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Board of Barber Examiners Rules of the Board of Barber Examiners

Proposed rule BE 79, relating to license fees of the Board of Barber Examiners, published at *State Register*, Volume 2, Number 10, page 410, September 12, 1977 (CITE 2 S.R. 410) is adopted and is identical to the proposed form with the following amendments:

Chapter Seven: Fees

BE 79 Fees [[Upon the approval of the Commissioner of Finance pursuant to MSA 214.06, the Board shall set fees so that the total fees collected will as closely as possible equal anticipated expenditures.]]

	[[Present Fee]]	[[Proposed]] Fee
Examination and Certificate _____ Registered Barber	[[\$30.00]]	48.00
Examination and Certificate _____ Apprentice	[[17.00]]	46.00
Examination _____ Instructor Certificate _____ Instructor	[[25.00]]	150.00
Renewal of License _____ Registered Barber	[[10.00]]	18.00
Renewal of License _____ Apprentice	[[7.00]]	16.00
Renewal of License _____ Instructor	[[25.00]]	35.00
Student Permit	[[5.00]]	10.00
Initial Shop Registration	[[25.00]]	50.00
Initial School Registration	[[100.00]]	1,000.00
Renewal Shop Registration	[[5.00]]	10.00
Renewal School Registration	[[100.00]]	200.00
Restoration of Registered Barber License	[[15.00]]	25.00
Restoration of Apprentice License	[[10.00]]	25.00
Restoration of Shop Registration	[[10.00]]	25.00

Department of Commerce Insurance Division

Adopted Rules Relating to Credit Life and Credit Accident and Health Insurance

The rules published at *State Register*, Volume 2, Number 5, pages 182 through 186, August 8, 1977, (CITE 2 S.R. 182-CITE 2 S.R. 186) are adopted and are identical in every respect to their proposed form with the following amendments:

Ins 92 [[(e)]] (f) An insurer may receive approval of a higher premium rate or schedule of rates to be used in con-

nection with insurance on the debtors of a creditor or a class or classes of debtors if the insurer demonstrates, to the satisfaction of the Commissioner, that the mortality or morbidity experience which may reasonably be anticipated on such debtors of a creditor or a class or classes of debtors will develop a loss ratio in excess of 50% if the rate standards in Section 92, a, b, [[and]] c, and d are used.

Ins 92 [(g)] (h) If premiums are paid monthly on outstanding balances, the monthly premium rates shall be computed by a method which is actuarially consistent with the premiums on a single premium basis.

Ins 92 shall become effective on the first day of January, 1978, and shall be applicable to all [[credit insurance transactions thereafter as to debtors enrolled under a group policy and to individuals insured under either group certificates or

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individual policies delivered or issued for delivery in this State on and after January 1, 1978]] **individual credit insurance policies sold thereafter and to all debtors enrolled under group certificates or policies issued or renewed after January 1, 1978.**

Department of Health Adopted Rules Governing Salary Plans and Merit System Compensation

The following rules are adopted and are identical in every respect to their proposed form as published in the *State Register* Vol. 2 No. 10, September 12, 1977 (2 SR 420) and are published here by reference only as provided in Laws of 1977, ch. 443, subd. 4.

MHD 294 B.2. Salary Adjustments and Increases

MHD 304 T. Public Health Nutritionist

MHD 305 G. Home Health Aide

MHD 306 B. Clerk I

MHD 306 C. Clerk II

MHD 306 D. Clerk III

MHD 306 E. Clerk-Typist I

MHD 306 F. Clerk-Typist II

MHD 306 G. Clerk-Typist III

MHD 306 H. Clerk-Stenographer I

MHD 306 I. Clerk-Stenographer II

MHD 306 J. Clerk-Stenographer III

MHD 314 Compensation Plan (1977 Professional)

MHD 314 Compensation Plan 1978

MHD 315 Salary Schedule

The following rules are being printed in their entirety as certain language was omitted as published in the *State Register* Vol. 2 No. 10, September 12, 1977 (2 SR 420), certain

rules were printed that did not exist, and certain rule references were not properly identified. None of these changes was determined to be substantial in nature, therefore, the rules below are printed as they were adopted without indications of changes.

MHD 268 Compensation plan.

B. Selection of salary ranges by local public health authority.

1. The local Public Health authority shall select a salary plan for all employees 1) except those in a bargaining unit where a salary schedule has been negotiated by the Board and the exclusive representative and 2) except as provided in MHD 268 B. 6. Such a plan shall be selected from each of the following salary schedules provided under MHD 314: Professional — A, B, C; Health Services Support Personnel — A, B, C; Clerical — A, B, C, D, E, F; and Building Maintenance — A and B.

2. Such rates, as provided for in MHD 268 A. 1., shall be identified by alphabetical designation, and adjustment of the plan as provided by Rule MHD 268 D. shall not serve to amend the alphabetically designated rates selected as the county plan.

3. The designation of the rates selected from the plan in each case shall be by resolution of the Public Health authority. The supervisor shall be promptly notified of the rates selected by each jurisdiction.

4. The alphabetically designated rates selected by the local Public Health authority shall become the official plan for the local Public Health agency until amended by the salary setting authority as provided in Rule MHD 268 C.

5. Salary rates for incumbents of positions shall be established in accordance with the provisions of rules MHD 294 B. 1. and 2. on the basis of the plan adopted by the local Public Health authority as provided above.

6. In agencies with an exclusive representative, the appointing authority has the discretion of paying confidential, supervisory, and other personnel not covered by an exclusive representative, the same rate of pay and salary ranges as negotiated for the class under MHD 268 E. 1. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory or other excluded employees.

MHD 279 Leaves of absence.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

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B. Leaves of absence without pay.

1. Any person holding a permanent or probationary position in the classified service of the Public Health Merit System shall be granted a leave of absence without pay on the grounds of sickness, disability, and may be granted a leave of absence without pay for other good or sufficient reason, provided that no such leave shall exceed one year. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and the women so affected shall be treated the same as other persons who are not so affected, but who are similar in their ability or inability to work. The appointing authority shall establish the proof required of the existence of sickness or disability and the continuance thereof during said one-year period. The appointing authority may require that the employee produce medical certification from a registered practicing physician that he/she is fit for work before returning the employee to the job. An employee who is granted a leave of absence without pay shall be accorded thereby an unqualified right to be reinstated to the same position if such leave is for 60 calendar days or less. An employee who is granted a leave of absence without pay shall be accorded thereby an unqualified right to be reinstated to a position in the same class at the expiration of leave, except that when all the positions in the class previously held by such employee have been abolished, the name of the employee shall be restored to the appropriate re-employment registered provided for in MHD 278 F. If all the positions in the class are filled, the least senior employee in the class shall vacate his/her position subject to any eligibility for layoff, transfer, or demotion that he/she may have acquired under these rules. An employee on leave of absence, with the approval of the appointing authority and the supervisor, may be reinstated to his/her class before the expiration of the leave in the same manner. Upon certification by the registered practicing physician, the employee who is physically or mentally capable of returning to work must comply within ten working days or face termination. If such an employee within the specified days cannot return to work, he/she must notify the appointing authority and request an approval for a leave of absence.

2. Educational leave without pay may be granted for a period not to exceed two years to any employee but such leave shall otherwise be subject to the same provisions as leave granted under MHD 279 B. 1. Any employee granted an educational leave may also, at the option of the appointing authority, be deemed to accrue eligibility for incentive increments under the provisions of MHD 294 C. and may be granted salary increases at the time such increases would be received if the employee had continued in regular employment with the agency.

D. Sick leave (also see MHD 279 A. 1.).

1. Each permanent, probationary, and provisional employee in the classified service shall earn sick leave at the rate of one working day for each completed month of service, and such accrued sick leave may be used at the discretion of the appointing authority under the conditions hereinafter prescribed:

Absence necessitated by employee's inability to perform the duties of his/her position by reason of illness or injury, by reason of pre and post natal care, by necessity for medical or dental care, by exposure to contagious disease under circumstances in which the health of the employees with whom associated or members of the public necessarily dealt with would be endangered by attendance on duty, or by illness in the employee's immediate family for such period as his attendance shall be necessary. The term "immediate family" shall be limited to the spouse, minor children, or parent when the parent has no other person to provide the necessary nursing care, living in the household of the employee. Within the discretion of the appointing authority, use of sick leave also may be authorized in cases of death of the spouse, children, and wards of the employee and the brothers, sisters, parents, or grandparents of either the employee or his/her spouse.

2. Unused sick leave shall be accumulated to a maximum of 100 working days.

3. Sick leave with pay shall not be granted to emergency, hourly, or per-diem employees. Sick leave shall not accumulate to an employee while in a non-pay status, except employees on military leave.

4. When sickness occurs within a period of vacation leave, the period of illness may, on presentation of a report from a licensed practicing physician, be charged as sick leave and the charge against vacation leave reduced accordingly.

5. The appointing authority may require the employee to produce medical certification from a registered practicing physician attesting to the need for sick leave and/or attesting that the employee is fit to return to work.

6. A former employee who is reinstated in accordance with Merit System rules, except as a provisional or emergency appointee, may have his/her previously accumulated and unused balance of sick leave revived and placed to his/her credit upon approval of the new appointing authority.

MHD 294 Salary adjustments and increases.

B. Adjustments to be made in accordance with Merit System official compensation plan.

1. In agencies where there is not a negotiated salary schedule, adjustments in the rates of pay of incumbents of

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positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with the following provisions except as provided for in MHD 268 B. 1. and 6.

a. If the rate of pay of employees is below the minimum of the range prescribed for their class of positions on the Merit System compensation plan selected by the local Public Health authority, the rate shall be adjusted to that minimum.

b. If the rate of pay of employees is at or above the new minimum salary adopted for their class, the employee may receive the general adjustment adopted, but if their class was adjusted to a greater extent than the general adjustment granted employees they may receive a further adjustment as provided in MHD 268 D. 6. as long as such further adjustment would not place them over the new maximum salary for their class.

c. In those unique situations where local Public Health authorities determine the general adjustment adopted is inappropriate for their employees based on extra-ordinary circumstances in their geographic area, such local Public Health authorities may give a different adjustment, other than the general adjustment adopted; provided, however, such local Public Health authorities file with the supervisor the new salary steps by class and a facsimile of MHD 315. Such adjustments shall at least place employees at the minimum salary for their class on the salary schedule adopted by the local Public Health authorities and shall not be over the maximum salary.

d. Employees may be granted salary adjustments over the maximum salary prescribed for their class, only if such an adjustment is adopted, following the annual salary public hearing and then only in the amount adopted for their class.

e. If the rate of pay of an employee is higher than the maximum of the range prescribed for his/her class of positions, the rate may remain the same as long as the employee retains the same position.

f. If the rate of pay of an employee falls between the minimum and maximum of the range prescribed for his/her class but does not correspond with any intervening steps in the range, due to the adoption of a general adjustment, such rate may remain the same. In the case of subsequent merit increases, such employee shall be placed back on a step in the range for his/her class of positions.

Department of Public Safety Emergency Services Division

Adopted Rules Governing Salary Plans and Merit System Compensation

The following rules are adopted and are identical in every respect to their proposed form as published in the *State Register* Vol. 2 No. 10, September 12, 1977 (2 SR 443) and are published here by reference only as provided in Laws of 1977, ch. 443, subd. 4.

