Services  
Mears Park Centre  
230 East 5th Street  
St. Paul, MN 55101  
Attn: Jan Bevins, Contracts & Documents Division

Dated: 10 October 1994

By Order of the  
Metropolitan Council Wastewater Services  
Helen A. Boyer, General Manager

### *Attention Builders, Architects, Designers, Property Owners...*

#### *Accessible and Usable Buildings and Facilities CABO/ANSI, A117.1*

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. **19-2 SR \$35.00**



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## NEW Human Services Rules Now Available

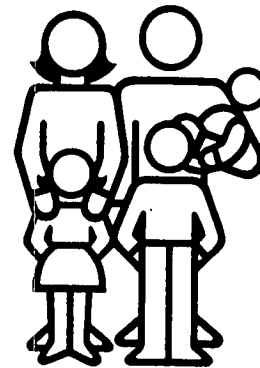
### Human Services Rules

Minnesota Rules Chapters 9500-9585, including May '94 amendments. Extracts from Rules governing assistance pro- programs, eligibility, grant amounts, AFDC and residence requirements. Looseleaf, 1,836pp. Stock No. 3-95 \$39.95

Need a Binder for your Rules? Due to its size, Human Services Rules require 2 binders. Order Stock No. 10-21 \$6.95/binder

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## Are you up-to-date with these recently revised Laws, Rules, and Manuals?

### Human Services Laws

Selected Chapters from the 1993 Minnesota Statutes related to human services delivery. Among the many topics covered are: government data practices, human service licensing, MN Commitment Act of 1982, medical assistance, MN Family Preservation Act, and chemical dependency. Looseleaf, 1,551pp. Requires 2 binders. Stock No. 2-56 \$34.95

### Health Care Program Manual

(...formerly known as the MA/GAMC Medical Care Provider Manual) This MinnesotaCare Programs Provider Manual provides up-to-date information for providers and agency personnel regarding services to Medicaid patients. Covers GAMC and MinnesotaCare services, provider enrollment, claims processing and program compliance. 336pp. (DHS, 1994)  
Stock No. 10-12 \$20.00

### Home Health Care/Hospice Rules 1993

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

### Nursing & Boarding Care Home Rules

Chapters 4620.1200, 4638, 4655, and 4660. Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. (1993)  
Stock No. 3-12 \$14.00

### Nursing Board Laws

MN Statutes Chapter 148 governs practice of professional nursing in Minnesota. 20pp. (1993)  
Stock No. 2-91 \$5.00

### Nursing Board Rules

Rules governing preparation programs and licensing and registration of nurses. MN Chapters 6301, 6305, 6310, 6316, 6321, 6330 and 6340. Includes '94 rule changes as an insert. 70pp. (1993) Stock No. 3-94 \$7.00

### Social Work Practice Act

Laws and rules relating to social work licenses. MN Statutes Chapter 148B and MN Rules Chapter 8740. 70pp. (1993) Stock No. 3-39 \$7.95

### Supervised Living Facilities Laws & Rules

Statutes Chapters 144.56 and 144.651-.653 and Rules Chapter 4665. Standards for construction, equipment, maintenance, and operation of supervised living facilities. 42pp. (1992) Stock No. 3-15 \$4.50

### Pharmacy Laws

MN Statutes Chapter 151-152, 214, 319A and sections of other chapters. 122pp. (1993)  
Stock No. 2-78 \$8.00

### Pharmacy Rules

MN Rules Chapter 6800. 100pp. (1993)  
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