DES 129 A. Clerk I

DES 129 B. Clerk II

DES 129 C. Clerk III

DES 130 A. Clerk-Typist I

DES 130 B. Clerk-Typist II

DES 130 C. Clerk-Typist III

DES 130 D. Clerk-Stenographer I

DES 130 E. Clerk-Stenographer II

DES 130 F. Clerk-Stenographer III

DES 140 Compensation Plan

DES 141 Salary Schedule

The following rule is being reprinted in its entirety as certain rule references were not properly identified when published in the *State Register* Vol. 2 No. 10, September 12, 1977 (2 SR 443). None of these changes was determined to be substantial in nature, therefore, the rule is printed below as it was adopted without indication of changes.

DES 94 Compensation plan.

B. Selection of salary ranges by local civil defense authority.

1. The local civil defense authority shall select a salary plan for all employees 1) except those in a bargaining unit

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where a salary schedule has been negotiated by the board and the exclusive representative and 2) except as provided in DES 94 B. 6. Such a plan shall be selected from each of the following salary schedules provided under DES 140: Professional — A, B, C; Clerical — A, B, C, D, E, F.

2. Such rates, as provided for in DES 94 B. 1. shall be identified by alphabetical designation, and adjustment of the plan as provided in DES 94 D. shall not serve to amend the alphabetical designated rates selected as the county plan.

3. The designation of the rates selected from the plan in each case shall be by resolution of the local civil defense authority. The commissioner of Public Safety and the supervisor shall be promptly notified of the rates selected by each jurisdiction.

4. The alphabetically designated rates selected by the local civil defense authority shall become the official plan for the local civil defense agency until amended by the salary setting authority as provided in DES 94 C.

5. Salary rates for incumbents of positions shall be established in accordance with the provisions of rules DPW 116 B. 1. and DPW 116 B. 2. on the basis of the plan adopted by the local civil defense authority as provided above.

6. In agencies with an exclusive representative, the appointing authority has the discretion of paying confidential, supervisory, and other personnel not covered by an exclusive representative who are in the same class as the employees who have an exclusive representative, the same rate of pay and salary ranges as negotiated for the class under DES 94 E. 1. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory or other excluded employees.

Department of Public Welfare
Adopted Temporary Rules
Governing the Cost of Care for
Mentally Retarded, Epileptic or
Emotionally Handicapped
Children

The temporary rules published at *State Register*, Vol. 2, No. 3, p. 132, July 25, 1977 (2 S.R. 132) and adopted at *State Register*, Vol. 2, No. 14, p. 754, October 11, 1977 (2 S.R. 754), are continued in effect until March 8, 1978.

Department of Public Welfare
Adopted Rules Regarding Family Foster Care and Group Family Foster Care

The proposed DPW Rule 1, Family and Group Foster Care, was published in the *State Register* Vol. 1, No. 38 page 1413, March 28, 1977, (1 SR 1413). The full text of the adopted rule is printed below.

Table of Contents

- A. Definitions
- B. Licensing Laws and Procedures
- C. Limitations of License
- D. Staff Qualifications and Training
- E. Health
- F. Physical Environment
- G. Nutrition
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- I. Records
- J. Special Services Homes
- K. Group Family Foster Homes

Appendix A

Appendix B

Format of Rule

Rule: the entire document with the exception of those paragraphs listed under "REASON".

Reason: an explanation of the reason behind the rule; a guideline, not a regulation.

Satisfactory Compliance: method or methods [[which]] a Family Foster Home must follow in order to be in full compliance with the rule. Depending on the nature of the rule, Satisfactory Compliance may include a single requirement, several requirements, or alternative requirement for satisfying the rule.

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When the rule is self-explanatory, Reason and/or Satisfactory Compliance are not included.

Rules as Adopted

DPW 1 Family foster care, group family foster care.

A. Definitions.

1. Agency. Unless qualified, means the county social service agency, or human service board, or licensed voluntary child placing-child caring agency; the agency is the duly delegated representative of the Commissioner.

2. Agency requirement. Those portions of the rule binding upon the agency but not upon the provider, and so marked. Failure of the agency to meet one or more agency requirements is not a defense for the provider's failure to meet provider requirements.

3. Applicant. Individual(s) who have submitted a signed and dated application form (DPW-138) to an agency.

4. Child. Any person under the age of eighteen years.

5. Commissioner. Unless qualified, means the Commissioner of the Department of Public Welfare or any representative of the Commissioner.

6. Department. Unless qualified, means the Department of Public Welfare.

7. Foster family home (FFH). A family home licensed to provide one or more of the following types of care for children who are unrelated to the family and who are cared for twenty-four hours a day:

a. Interim home. An FFH caring for children expected to return home within one year or to be placed for adoption within two years.

b. Permanent home. An FFH caring for children (whether state wards or not) under written agreement for planned care until child reaches majority.

c. Emergency shelter home. An FFH designated primarily for time-limited emergency placements, usually lasting no longer than thirty days for any child.

d. Special services home. An FFH able to provide extraordinary care or services, by virtue of training, experience or special skills.

e. Restricted home. An FFH licensed for a specific child. An FFH licensed as a Restricted Home may not accept children other than the specifically named child(ren).

f. Group family foster home. An FFH providing care for no more than ~~eight~~ **ten** children, including the family's own children.

8. Handicap. Condition of mental retardation, mental illness, physical handicap, sight or hearing deficiency, or chemical dependency.

9. License. The document issued by the Commissioner and authorizing the applicant to provide foster care.

10. Licensed capacity. Maximum number of foster children who can live in a foster home at any given time.

11. Provider. Person(s) giving care to foster child(ren) in a licensed FFH. The provider is responsible for meeting and maintaining minimum licensing requirements in cooperation with the agency.

12. Related. Any of the following persons related to the child by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, niece, nephew, uncle, aunt. It also includes a legally appointed guardian.

13. Substitute caregiver. The person(s) providing temporary care for the foster child(ren) in the absence of the foster parent(s). Arrangements for substitute care must have the approval of the agency and the foster parent(s).

14. Waiver. Written permission from either the Department or designated Agency to disregard a particular section of a licensing rule for no longer than twelve months.

B. Licensing laws and procedures.

1. A foster family home (FFH), must be licensed by the Department, with the following exclusions:

a. A home providing care and supervision only to children related to the ~~[[FFH operator]]~~ **family**.

b. A home providing care and supervision for a total period of less than 30 days in any twelve-month period.

c. A home providing care and supervision only to child(ren) placed in that home by an agency for the purpose of legal adoption, unless the adoption has not been completed within two years of placement.

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d. A home providing care and supervision only for one unrelated child of sixteen or seventeen years who has been independently placed by himself or his relative for purposes of education or work.

2. Application for a license shall be made to the agency on the form issued by the department. This form shall be obtained from the public agency in the county where the applicant resides or from a licensed voluntary child placing-child caring agency.

3. The signed and completed application form, including all supporting documentation, shall be evaluated within ~~[[60]]~~ **90** days based upon these rules and regulations. A prospective FFH meeting these standards shall be recommended to the Commissioner for issuance of an FFH license. **No FFH license may be issued for more than one year. (agency requirement)**

[[a. An initial license shall be issued for a period of up to one year when, in the opinion of the agency and the department, the FFH fully complies with licensing standards.

b. A renewal license may be issued for a period of up to two years when, in the opinion of the agency and the department, the FFH fully complies with the licensing standards.]]

4. Every license shall specify the kind of license and the maximum number of foster children to be provided care at any one time.

5. No child shall be placed by an agency in an unlicensed home until that home has ~~[[completed]]~~ **begun** the required orientation, **and until that home has been evaluated for compliance with the following sections of the rule: D.1.a., F.3., F.5.a,b,c,d,e. (agency requirement)**

6. Every applicant for an FFH license shall be furnished by the agency with a copy of this rule and a copy of the form "Agreement between Foster Parents and Placement Agency". (agency requirement)

7. Notice of the closure of an FFH must be sent to the Department. (agency requirement)

8. The commissioner or agency shall have access to the FFH for evaluation at any time during normal working hours and at other times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the foster children, the commissioner or agency shall have access to the home at any time during the twenty-four hour day.

9. Any complaint concerning an FFH shall be investigated immediately. (agency requirement).

10. Any applicant whose application for a license is denied and any provider whose license is revoked or not renewed for cause may appeal to the commissioner in accordance with Minn. Stat. ch. 15. The agency shall notify by certified mail any FFH whose license is denied, **suspended**, revoked, or not renewed. This notification shall state the grounds for such action and shall inform the applicant or operator of his right to appeal the action. Appeals hearings shall be heard by the State Office of Hearing Examiners.

11. State law provides that any person without a license who operates an FFH required to be licensed, shall be guilty of a misdemeanor and subject to a fine of up to three hundred dollars. A home, not otherwise exempt from licensure, is required to apply for a license within 30 days of accepting an unrelated child if the child is expected to remain in the home for 30 days or longer.

12. Specific regulations may be waived with the approval of the Department according to the procedure established for such waiver, provided that the health and safety of the children is assured. The granting of a waiver shall not constitute a precedent for any other FFH. No waiver shall be valid for more than one year.

13. Foster children may be accepted into or removed from an FFH only under authorization of a county welfare department or a licensed agency or the court in the county where the child resides.

14. Failure, inability or refusal to comply with this rule shall be cause for denial, **nonrenewal** or revocation of license.

15. An FFH may not concurrently hold a license for family day care, group family day care, or group day care without the prior approval of the agency.

16. An FFH shall not be licensed through more than one agency at a time.

17. All currently licensed homes shall be furnished with a copy of this rule after it becomes effective.

C. Limitations of License.

1. A family foster home shall be limited to the following, including the home's own children: (See also Appendix B)

Reason: The abilities of parent(s) to provide care to foster children differ greatly. The maximum number of children allowed in foster homes must be flexible. But the

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maximums set must also allow foster family parents to devote sufficient time to each child.

a. Interim and permanent homes. Less than two years' experience as a foster home; no more than three foster children; no more than five children, total.

b. Interim and permanent homes. Two or more years' experience as a foster home; no more than five children, total.

c. Emergency shelter homes (designated). No more than seven children, total.

d. Special services homes (designated). No more than four foster children; no more than five children, total.

e. Where the foster care provider has not completed the required annual training at the time of relicensure, no further placements may be made in that home until the provider has complied with the training requirements. The license will be restricted to the children currently placed in that home. (agency requirement)

f. No FFH may care for more than two children under the age of two years, unrelated to the FFH provider(s).

2. Exceptions to the maximum number of foster children will be allowed when:

a. Siblings need placement together as determined by the agency. Maximum number: seven children.

b. The home has five or six children of its own under age 18. Maximum number: seven children.

c. A child needs to be placed again in the same home as determined by the agency. Maximum number: seven children.

3. All FFH providers must be at least 21 years of age at the time of licensure.

4. A license is not transferable to another provider or site.

5. The agency must be notified, in advance, of any changes that would affect the terms of the license, such as a change of address or additional persons in the home.

6. An FFH may not have adult roomers or boarders unrelated to the FFH provider without special permission of

the agency. The FFH shall keep the agency informed about all persons living in the home and all [[regular visitors to the home]] **others having regular contact with the foster child in the foster home.**

D. FFH qualifications and training.

1. FFH applicants shall be kind, mature, and responsible people with a genuine liking for children. They shall possess consistent and healthy methods of handling the life-style unique to their own families. Evaluation of applicants shall consider cultural differences.

Reason: Children who must live apart from their own homes are uniquely in need of stable, understanding families. Many children needing placement are emotionally, mentally, or physically handicapped. These children need extra understanding and parenting to cope with their problems.

a. Satisfactory Compliance: An FFH license shall not be issued or renewed where any person (except foster children) living in the household has any of the following characteristics:

(1) A conviction for, or admission of, or substantial evidence of an act of assault, or child battering, or child abuse, or child molesting, or child neglect.

(2) [[Use of alcohol or drugs such that destructive effects are apparent during the time children are in care.]] **Chemical dependency, unless the individual(s) identified as chemically dependent has been chemically free for at least twelve months.**

(3) Residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous twelve months if, in the judgment of the agency, the functioning of the family has been impaired.

(4) A conviction for any offense involving moral turpitude within the previous five years, and at the discretion of the agency within the previous ten years.

(5) Felony conviction within the previous five years, and at the discretion of the agency within the previous ten years.

b. Satisfactory compliance: In order to protect children in foster care and assure them the maximum opportunities for growth and development, each family caring for

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children shall be evaluated on the following essential elements:

(1) Have established and are comfortable with their own identity to the degree that meeting their own needs does not interfere with their meeting the needs of foster children.

(2) Have optimism, a sense of humor, resiliency, and ability to enjoy life.

(3) Be in touch with their own feelings, be able to express these feelings, and have a capacity to look at themselves realistically as to the kinds of children they can accept and work with.

(4) Have health and vigor to meet the needs of children placed with them.

(5) Have meaningful extended family, neighborhood, cultural and community ties.

(6) Have the ability to deal with anger, sorrow, frustration, conflict, and other emotions in a manner which will build positive interpersonal relationships rather than in a way that could be emotionally or physically destructive to other persons.

(7) Have the ability to give positive guidance, care and training to a child according to his stage of growth, special abilities and limitations.

(8) Have the ability to use discipline in a constructive rather than destructive way.

(9) Understand, accept and seek to nurture cultural, spiritual, racial, and affectional ties of the child.

(10) Have the ability and flexibility to accept a child in placement who has special needs, treat a foster child as a member of their family, recognizing that a foster child has other family ties.

(11) Have the ability to accept the foster child's own family and maintain an understanding relationship with them.

(12) Have the ability to work with the agency and other community resources.

(13) Have a capacity and willingness to involve themselves in on-going educational opportunities, as well as other learning experiences.

(14) Be able to constructively resolve problems when difficulties arise.

(15) Be comfortable in relating to professional treatment personnel of all kinds, including the ability to discuss differences of viewpoint, and to be an advocate for the foster child when indicated.

(16) Have an ability to openly discuss their attitudes about persons with differing life styles and philosophies and a capacity to accept people who are different from themselves.

2. FFH applicants and agencies must be able to work in partnership.

Reason: The agency has overall responsibility for planning with the child. The service of foster parents is an integral and important part of that plan. The relationship between the FFH and the agency must be one of mutual trust and respect.

Satisfactory Compliance:

a. The FFH applicant and agency must sign and abide by the terms of the Foster Parent Agreement.

b. An FFH shall be visited at least once a month by a representative of the agency for the first six months after the first placement. (agency requirement)

c. An evaluation visit shall be made by the agency at least once every twelve months for as long as the FFH provider maintains an FFH license. A copy of the written evaluation report shall be given to the FFH provider. (agency requirement)

d. The FFH has a right to know the policy, procedure, and intentions of the agency towards placement of children in that FFH. The FFH may request and receive such information from the agency at the time of licensure and at any time that FFH has been without a placement for a twelve-month period. (agency requirement)

e. Training opportunities shall be made available and accessible to all applicants and FFH providers. Substitute caregivers shall be eligible for the same training as the licensed FFH providers. (agency requirement)

f. There shall be a grievance mechanism for resolving differences between the agency and the FFH. The FFH provider shall be given a written statement of grievance procedures. **Grievance procedures shall address those areas of disagreement not included in the appeal procedures set forth by the Department.** (agency requirement)

3. Age or physical handicap of FFH providers shall be a consideration only as it affects their ability to provide adequate care to foster children or may affect an individual child's adjustment to the family.

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4. The agency may request consultation from specialists in evaluating the abilities of prospective FFH providers, but must evaluate each applicant on an individual basis. (agency requirement)

5. When all adults in the FFH are employed or otherwise occupied for substantial amounts of time away from home, the plans for care and supervision of the foster children must be approved in advance by the agency.

6. The health of persons living in the FFH shall not be a hazard to the children.

Satisfactory Compliance:

a. The applicant shall supply evidence to the agency:

(1) Sometime during the twelve months prior to initial licensure, each person living in the home has had a negative Mantoux test or chest X-ray.

(2) A statement from the applicant's physician dated within the six months prior to licensure that either:

(a) Members of the family have received a physical examination and are physically able to provide care to children.

or

(b) Members of the family are receiving all necessary continuing medical care and are physically able to provide care to children.

(c) This statement may not be necessary for children who are members of the foster family if current school reports indicate good health.

b. The agency may, at its own discretion, require a physical examination of any person living in the home.

c. The FFH shall make the agency immediately aware of any communicable or infectious disease in the FFH.

d. When, in the opinion of the agency, any person in the home exhibits a mental health problem, the agency may require an evaluation of that person by a mental health specialist as a requirement for license.

7. Family foster care providers shall participate in training to develop and enhance their skills.

Reason: The vast majority of children needing placement are children with problems. Many children are emotionally, mentally, or physically handicapped.

The intent of an ongoing training program is to build on the foster parents' initial interest in providing service and to maximize their ability to provide the highest quality services to children. The aim of this training is to transfer information about foster care and foster children.

Orientation and in-service training can, and should, take place in a variety of settings and through a variety of methods. For example: group sessions offered by local agencies or foster parent associations; regular courses offered by vocational schools, colleges, or universities; TV or correspondence courses; agricultural extension classes; organizational activities such as conferences, conventions, and seminars; special sessions offered by local school districts or mental health centers; Red Cross training; one-to-one "tutoring" by agency staff or experienced foster parents.

Satisfactory Compliance:

a. Every applicant for an FFH license shall [[have a]] **begin the** minimum of six hours of orientation prior to receiving the first child in placement.

b. An FFH provider who wishes to take a "leave of absence" from foster care for up to twelve months, may have the annual training requirement waived for that twelve-month period.

c. Every FFH, except those providing exclusively Permanent Home care or Restricted Home care, shall participate in a minimum of twelve hours annual of training related to foster care. The twelve hours may be shared among the adult FFH providers in the home.

d. Training opportunities shall include, but not be limited to:

- (1) Child and adolescent development
- (2) Communication skills
- (3) Roles and relationships in foster care
- (4) Community services for children
- (5) Method of discipline
- (6) Constructive problem solving

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(7) The meaning of a foster child's natural parents

(8) Basic first aid

(9) Home safety

(10) Trauma of separation and skills for handling

(11) Human sexuality

e. An FFH with five consecutive years of experience as an FFH may be exempted from mandatory annual training at the discretion of the agency.

f. In addition to regular training requirements, every FFH licensed as an Emergency — Shelter Home or a Special Services Home or a Group Family Foster Home shall participate in a minimum of six hours annually of additional training related to the special needs of these children.

8. No child shall be subjected to physical or psychological abuse.

Reason: Although families differ in their approach to discipline, harsh or threatening methods are particularly damaging to children in foster care. Discipline should be defined as an overall plan for teaching acceptable behavior; punishment is, more narrowly, negative reinforcement for unacceptable behavior. **The carrying out of the individual plan for a foster child or the contract between the child and the foster parents involving specified consequences should not be construed as imposing punishment on that child.**

Satisfactory Compliance:

a. Methods of discipline to be used in the FFH shall be discussed with the agency during the application process. Child training and discipline shall be handled with kindness and understanding.

b. No child in care shall be subjected to unusual, severe, or cruel punishment.

c. No child in care shall be subjected to verbal abuse, derogatory remarks about himself or members of his family, or to threats to expel the child from the foster home.

d. Isolation, when used as discipline, shall not exceed ten minutes for any child under six years of age. Isolation shall not exceed one hour for a child six years of age or older. Isolation shall be in a light, well-ventilated room of at least 50 square feet, and within hearing of an adult. An adult shall periodically check, at least every 10 minutes, on a

child in isolation. No child shall be isolated in a closet or a locked room.

e. No child shall be punished for bed-wetting or with regard to toilet training.

f. No child in care shall be deprived of meals, mail, or family visits as a method of discipline.

g. Punishment shall not be delegated to another child.

h. Methods of discipline shall be periodically evaluated by the FFH and the agency.

i. Corporal punishment is prohibited. **Corporal punishment includes but is not limited to hitting, slapping, spanking, pinching, shaking, kicking or biting.**

9. Private data about the child or his family shall be kept private.

E. Health.

1. The FFH provider shall be prepared to cope with health emergencies.

Satisfactory Compliance:

a. The FFH provider shall have a plan approved by the agency for meeting medical emergencies; this plan shall include the name and phone number of the child's physician, as provided by the agency.

b. The FFH provider shall have first-aid supplies readily available to treat minor injuries.

c. No foster child shall be given prescription medicine not specifically prescribed for him. Any medicine prescribed for a foster child shall be given exactly as prescribed and shall be given by an adult.

d. The FFH provider shall have written instructions from a licensed physician or dentist prior to the administration of any prescription medication. Medication with current prescription information on the label shall constitute such instructions.

2. FFH homes that have house pets shall ensure that such pets have had all necessary shots; FFH homes shall not have turtles, chickens, or ducks as house pets.

3. The FFH provider shall report immediately to the agency the occurrence of an unusual accident such as the death or serious injury or serious illness of a foster child. A serious injury or illness shall be defined as one requiring professional medical attention.

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4. The FFH provider shall be responsible for carrying out the agreed-upon plan for medical and dental care for the foster child(ren).

5. The FFH provider shall have a means for contacting the agency twenty-four hours per day, seven days per week. (agency requirement)

F. Physical environment.

1. Consideration shall be given to varying-life styles and different cultures when determining whether applicants meet the standards. If approval would require deviation from the regulation, the agency must request a waiver in writing from the department, taking into consideration the health and safety of child(ren) in placement. (agency requirement)

Reason: All children deserve a safe and healthy environment. But equally important is the preservation of cultural heritage. To promote the establishment of foster homes representing all cultures, the agency must consider the cultural standards.

2. There must be a safe water and milk supply.

3. The house and premises shall be reasonably clean, reasonably neat, and free from hazards that jeopardize health and safety.

Satisfactory Compliance:

a. FFH premises shall be inspected by the agency. (agency requirement)

b. House and premises shall be clean, reasonably neat, and free from accumulations of dirt, rubbish, or peeling paint.

c. All medicines, chemicals, cleaning supplies, and other toxic substances shall be stored out of the reach of children. They must not be stored with or immediately beside food products.

d. The use of potentially hazardous materials and tools shall be supervised.

e. Outdoor play space shall be enclosed, if necessary, to provide protection.

f. The FFH provider shall maintain personal cleanliness while preparing food.

g. Food and cooking utensils shall be stored to protect from dust, vermin, leakage from pipes, or other contamination.

h. Food needing refrigeration shall be stored at a temperature that will prevent spoilage and bacterial growth. (40° recommended.)

i. Appliances regularly used in the storage and preparation of food shall be safe and in good working order.

j. The use of homecanned fruits and vegetables is permitted.

k. Measures shall be taken to protect against the entrance into the home or breeding of vermin and insects.

[[4. The FFH provider is responsible for knowing where each foster child is at all times.]]

[[5.]] 4. Children in care shall be adequately supervised at all times.

[[6.]] 5. The FFH home shall be safe from fire and structural hazards.

Satisfactory Compliance:

a. An inspection for fire safety using the Fire Safety Check List shall be made jointly by the applicant and the agency before licensure and [[whenever a fire hazard appears to be present, in the estimation of the agency.]] **annually thereafter before relicensure.** The agency may request a fire marshal inspection of any FFH. (agency requirement)

b. An FFH to be located in a mobile home must be inspected by a fire marshal or codes officer.

c. Any bedroom for a foster child located in a room **fifty percent or more** below ground level must be inspected by a fire marshal or codes officer. It must have two means of exit.

d. Unvented gas or oil heaters shall not be permitted.

e. No stove or heater shall be located where it would block escape in case of a fire.

f. A portable A-B-C fire extinguisher shall be provided for the kitchen and cooking areas.

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g. Combustible items shall not be located near the furnace area or other sources of heat.

h. Fireplaces, space heaters, steam radiators, and hot surfaces, such as steam pipes, shall be shielded against accidental contact.

i. Every closet door latch shall be one that can be opened from the inside.

j. Any bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

k. A report shall be made to the agency after the occurrence of a fire that requires the services of a fire department.

l. Emergency procedures shall be planned, written, and posted. They shall include a plan for evacuation, temporary shelter, and meeting place to determine if anyone is missing. Emergency procedures shall be reviewed at least annually by the FFH provider and agency.

m. An UL listed products of combustion detection unit (smoke or ionization), either battery or electrically operated, shall be installed in the corridor or hallway leading to the sleeping area(s) of the FFH.

6. The FFH provider shall be prepared to cope with emergencies.

Satisfactory Compliance:

a. The FFH provider shall make arrangements, approved by the agency, for substitute care during emergencies.

b. A list of emergency telephone numbers shall be prominently posted, including police, fire, doctor, hospital, ambulance, and emergency social service.

c. The FFH provider shall notify the agency as soon as it has been determined that a foster child has run away or is missing.

G. Nutrition.

1. The FFH provider shall consult with a physician about the diet for children with special dietary needs, such as infants under one year of age, children with allergies, children who are over or under weight, children who are hyperactive.

2. Well-balanced meals shall be served daily.

Reason: Balanced nutrition is basic to the attainment of good health. A child grows and develops

rapidly. This growth and development is related to nutrition.

Satisfactory Compliance: Each day's menu shall include servings from each of the basic four food groups as indicated in the Daily Food Guide. (Appendix A)

H. Daily activities.

Every foster child shall be treated as a member of the FFH. The foster child shall share in the privileges and responsibilities of the home as appropriate to the child's age and abilities. Activities shall foster optimum physical, social, mental, and emotional development of children. Activities that enhance the child's appreciation of his cultural heritage shall be supported and encouraged.

1. Infants.

a. Each infant must be held during bottle feedings until he is safely able to hold his own bottle.

Reason: An infant's first sense of security is closely related to his food. Being held during feeding helps him to develop a trust relationship with others. It is possible for a young infant to choke on milk or water from a propped bottle.

b. Each infant must be held, rocked, cuddled, and played with during each day of care.

Reason: Physical closeness to others is indispensable as a first step in social relationships.

c. Infant's attempts to communicate must be responded to.

Reason: Baby sounds are the beginning of speech and language development. Socialization is encouraged when the infant receives a response to his babbling.

d. The infant must have ample opportunities for freedom of movement every day.

Reason: The infant needs large-muscle activity in order to develop properly, physically and mentally. The infant learns by exploring his environment.

Satisfactory Compliance:

(1) The noncreeping infant shall spend part of each day outside of crib and playpen.

(2) The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time when

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needed for safety. During the infant's waking hours, a playpen shall be placed where the infant can see others.

e. The infant must be provided with an environment that stimulates all of his senses.

Reason: The infant develops in response to stimuli; normal development can be retarded by a lack of stimulation.

Satisfactory Compliance: Infants should be provided with (commercial, homemade, or natural):

(1) Things to look at (e.g., crib mobile).

(2) Things to listen to (e.g., rattle, FFH provider's voice).

(3) Things to feel (e.g., a soft ball).

(4) Things to smell (e.g., newly baked cookies).

(5) Things to taste (e.g., clean objects that are nontoxic and too large to swallow or choke him).

2. Toddlers, preschoolers, and school-age children.

a. Each child shall be allowed as much independence as he can safely handle.

Reason: The child needs to establish his own identity; children learn through exploring and manipulating their environment.

b. Each child shall be provided with limits consistent with his age and understanding.

Reason: The child needs to learn rules for his own and others' safety.

Satisfactory Compliance: Each child shall be taught to avoid behavior that would be dangerous to himself or to others.

c. Each child shall be encouraged to communicate verbally.

Reason: Speech and language development occurs through practice and encouragement. Socialization is encouraged when the child receives a response.

d. Each child shall be given physical signs of affection as appropriate for age and maturity.

Reason: The child needs physical closeness although he may reject it at times because of his growing need for independence. This independence must be respected, but rocking, hugging, and other physical signs of affection must be offered.

e. Each child shall be provided with materials and equipment that will enhance his physical, mental, and emotional development.

Reason: Appropriate materials and equipment encourage activities among children.

Satisfactory Compliance: The FFH home shall provide commercial, homemade, or natural materials and equipment of sound construction and working, that encourage and stimulate:

(1) Large-muscle activities (e.g., large blocks, cardboard cartons).

(2) Small-muscle activities (e.g., manipulative toys, craft materials).

(3) Creative activities (e.g., dress-up clothes, art supplies).

(4) Cognitive activities (e.g., puzzles, books).

(5) Social activities (e.g., games).

f. Toilet training shall be undertaken only when appropriate to each child's age and stage of development.

Satisfactory Compliance:

(1) Toilet training by the FFH provider shall be within the limits of the licensing rules.

(2) No child shall be punished for accidents occurring during toilet training. (See also D.8.)

(3) The agency shall offer consultation and training to providers about toilet training.

g. Each child shall nap or rest as appropriate to his age and stage of development.

Reason: Children's needs for naps differ even at similar ages.

3. Adolescents.

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Reason: The view of adolescence on which the following is based is that of adolescence being a segment of continuing human development. Adolescents are persons with specific qualities and characteristics who have a participatory and responsible role to play, tasks to perform, skills to develop at that particular time of life. The degree or extent to which an adolescent experiences such responsible participation will determine and maximize human development.

Conditions for healthy development should provide young people with opportunities:

a. To participate as citizens, as members of a household, as workers, as responsible members of society.

Reason: Adolescents are growing, developing persons in a particular age group — not pre-adults, pre-parents, or pre-workers, but human beings participating in the activities of the world around them.

Satisfactory Compliance: The agency and the foster child shall discuss house rules with the foster parent(s). The foster child(ren) are expected to live by these house rules.

b. To gain experience in decision-making.

Reason: In our complex society, youth must develop the capacity to make decisions in many areas: school interests, work interests, use of discretionary time, the kind of friends they want to cultivate, etc.

Satisfactory Compliance: Each child shall be provided practical learning opportunities.

c. To interact with peers and acquire a sense of belonging.

Reason: Adolescents are moving toward wider interdependence with their peers, need to have a sense of belonging to their own age groups, as well as to adults. They need to acquire the ability to handle their sexuality, to develop and maintain friendship, to experience closeness.

Satisfactory Compliance: Each child shall have the opportunity to participate in a variety of activities.

d. To reflect on self in relation to others and to discover self by looking outward, as well as inward.

Reason: Adolescents encounter conflicting values in a rapidly changing world and should have the opportunity to thrash out their reactions, consider the pluses and minuses, and try to determine where they themselves stand.

Satisfactory Compliance: Each child shall be en-

couraged to participate in open discussion, with adults exposing, but not imposing, their value systems on the child.

e. To discuss conflicting values and formulate their own value system.

Reason: There is almost no increase in the level of moral maturity beyond that reached during adolescence.

Satisfactory Compliance: Each child shall be provided opportunity for significant experiences and careful examination and reflection of those experiences for their moral development.

f. To experiment with their own identity, with relationships to other people, with ideas: to try out various roles without having to commit themselves irrevocably.

Reason: Adolescents should be able to try out various roles without being obligated to pursue a given course.

Satisfactory Compliance: Each child shall be allowed opportunities to experiment, within the constraints of law, with his own identity in a nonjudgmental atmosphere.

g. To develop a feeling of accountability in the context of a relationship among equals.

Reason: Genuine participation and genuine responsibility go hand in hand. A basic tenet of our social system is: for every right, there is a corresponding responsibility, resulting in the commitment necessary in a mature society.

Satisfactory Compliance: Each child shall be provided opportunities for participation and accountability in a family relationship.

h. To cultivate a capacity to enjoy life.

Reason: Maturity includes enjoyment, being creative, frivolous, doing things on one's own, learning to interact with all kinds of people.

Satisfactory Compliance: Each child should have a family accepting of other person's life styles and values, having flexibility and a sense of humor, and a sense of the joy of living.

4. Special activities related to a child's religious or cultural heritage shall be available to him.

5. Special activities related to a child's natural family shall be available to him, based on the agency's plan.

I. Records.

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1. The agency shall establish and maintain an individual record for the foster family home. (agency requirement)

Reason: The foster home record serves as the basis of evaluation both of foster home quality and of agency practice. Recommendations to the Department about the foster home must be substantiated through the agency's records.

Satisfactory Compliance: The agency record shall contain:

a. A copy of the application for licensure signed by the applicant. (DPW-138)

b. A Foster Parent Agreement Form signed by both the applicant and the agency. (DPW-139)

c. A physician's statement concerning the physical health of persons in the FFH.

d. A **current** completed Fire Safety Check List (DPW-644) plus a written report from the fire marshal on any special fire hazards (if required by agency).

e. The prelicensing home study.

f. References from persons who can evaluate the applicant(s) as potential foster care providers. If the applicant(s) have been licensed through another agency within the previous five years, the agency shall request a reference from that agency.

g. An annual evaluation of the FFH, done jointly by provider and agency, covering services provided by both FFH and agency. It shall be based on a complete review of this rule and on the years placement experiences. Any disagreement about the evaluation between the FFH and the agency shall also be entered into the record.

h. Documentation for any waiver of licensing regulations.

i. Record of training received by the foster parents.

2. Individual case records for children placed in foster care shall be kept separately from the licensing record. (agency requirement)

3. FFH data classified as private shall be maintained as

private. FFH providers shall have access to private data concerning themselves. (agency requirement)

J. Special services home (additional requirements)

Reason: Children with special needs require a special understanding. FFH providers who undertake to care for these children must possess more than ordinary abilities. Such children require extraordinary care.

Opportunities for achieving the special knowledge and skills can include observation of children with special needs, meeting with other foster parents who have cared for children with special needs, discussions with specialists and community resource people, and attending conferences.

1. Prior to licensure for special services, the FFH provider must have structured opportunities for achieving knowledge and skills necessary and pertinent to specific special need or handicap:

a. Three years' experience as a licensed FFH plus twelve hours of training related to children with special needs.

or

b. One year experience in working with children with special needs, which may include their own children, plus six hours of training related to children with special needs.

or

c. Twenty-five hours of training related to children with special needs.

2. Within thirty days after placement of a child with special needs in an FFH, a written individualized program plan must be developed by the FFH provider and the agency. [[and the responsible school district.]] This plan shall be evaluated and updated regularly, but no less often than every six months. (agency requirement)

Reason: The growth and development of children with special needs or handicaps must be planned and evaluated regularly.

Satisfactory Compliance:

a. At least the FFH provider **and** [[,]] agency [[, and school district]] must participate in program plan-

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ning. **The school district shall be invited to participate, and given reasonable notice.**

b. Other agencies and community resources shall be called upon as indicated by the particular needs of the individual child.

c. The individual program plan must be available for use by the FFH provider, the agency, and the school district.

d. There shall be a regular evaluation of the child's progress at intervals mutually agreed upon by provider agency, [[and school district.]] Progress shall be recorded by the agency.

e. The individualized program plan shall contain specific, objective, time-limited goals. These goals shall be dated. The goals shall be updated as needed at the times of evaluation. **Goals shall relate to the care and welfare of the foster child.**

3. Community resources and services must be made known to and utilized by the FFH, as indicated by the needs of the children.

4. A plan for regular time-off for providers shall be developed by the agency and the FFH provider. (agency requirement)

5. The environment and structure of the home shall be appropriate to the needs of the foster child(ren).

K. Group family foster homes (additional requirements):

Reason: Not all foster homes fit into neat categories. There are families with many children of their own. There is a need to develop innovative ways of caring for children away from their own families — such as emergency shelters and teen-age peer groups. It is both necessary and desirable to provide flexibility and room for innovation in the field of foster care, while still ensuring the basic needs of children.

1. The group family foster home, in conjunction with the agency, shall define, in writing, a description of the ages and kinds of children to be served, as well as the scope of services to be provided by the group family foster home.

2. The group family foster home and agency shall have a written and signed agreement containing: (agency responsibility)

a. Admission and discharge policy for the children.

b. Individualized program plans for the children and designated responsibility for developing and implementing these plans.

c. The time limits of the agreement.

d. The responsibilities of the agency and the GFFH.

e. The rate to be paid the home for its services, including any special payments for clothing, medical expenses, and special services.

f. The responsibility for arranging for all necessary services and resources in the community.

g. The arrangements for substitute providers for emergency situations, vacations, illness, and for regular time-off.

h. The arrangements for providing administrative, consultative, and social services for the GFFH.

3. There shall be a minimum of one adult in residence for every [[four]] five children in the group family foster home.

4. The group family foster home shall care for no more than [[eight]] ten children, including their own children.

5. Physical facility.

a. There shall be thirty-five square feet of living space per child, excluding bathrooms, halls, bedrooms, kitchen, and laundry or furnace room.

b. The dining area must be able to comfortably accommodate, at one time, all the children plus the family.

c. Every sleeping room accommodating one foster child shall have at least eighty square feet of floor space.

d. Every sleeping room accommodating more than one foster child shall have at least sixty square feet of floor space per child.

e. No sleeping room shall accommodate more than four children.

f. Each child shall have adequate space for his clothing and personal possessions.

6. The application for licensure shall be signed by both the agency and the applicant.

7. A group family foster home may not care for more than two unrelated children [[with handicaps at]] **who are nonambulatory, nonmobile, severely mentally retarded, or profoundly mentally retarded at any one time.**

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APPENDIX A DAILY FOOD GUIDE

FOOD	SERVING PER DAY	AVERAGE SIZE		SERVING BY	AGE*	
		1-3 yrs	3-6 yrs		6-9 yrs	9-12 yrs
MILK GROUP:						
Milk	2-3 servings	½-1 cup	½-1 cup	1 cup	1 cup	1 cup
Cheese and ice cream occasionally						
MEAT GROUP:						
Meat, poultry, fish, and, as alternatives, dried beans or peas or peanut butter	1-2 servings	1-3 oz.	2-4 oz.	4-5 oz.	4-6 oz.	4-6 oz.
Egg	3-4/week	1	1	1	1	1
VEGETABLE & FRUIT GROUP:						
Dark green vegetables and deep yellow vegetables and fruits for Vitamin A	1 serving	2-3 tblsp.	2-4 tblsp.	¼ cup	½ cup	½ cup
Fruit for Vitamin C — citrus, tomato, cabbage	1 serving	½-¾ cup	½-¾ cup	½ cup	½ cup	½ cup
Other fruits and vegetables	2 servings	¼-½ cup	¼-½ cup	½ cup	½ cup	½ cup
BREAD AND CEREAL GROUP:						
Bread and cereal, whole grain or enriched	4 servings	½-1 slice ¼ cup cereal	½-1 ½ slices ½ cup cereal	2-3 slices ½ cup cereal	2-3 slices ¾ cup	2-3 slices 1 cup
OTHER						
Butter or margarine		as spread or seasoning			2 tblsp.	2-4 tblsp.

*Size of serving will differ with individual children; some may want smaller amounts and some larger.

Source: USDA, Consumer & Food Economics Research Division — 1963 Minnesota Department of Health

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FOSTER CARE — APPENDIX B

TYPE OF HOME	EXPERIENCE	ANNUAL TRAINING	NUMBER OF "OWN" CHILDREN	NUMBER OF FOSTER CHILDREN	TOTAL NUMBER OF CHILDREN			
1. Interim & permanent (3 foster — 5 total)	Licensed less than 2 years	12 hours	0-2	3 Absolute	5			
			3	2 limit in	5			
			4	1 this	5			
			5	2 category	7			
			6		7			
Exclusively Permanent or Restricted	No Requirement		5	2 category	7			
			6		7			
			0	5	5			
			1	4	5			
			2	3	5			
2. Interim & Permanent (5 children total)	Licensed 2 or more years	12 hours	3	2	5			
			4	1	5			
			5	2	7			
			6	1	7			
			6	1	7			
Exclusively Permanent or Restricted	No Requirement		3	2	5			
			4	1	5			
			5	2	7			
			6	1	7			
			6	1	7			
3. Emergency Shelter (7 children total)		12 hours 6 hours (Special needs)			7			
4. Special Services (Handicapped or Extra-ordinary Care) (4 foster — 5 total)	(See page 22) a) Licensed 3 years + 12 hrs. related training OR b) Experience — 1 year with handicapped + 6 hours related training OR c) 25 hrs. related training	12 hours 6 hours (Special needs)	0	4	4			
			1	4	5			
			2	3	5			
			3	2	5			
			4	1	5			
			[[5]]	[[—]]	[[—]]			
			5. Group Family ([[8]] 10 children [[today]] total)		12 hours 6 hours (Special needs)			[[8]] 10 (no more than 2 children with severe handicaps at one time — page 23)

EXCEPTIONS: a) Siblings need placement together. Maximum Number: Seven children **total**.
 b) Home has five or six children of its own under age 18. Maximum Number: Seven children **total**.
 c) Child needs to be placed again in the same home. Maximum Number: Seven children **total**.

Department of Public Welfare Adopted Rules Regarding Group Day Care of Preschool and School-Age Children

The proposed amendments to the Department of Public Welfare Rule 3, standards for group day care of preschool and school-age children, were published in the *State Register*,

Volume 1, Number 38, page 1429. The full text of the adopted rule as amended is printed below.

DPW 3 Standards for group day care of preschool and school-age children.

A. Definitions. Health and safety license. A group-day-care center program that has received an exemption from licensure from the commissioner of education must, in addition, possess a health and safety license from the Department of Public Welfare under DPW Rule 3. The following regulations shall be met:

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	Requirements	Exemptions
(a) Definitions	All	None
(b) Licensing laws and procedures	(1) through (6)	(17)
(c) Facility	(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (14)	(13) (15)
(d) Program	(4) (5) (6)	(1) (2) (3) (7)
(e) Health	(1) (2) (3)	None
(f) Admissions	(2)	(1) (3)
(g) Staff	(3) (4) (Staff: Child Ratio)	(1) (2) (5) (4) (Staff distribution and group size)
(h) Organization	(3) (5)	(1) (2) (4) (6)
(i) Handicapped	(1), (2) ((bb) (cc) (ee)), (3)	(2) ((aa) (dd)), (d)
Appendices	A (Minimum Equipment — Infants & Toddlers) B (Health Care Summary) C (Daily Food Guide)	A (Minimum Equipment — Preschoolers). (Minimum Equipment — School-Age)

Accredited Course: A course that is offered by or through an institution with an accreditation. Courses need not be taken for credit, but must have an assigned credit value by the institution. An accredited course is considered to be three university or college quarter credits or 30 vocational-technical clock hours of training.

Aide. See Staff — Child Care Assistant.

Affirmative Action Plan. Statement explaining how a center intends to recruit persons without discrimination.

Age groupings:

Infant. Child aged six weeks through 15 months.

Toddler. Child aged 16 months through 30 months.

Preschool child. Child aged 31 months through five years.

Primary school child. Child aged six through eight years.

Intermediate school child. Child aged nine through 12 years.

Child development training. Child development training [[may include, but is not limited to:]] **shall include courses that are relevant to the programs. All training**

should not be in one area. The following are examples of areas of training and courses which may be taken:

<u>Areas of Training</u>	<u>Examples of Courses</u>
Child growth and development	Child psychology
Family relationships	Parent effectiveness training
Preschool methods and curriculum development	Music, art
Human relations	Sensitivity training, study of ethnic backgrounds
Food and nutrition	Menu planning
Administration of programs	Budget, management

[(Training may be offered by day care centers, groups of centers, related organizations (including professional organization activities such as conventions and seminars), businesses, agencies, vocational schools, or colleges or universities.)]

To be considered in **entry level** staff qualification, training must be **offered through an** accredited[, or approved by the Minnesota Child Care and Development Advisory Council] **body**. [[One [approved] child development training course equals approximately three university or college credits, or 30 clock hours in a vocational-technical institute.]] These child development training courses qualify staff for group-

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day-care centers but do not imply certification by the State Department of Education.

Child development assistant training program. Program offered by vocational-technical institutes, junior colleges, and the University Technical Institute, involving a minimum of 1,080 hours of activities and courses oriented to and focused on the practical application of child development.

Child Development associate. Person meeting the skill and competency requirements by the Office of Child Development.

Commissioner. Commissioner of Public Welfare.

Day care. The care of children outside of their home for part of the 24-hour day by persons unrelated to them by blood or marriage. Day care includes group day care, family day care, and group-family day care (see also DPW Rule 2).

Drop-In care. There are two types of drop-in care:

1. Combined program. The acceptance of additional children into a licensed child care program on an irregular basis (not more than one-fifth of the center's week) but not to exceed the facility's licensed capacity during any part of the day. The percentage of drop-in children shall not exceed ten percent of the total attendance.

2. Total drop-in program. Center whose total licensed capacity is based primarily on children who attend on an irregular basis.

Facility. Physical environment in which a group-day-care program takes place.

Group-day-care center. Any program that, for compensation or otherwise, provides day or night care for six or more children at one time. The term includes, but is not limited to, programs for children known as nursery schools, day nurseries, child care centers, play groups, day care centers for school-age children, after-school programs, infant day care centers, cooperative day care centers, and Head Start programs.

[In-Service Training — Program of practical education, formal or informal, for individuals or groups working with young children for the purpose of job orientation, attitude development, learning or improving work techniques, and upgrading standards.]

Licensed capacity. Maximum number of children who can be in attendance at a center at a given time.

Persons (operating a group-day-care facility). Includes an individual, association, corporation, partnership, any politi-

cal subdivision of the state, and any agency, board, or department of such a political subdivision.

Program. Combination of activities that, taken together, constitute the non-physical environment of a center. Materials and staff necessary to carry out the activities of the center are part of the program.

Department. Department of Public Welfare.

Staff:

Director. Person responsible for all aspects of the operation of the group-day-care center (e.g., administrative duties, staff supervision and training, record keeping, program planning, budgeting, liaison with state and local agencies, etc.).

Teacher. Person responsible for planning and implementing the program of the group-day-care center (e.g., plans and conducts daily program activities, prepares program materials, supervises and trains other staff, etc.). Other titles used to designate persons with these responsibilities include teacher-director, head teacher, and lead teacher.

Assistant Teacher. Works with the guidance of the teacher and director to carry out the program of the center.

Child Care Assistant. Assists the teacher or assistant teacher with all aspects of the planned program (Other titles: aide, child-care aide.)

Volunteers. Persons offering their services to a group-day-care facility without reimbursement other than for expenses.

Staff Development. [[Program of practical education, formal or informal, for individuals or groups working with young children for the purpose of job orientation, attitude development, learning or improving work techniques, and upgrading standards. Training may be offered by day care centers, groups of centers, related organizations (including professional organization activities such as conventions and seminars), businesses, agencies, vocational schools, or colleges or universities.]]

Programs of practical education, e.g., workshops, courses, seminars, which focus on a specific topic with a designated leader or facilitator for the purpose of job orientation, attitude development, learning or improving work techniques, curriculum development and upgrading standards. Training may be on-site at the center or away from the center. It may be offered by a variety of sources such as individual centers, community sources, local school systems, professional groups, vocational schools, colleges or universities.

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Waiver. Temporary permission to disregard a particular licensing requirement or rule.

Parent Cooperative. A nonprofit group-child-care program that is governed by a board of at least 70 percent parent-users of the group-child-care program. The board must meet at least every six weeks, and minutes of these board meetings shall be available for inspection by a representative of the Department. This board shall make all continuing operational decisions about staff, program, budget, and organization structure.

Parent cooperative shall be specifically exempt from regulations in the following sections:

- (a) Definitions no exemptions
- (b) Licensing Laws and Procedures no exemptions
- (c) Facility no exemptions
- (d) Program (1) (cc) (ee), (2) (4) (ee), (7)
- (e) Health, Nutrition, and Safety no exemptions
- (f) Admissions no exemptions
- (g) Staff (1), (2), (3) (aa) (bb) (dd), (4) (staff distribution and group size), (5), (7)
- (h) Organization and Administration (2) (bb-ii), (4) (bb)

If a parent cooperative employs staff in the positions of director, teacher, and/or assistant teacher who are not parent members, hired staff shall not be exempt from:

(g) Staff (1), (2), (3), (5)

Within the first year of licensure and annually thereafter, information on the exempted sections shall be submitted to the Department.

(g) Staff.

(1) Each staff person must be appropriately qualified through training, experience, and personal qualities for the age group and cultural background with which he works. (Note: For an explanation of the term "Child Development Training Course." used in this section, see "Definitions". The qualifications indicated for staff positions relate strictly to group-day-care positions and do not imply certification by the State Department of Education.)

Reasons: The relationships that a child develops with important adults are considered as vital for his emotional security, intellectual development, and healthy psychological growth.

Satisfactory Compliance:

(aa) Director: (of all programs) Person or persons responsible for administration of a program must have administrative and supervisory experience or capability as well as knowledge of program, staff relationships, and day care operations. Administrators with teaching duties must also possess the qualifications of a teacher. The director shall be at least 18 years of age and shall be a mature responsible person.

Satisfactory Compliance:

(bb) Teacher — Alternatives for Qualification

TRAINING	EXPERIENCE	NUMBER OF [APPROVED] ACCREDITED CHILD DEVELOPMENT TRAINING COURSES OR HOURS
(i) Post-secondary certificate in Child Development Assistant Training Program (minimum of 1080 hours)	One year (1560 hours) Assistant Teacher ** PLUS	1 course or PLUS 30 hours
OR (ii) (no requirement)	PLUS Two years (3120 hours) as Assistant Teacher **	PLUS 3 courses or 90 hours

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OR (iii)	BA or BS in any field from an accredited college or university	PLUS **	PLUS 6 courses or 180 hours (May be included as part of BA or BS degree)
OR (iv)	A degree in Child Development or Nursery Kindergarten Education from an accredited College or university	PLUS **	(no requirement)
OR (v)	Certification by the State Department of Education for Nursery School	PLUS **	(no requirement)
OR (vi)	Compliance with the competency level requirements of Child Development Associate	(no requirement)	(no requirement)
OR (vii)	INFANT-TODDLER ONLY (no requirement)	Three years (4680 hours) as a licensed Family Day Care Provider or Group Family Day Care Provider	PLUS 3 courses or 90 hours
OR (viii)	SCHOOL-AGE ONLY Certification by the State Department of Education for Elementary or Secondary Education	(no requirement)	(no requirement)

**INFANT-TODDLER ONLY — Three months (480 hours) of required experience must be in an infant and/or toddler program.
 * SCHOOL-AGE ONLY — Six months (600 hours) experience in a related field (e.g., playground leader, tutor, student teaching, teacher's aide).

Satisfactory Compliance:

(cc) Assistant Teacher — Alternatives for Qualification

	TRAINING	EXPERIENCE	NUMBER OF [APPROVED] ACCREDITED CHILD DEVELOPMENT TRAINING COURSES OR HOURS
	(i) Post-secondary certificate in Child Development Assistant Training Program (minimum of 1080 hours)	PLUS **	(no requirement)
OR (ii)	(no requirement)	Six months (780 hours) as Child Care Assistant (Child Care Aide) or Student Teacher	PLUS 3 courses or 90 hours
OR (iii)	Two years of post-secondary education	PLUS **	PLUS 3 courses or 90 hours
OR (iv)	INFANT-TODDLER ONLY	Six months (780 hours) with infants and/or toddlers as a licensed Family Day Care Provider or a Group-Family Day Care Provider	PLUS 3 courses or 90 hours

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OR (v) SCHOOL-AGE ONLY

One year (1200 hours) in a related field (e.g., playground leader, tutor, student teaching, teacher's aide) (no requirement)

****INFANT-TODDLER ONLY** — 150 hours of experience in an infant and/or toddler program.

(dd) Teachers and assistant teachers employed on the date of promulgation of these standards must comply with one of the alternatives for qualification within three years after that date.

[(ee) To maintain the position of teacher, three approved courses in child development training are required every two years.]

[(ff) To maintain the position of assistant teacher, one approved course in child development training is required every year.]

[(gg) (ee) Child Care Assistant (Child Care Aide) for all age groupings:

[(i) The following alternatives are available for qualification: High school vocational child care training course, **or** Orientation training course in the center

[(ii) To maintain the position, one approved Child Development Training Course is required every year.]

[(iii) (ii) The Child Care Assistant must be at least 15 years of age.

[(hh) (ff) Volunteers for all age groupings:

To be counted in the staff-to-child ratio, volunteers must:

(i) Be at least 15 years of age

(ii) Participate in an orientation to the program

(iii) Participate in any in-service training given to paid staff by the center.

(2) [In-service] **Staff development** training for all regular administrative, teaching, and support services staff members, including volunteers, must be a part of every center's educational program.

Reason: Proper preparation and continuous training of the total staff will better ensure development and maintenance of high-quality day care services.

Satisfactory Compliance:

[(aa) A center or a group of centers must plan and arrange a minimum of two percent of each staff member's working time to be spent in an in-service program.]

(aa) Each center shall be responsible for working out a plan [[for the equivalent of a minimum of three percent of each staff member's time to be spent in staff development.]] with each staff person with direct teaching responsibilities or direct responsibility for supervision of that staff, e.g., director, for a minimum of the equivalent of 2% of his/her work hours to be spent in staff development.

(bb) This training can be provided by individual centers, a sponsoring agency, community sources, local school systems, professional groups, colleges, universities, or area vocational schools.

[(cc) This training may be used to satisfy all or part of the qualifying and/or continuing requirements for teacher and assistant teacher. (see Section (g), (1) ((e and ff)).]

(cc) All other administrative staff, volunteers not counted in staff ratios, and support staff, e.g., cook, bus drivers, must receive an orientation to the program including appropriate licensing standards within the two weeks of employment.

(3) All personnel in regular contact with children, including volunteers and drivers, shall be physically, mentally, and emotionally competent to care for children and free from serious communicable disease.

Satisfactory Compliance:

(aa) References must be required by the director from all child care staff relating to their ability to care for young children.

(bb) Prior to employment, the paid employee must submit a statement signed by his source of

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medical care and based on a thorough examination within three months. Statements must be submitted every two years thereafter.

(cc) All staff must submit evidence of freedom from tuberculosis before employment and annually.

(dd) A probation period must be set for new employees, during which physical, mental and emotional competence to care for children is evaluated and discussed with the employee by the employer.

(ee) Employees with communicable disease presenting an important health hazard to the group shall be excluded.

(ff) No person shall be hired or retained as a staff member, paid or volunteer, who has:

(i) Been convicted of or admitted to or been the subject of substantial evidence of an act of child battering, child abuse, or child molesting.

(ii) Used alcohol or drugs such that its effects are apparent during the hours that children are in care, or

(iii) Been convicted for or admitted to any felony or any offense involving moral turpitude.

(4) Staff ratio must be met and maintained by operators of all programs: appropriate distribution of staff shall include a team that has individuals with competences of a teacher, assistant teacher and child care assistant. Volunteers under supervision may be counted in the staff ratio. The staff member must be with the children to be included in the staff-to-child ratio. When there are children of different ages in same group, the ratio for the youngest age group shall prevail. Janitors and bus drivers shall not be counted in the staff ratio when performing these duties.

Reason: The administering agency must ensure that capable staff in the recommended ratio is always present and is capable of providing for health and safety of each child and that each member of the staff has a clear understanding of his responsibility as explained in orientation sessions and provided in a written form.

Satisfactory Compliance:

(aa) Infants: Six weeks through 15 months

Staff Ratio: One to four

Group Size: No more than eight in an activity group

Staff distribution: One teacher for every 16 children

+
one teacher or assistant teacher for every group

+
child care assistants and volunteers as needed to meet staff ratio.

(bb) Toddlers: 16 months through 30 months

Staff Ratio: One to seven

Group Size: No more than 14 children in an activity group

Staff Distribution: One teacher for every 28 children

+
one teacher or assistant teacher for every group

+
child care assistants and volunteers as needed to meet staff ratio.

(cc) Pre-School: 31 months through five years

Staff Ratio: One to ten

Group Size: No more than 20 children in an activity group

Staff Distribution: One teacher for every 40 children

+
one teacher or assistant teacher for every group

+
child care assistants and volunteers as needed to meet staff ratio.

Note: There shall be no more than ten-two and one-half year olds in any activity group of 20 children.

(dd) School-Age: Six years through twelve years

Staff Ratio: One to 15

Group Size: No more than 30 children in an activity group

Staff Distribution: One teacher for every 60 children

+
one teacher or assistant teacher for every group

+
child care assistants and volunteers as needed to meet staff ratio.

(5) Each center with more than one staff member must set personnel policies relating to health, working conditions, in-service training, probation period, evaluation, sick leave, vacation benefits, and salary increments. Policies shall comply with appropriate state and federal laws.

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Reason: It is important that there be a clear understanding between administration and staff about the work situation and the responsibilities of both the administration and the staff member.

Satisfactory Compliance:

Each center with more than one staff member must have a written statement of personnel policies. This statement shall include:

(aa) Policies in accordance with Fair-Employment laws and regulations

(bb) Job description for all staff

(cc) Description of probation period and method of staff evaluation

(dd) A clearly defined in-service training program

(ee) Policies on hiring, firing, promotions, and salary increments

(6) In centers providing sleep care of four to five hours or more, staff ratios specified in (g) (4) shall be maintained until the children are settled for sleep. While children are sleeping, a minimum number of adults must remain awake and available to the children throughout the sleep period.

Satisfactory Compliance:

(aa) One adult for every four sleeping infants but no fewer than two adults for the center

(bb) One adult for every ten sleeping toddlers but no fewer than two adults for the center

(cc) One adult for every 20 sleeping preschoolers but no fewer than two adults for the center

(dd) One adult for every 25 sleeping school-age children but no fewer than two adults for the center

The director shall make arrangements in advance for substitute staff.

Department of Public Welfare Adopted Rules Governing Salary Plans and Merit System Compensation

The following rules are adopted and are identical in every respect to their proposed form as published in *State Register* Vol. 2 No. 10, September 12, 1977 (2 SR 455) and are published here by reference only as provided in Laws of 1977, ch. 443 subd. 4.

DPW 104 B.	Leaves of Absence
DPW 116 B. 2.	Salary Adjustments and Increases
DPW 125 R.	Personnel Director
DPW 128 J.	Resources Examiner I
DPW 128 K.	Resources Examiner II
DPW 131 J.	Account Clerk
DPW 132 A.	Clerk I
DPW 132 B.	Clerk II
DPW 132 C.	Clerk III
DPW 132 D.	Clerk-Typist I
DPW 132 E.	Clerk-Typist II
DPW 132 F.	Clerk-Typist III
DPW 132 G.	Clerk-Stenographer I
DPW 132 H.	Clerk-Stenographer II
DPW 132 I.	Clerk-Stenographer III
DPW 140	Compensation Plan (1977 Support)
DPW 140	Compensation Plan 1978
DPW 141	Salary Schedule

The following rules are being reprinted in their entirety as certain language was omitted as published in the *State Register* Vol. 2 No. 10, September 12, 1977 (2 SR 455) and certain rule references were not properly identified. None of these changes was determined to be substantial in nature, therefore, the rules below are printed as they were adopted without indication of changes.

DPW 94 Compensation plan

B. Selection of salary ranges by appointing authority.

1. The appointing authority shall select a salary plan for all employees 1) except those in a bargaining unit where a salary schedule has been negotiated by the board and the exclusive representative, and 2) except as provided in DPW 94 B. 6. Such plan shall be selected from each of the following salary schedules provided under DPW 140: Professional

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— A, B, and C; Support Personnel — A, B, and C; Clerical — A, B, C, D, E, and F; Maintenance and Trades — A and B.

2. Such rates shall be identified by alphabetical designation, and adjustment of the plan as provided in DPW 94 D. shall not serve to amend the alphabetically designated rates selected as the appointing authority's plan.

3. The designation of the rates selected from the plan in each case shall be by resolution of the appointing authority. Supervisor shall be promptly notified of the rates selected by each jurisdiction.

4. The alphabetically designated rates selected by the appointing authority shall become the official plan for the county until amended by the appointing authority as provided in DPW 94 C.

5. Salary rates for incumbents of positions shall be established in accordance with the provisions of DPW 116 B. 1. and 2. on the basis of the plan adopted by the appointing authority as provided above.

6. In agencies with an exclusive representative, the appointing authority has the discretion of paying confidential, supervisory and other personnel not covered by an exclusive representative who are in the same class as employees who have an exclusive representative, the same rate of pay and salary ranges as negotiated for the class under DPW 94 E. 1. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory or other excluded employees.

DPW 104 Leaves of absence.

D. Sick leave (also see DPW 104 A. 1.).

1. Each permanent, probationary, and provisional employee in the classified service shall earn sick leave at the rate of one working day for each completed month of service, and such accrued sick leave may be used at the discretion of the appointing authority under the conditions hereinafter prescribed:

Absence necessitated by employee's inability to perform the duties of his/her position by reason of illness or injury, by necessity for medical or dental care, by reason of pre and post natal care, by exposure to contagious disease under circumstances in which the health of the employees with whom associated or members of the public necessarily dealt with would be endangered by attendance on duty, or by illness in the employee's immediate family, for such period as shall be necessary. The term "immediate family" shall be limited to the spouse, minor children, or parent when the parent has no other person to provide the necessary nursing care, living in the household of the employee. Within the

discretion of the appointing authority, use of sick leave also may be authorized in cases of death of the spouse, children, and wards of the employee and the brothers, sisters, parents, or grandparents of either the employee or his/her spouse.

2. Unused sick leave shall be accumulated to a maximum of 100 working days.

3. Sick leave with pay shall not be granted to emergency, hourly, or per-diem employees.

4. Sick leave shall not accumulate to an employee while in a non-pay status, except employees on military leave.

5. Sick leave during vacation leave: When sickness occurs within a period of vacation leave, the period of illness may, on presentation of a report from a registered practicing physician, be charged as sick leave and the charge against vacation leave reduced accordingly.

6. The appointing authority may require the employee to produce medical certification from a registered practicing physician attesting to the need for sick leave and/or attesting that the employee is fit to return to work.

7. A former Merit System employee who is reinstated in accordance with Merit System rules, except as a provisional or emergency appointee, may have his/her previously accumulated and unused balance of sick leave revived and placed to his/her credit upon approval of the new appointing authority.

DPW 116 Salary adjustments and increases.

B. Adjustments to be made in accordance with Merit System official compensation plan.

1. In agencies where there is not a negotiated salary schedule, adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with the following provisions except as provided in DPW 94 B. 1. and 6:

a. If the rate of pay of employees is below the minimum of the range prescribed for their class of positions on the Merit System compensation plan selected by the county, the rate shall be adjusted to that minimum.

b. If the rate of pay of employees is at or above the new minimum salary adopted for their class, the employee may receive the general adjustment adopted, but if their class was adjusted to a greater extent than the general adjustment granted employees they may receive a further adjustment as provided in DPW 94 D. 6. as long as such

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further adjustment would not place them over the new maximum salary for their class.

c. In those unique situations where the appointing authority has determined that the general adjustment adopted is inappropriate for their employees based on extraordinary circumstances in their geographic areas, they may give a different adjustment, other than the general adjustment adopted; provided, however, they must file with the supervisor the new salary steps by class and a facsimile of DPW 141. Such adjustments shall at least place employees at the minimum salary for their class on the salary schedule adopted by the agency and shall not be over the maximum salary.

d. Employees may be granted salary adjustments over the maximum salary prescribed for their class, only if such an adjustment is adopted, following the annual salary public hearing and then only in the amount adopted for their class.

e. If the rate of pay of an employee is higher than the maximum of the range prescribed for his/her class of positions, the rate may remain the same as long as the employee retains the same position.

f. If the rate of pay of an employee falls between the minimum and maximum of the range prescribed for his/her

class but does not correspond with any intervening steps in the range, due to the adoption of a general adjustment, such rate may remain the same. In the case of subsequent merit increases, such employee shall be placed back on a step in the range for his/her class of positions.

Department of Transportation Designated Ten-Ton Vehicle Routes

These rules are promulgated pursuant to Laws of 1977, ch. 248, § 11, which requires publication in the *State Register* to fulfill public notice. The following are the designated routes for ten-ton vehicles for calendar year 1978.

Jim Harrington
Commissioner of Transportation

The reader should note that portions of the following material has been reprinted from *State Register* Vol. 2, No. 24, p. 1142, December 12, 1977 (2 S.R. 1142). Due to an error at the Office of the State Register, the "Seasonally Restricted" truck routes at page 1194 were inadvertently omitted from the previous publication.

DESIGNATED 10-TON ROUTES — TRUNK HIGHWAYS — 12 MONTHS

T.H. 2	From Jct. I-35 in Duluth to Arrowhead Bridge
T.H. 3	From Jct. T.H. 110 to T.H. 212
T.H. 5	From Mississippi River to Jct. I-494
T.H. 7	From I-494 to Jct. T.H. 15 (Hutchinson)
T.H. 10	From W. State Line to Becker Co. CSAH 10 (Frazee)
T.H. 12	I-694 to Wisconsin
T.H. 13	From Jct. T.H. 101 to I-35W
T.H. 14	From Jct. T.H. 57 (Kasson) to Jct. T.H. 52
T.H. 14	From I-35 west to 24th Avenue N.W. in Owatonna
T.H. 15	S. State Line to I-90
T.H. 23	From Jct. I-94 to T.H. 55 in Paynesville
T.H. 25	From I-94 to Sherburne County CSAH 11
T.H. 27	From I-35 to Jct. T.H. 73 (Moose Lake)
T.H. 28	From 5th St. N.W. in Glenwood to Jct. I-94
T.H. 29	From Jct. I-94 to its N. Jct. with T.H. 27 (Alexandria)
I-35	Continuous from Iowa border to 1.0 mile N. of Jct. with I-535 in Duluth — includes I-35W, I-35E, from downtown St. Paul to vicinity of Forest Lake
T.H. 36	From Jct. I-35W to T.H. 212 near Stillwater
T.H. 47	From Jct. 10 in Anoka to 2 miles S. of Jct. I-694
T.H. 51	From Jct. I-694 to I-94
T.H. 52	From Jct. I-90 to Olmsted Co. Rd. 14, 5 miles N. of west Jct. T.H. 14 in Rochester
T.H. 52	From Jct. T.H. 100 to I-94

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T.H. 52	From west City Limits of St. Paul to Plato Blvd.
T.H. 55	From Jct. T.H. 23 (Paynesville) to 6.5 miles W. of Jct. 71 (Brooten)
T.H. 55	From Jct. T.H. 5 to Jct. I-35E
T.H. 55	From Jct. T.H. 22 (Eden Valley) to 1½ miles E. of T.H. 100
T.H. 59	From Jct. T.H. 10 to I-94 (Fergus Falls)
T.H. 59	From Jct. I-94 north to Sheridan Avenue in Fergus Falls
T.H. 61	From end I-35 (Duluth) to Lake Co. Rd. 2 (Two Harbors)
T.H. 61	From N. Jct. I-90 to 1 mile N. of T.H. 60 at Wabasha
T.H. 61	From Hastings to Jct. I-94
T.H. 61	From Jct. T.H. 96 to Jct. T.H. 212 (E. 7th St.)
T.H. 63	From Jct. with I-90 to Jct. T.H. 52
T.H. 65	From S. Jct. I-35 (S. of Albert Lea) to 2.3 miles N.
T.H. 71	From Jct. I-94 N. to North 4th St. in Sauk Centre
T.H. 73	From Jct. T.H. 27 (Moose Lake) to Jct. I-35
T.H. 74	From Jct. I-90 N. to Jct. T.H. 14 in St. Charles
I-90	W. Border to E. Border (including yet to be constructed)
I-94	Continuous from N.D. border to I-694, east of St. Paul (includes yet to be constructed segment at St. Cloud, Lyndale Ave. location in Mpls.)
T.H. 95	From Jct. T.H. 12 to south Jct. T.H. 212
T.H. 100	From I-494 to T.H. 52
T.H. 101	From Jct. I-94 (Rogers) to Jct. T.H. 169 (Elk River)
T.H. 101	From Jct. 169 (in Shakopee) to Jct. T.H. 13
T.H. 110	From T.H. 56 W. to Jct. T.H. 3
T.H. 152	From Jct. I-94 (Brooklyn Park) to Jct. I-94 in Rogers
T.H. 169	From Jct. I-494 to T.H. 100 (Hennepin Co. should designate Co. Rd. 62)
T.H. 169	From Jct. T.H. 21 (Jordan) to Jct. T.H. 101 (Shakopee)
T.H. 210	From Jct. I-94 E. to St. Andrews St. S. in Fergus Falls
T.H. 212	(E. 7th St.) From T.H. 52 (Robert St.) east to East Minnehaha Avenue
T.H. 212	From Jct. T.H. 36 (near Stillwater) to Jct. T.H. 95
T.H. 218	From E. Jct. I-90 to 1¾ miles south
T.H. 218	From W. Jct. I-90 to 2 miles N.
T.H. 280	From Jct. I-94 to Jct. T.H. 36
T.H. 324	From I-35 to its Jct. with T.H. 361 in Pine City
I-494	From Jct. I-94 (Fish Lake) to present end I-494 at T.C. Int. Airport
I-494	From T.H. 56 to Jct. I-94 E. of St. Paul
I-535	In Duluth, from I-35 to Wisconsin
I-694	From Jct. I-94, E. of St. Paul, to Jct. I-94 (Brooklyn Center)

DESIGNATED 10-TON ROUTES — COUNTY ROADS

Becker County

CSAH 10 connections to T.H. 10

Clay County

CSAH 11 from T.H. 10 to Truck Stop ½-mile south of I-94

Douglas County

CSAH 41 from I-94 to its junction with CSAH 82

CSAH 82 from CSAH 41 to its junction with T.H. 29 in Alexandria

Hennepin County

— CSAH 3 (Excelsior Blvd.)

— From CSAH 18 to T.H. 100

— CSAH 10 (Bass Lake Rd.)

— From FAI 494 to CSAH 156

— CSAH 15 (Shoreline Blvd.)

— From CSAH 110 to CSAH 19

— CSAH 18

— From FAI 494 to T.H. 7

— CSAH 18

— From CSAH 10 to FAI 94

— CSAH 19

— From T.H. 7 to CSAH 15

— CSAH 20 (Blake Rd.)

— From CSAH 3 to T.H. 7

— CSAH 34 (Normandale Blvd.)

— From 94th St. to FAI 494

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— CSAH 109 (85th Ave. No.)
— CSAH 156 (Winnetka Ave.)

— From CSAH 18 to T.H. 52
— From CSAH 9 to CSAH 10

McLeod County
County Road 90 from T.H. 7 to 1¼ miles south

Pine County
CSAH 61 from Int. of T.H. 361 and T.H. 324 to its Jct. with CSAH 11 in Pine City
County Road 55 from CSAH 61 to Industrial Park — Pine City
CSAH 8 from CSAH 61 to E. 2nd St.

Ramsey County
County Road D (CSAH 19) from Old T.H. 8 to I-35W in Ramsey County
Old Highway 8 (CSAH 77) from County Road D to First Street S.W. in Ramsey County
Cleveland Avenue (CSAH 46) from County Road C to County Road C-2 in Ramsey County
County Road C (CSAH 23) from Walnut Street to Prior Avenue in Ramsey County

Sherburne County
CSAH 11 from T.H. 25 to T.H. 10 in Sherburne County

DESIGNATED 10-TON ROUTES — CITY STREETS

Albert Lea
Margaretha Avenue from T.H. 65 south to 13th Street, and 13th Street east to its termini.

Blaine
85th Avenue from I-35W to 3601 (truck terminal in the City of Blaine). Contact Ramsey County.

Detroit Lakes
Randolph Road from Gabor Terminal to Roosevelt Avenue; then Roosevelt Avenue south to T.H. 10.

Fergus Falls
Douglas Avenue from T.H. 59 to T.H. 210.
Sheridan Avenue from T.H. 59 and 210 north to Washington Avenue, west on Washington Avenue one block to Sherman Street, then south one block on Sherman Street to Junius Avenue.
From T.H. 210 south on St. Andrews Street to West Lincoln Avenue, west on West Lincoln Avenue to Sewage Plant Road, then south on Sewage Plant Road to Central By Products Plant.

Glenwood
5th Street N.W. from T.H. 28 (Minnesota Avenue) to North Lakeshore Drive, then North Lakeshore Drive to the west corporate limits.

Minneapolis
Those streets and highways signed by the City of Minneapolis as truck routes subject to road and bridge postings.

Moorhead
1st Avenue North from 8th Street North to T.H. 10.

Owatonna
Hoffman Drive from I-35 to North Street, North Street from Hoffman Drive east to the railroad tracks.

Pine City
Seventh Street from Hillside Avenue to 8th Avenue West, from 4th Avenue West to 3rd Avenue West, from 2nd Avenue west to river.
Fourth street from Hillside Avenue to 8th Avenue East, 5th Avenue East to 3rd Avenue East.
Third Street from 3rd Avenue East to river.
Second Street from 3rd Avenue East to 2nd Avenue East.

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First Avenue East from CSAH 61 to railroad tracks.
Second Avenue West from 7th Street to CSAH 61.
Second Avenue East from CSAH 61 to Second Street.
Third Avenue West from 7th Street to CSAH 61.
Third Avenue East from CSAH 61 to 2nd Street.
Fourth Avenue West from 7th Street to CSAH 61.
Eighth Avenue West from 7th Street to CSAH 61.
Eighth Avenue East from CSAH 61 to 4th Street.
Hillside Avenue from CSAH 61 to Fourth Street.

St. Paul

Dale Street from Grand Avenue to Larpenteur Avenue.
Plato Blvd. from Water Street to Fillmore Avenue.
Chester Street from T.H. 3 to Plato Blvd.
North Cleveland Avenue from University Avenue South to Wabash Avenue, then Wabash Avenue on North Cleveland to Vandalia Street, then Vandalia Street to I-94.
East Seventh Street from East Minnehaha Avenue to Atlantic Street, then Atlantic Street north to railroad tracks.
Wacouta Street from I-94 to Fifth Street, then Fifth Street from Wacouta Street to Broadway.
Shepard Road from T.H. 5 to Warner Road. Then Warner Road from its intersection with Shepard Road to T.H. 61.

Designated 10-Ton Routes Trunk Highways Seasonally Restricted

EXPERIMENTAL SEASONALLY RESTRICTED TEN TON ROUTES

These trunk highway routes have been experimentally designated with the understanding that in the event of deterioration of the roadway, the Commissioner of the Department of Transportation may undesignate any route pursuant to Minn. Stat. § 169.832, subd. 12 and § 15.0412, subd. 5.

- | | |
|---------|--|
| T.H. 1 | From W. state border to Jct. T.H. 32 |
| T.H. 2 | In its entirety from W. state border to Jct. T.H. 61 |
| T.H. 3 | From Jct. T.H. 65 to Jct. T.H. 55 |
| T.H. 4 | From Jct. T.H. 14 N. to Jct. T.H. 68 |
| T.H. 5 | From Jct. T.H. 41 to I-494
From W. Jct. T.H. 19 to T.H. 212
From Shepard Rd. to Warner Rd. Then Warner Rd. from its intersection with Shepard Rd. to T.H. 61 |
| T.H. 6 | From Jct. T.H. 18 to E. Jct. T.H. 210 |
| T.H. 7 | From Jct. T.H. 12 E. to Jct. T.H. 15
From Jct. I-494 to W. Mpls. City Limits* |
| T.H. 8 | *From Jct. I-35 to E. State Line (St. Croix River) |
| T.H. 9 | From Jct. T.H. 29 to Jct. J.H. 59 |
| T.H. 10 | From Anoka to Jct. T.H. 23
From Jct. T.H. 371 to CSAH 10 (Becker Co.) (Frazee)
From Jct. T.H. 47 to Jct. I-694 |
| T.H. 12 | From Jct. T.H. 59 to W. Mpls. City Limits*
From W. State Line to N. Jct. T.H. 7 (Ortonville) |
| T.H. 13 | From Jct. I-90 (Albert Lea) to W. Jct. T.H. 19
From Jct. T.H. 282 N.E. to Jct. T.H. 101 |
| T.H. 14 | From Jct. T.H. 23 to 2 miles W. of I-35
From Jct. I-35 to Jct. T.H. 57 (Kasson)
From Jct. T.H. 52 to Jct. T.H. 61 |

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- T.H. 15 From Jct. I-90 to Jct. T.H. 257
From W. Jct. T.H. 14 to Jct. T.H. 19
- T.H. 16 From Jct. I-90 to E. Jct. T.H. 52
From Jct. T.H. 44 to Jct. T.H. 61
- T.H. 18 From Jct. T.H. 210 to N. Jct. T.H. 169
From S. Jct. T.H. 47 to N. Jct. T.H. 47
From Finlayson (CSAH 61) to E. Jct. T.H. 23
- T.H. 19 From Jct. T.H. 59 into Morton
From Jct. T.H. 4 to Jct. T.H. 22
- T.H. 21 From S. Jct. T.H. 13 to Jct. 169
- T.H. 22 From Jct. T.H. 109 to Jct. T.H. 14
From Jct. T.H. 212 to Jct. T.H. 55
- T.H. 23 From Jct. T.H. 269 to N. Lyon Co. Line
From Maynard to T.H. 55
From Jct. I-94 to S. Jct. I-35
From N. Jct. I-35 to Jct. T.H. 123
- T.H. 24 From Jct. I-94 to Jct. T.H. 10
- T.H. 25 From S. Jct. T.H. 5 to Norwood
From Sherburne CSAH 11 to N. Jct. T.H. 10
From Jct. T.H. 18 to Merrifield
- T.H. 26 From S. Jct. T.H. 44 to Jct. T.H. 14
- T.H. 27 From Jct. T.H. 75 to Jct. T.H. 9
From Jct. T.H. 29 to Jct. T.H. 127
From S. Jct. T.H. 71 to Jct. T.H. 25
From N. Jct. T.H. 47 to Jct. T.H. 65
- T.H. 28 From W. State Line to S. Jct. T.H. 9
- T.H. 30 From Jct. T.H. 75 to N. Jct. T.H. 59
From Jct. T.H. 4 to S. Jct. T.H. 15
- T.H. 33 From Jct. I-35 to Jct. T.H. 53
- T.H. 34 From Osage to Jct. T.H. 371
- T.H. 36 (In Mpls.)*
- T.H. 37 In its entirety
- T.H. 40 From W. State Line to Jct. T.H. 75
- T.H. 41 From Jct. T.H. 169 to Jct. T.H. 212
From Jct. T.H. 5 to Jct. T.H. 7
- T.H. 44 From W. Jct. T.H. 52 to Jct. T.H. 14
- T.H. 45 From Jct. T.H. 33 to Jct. I-35
- T.H. 47 From 2 miles S. of Jct. I-694 to Mpls. City Limits*
From S. Jct. T.H. 27 to N. Jct. T.H. 18
- T.H. 49 From Jct. T.H. 3 to N. Jct. T.H. 55
- T.H. 52 From Jct. I-94 (Vic. St. Cloud) to N. Jct. T.H. 152
From Jct. T.H. 100 to W. Mpls. City Limits*
From Jct. T.H. 3 to Olmsted Co. Rd. 14
From Jct. I-90 to S. State Line
- T.H. 53 From Jct. I-35 to S. Jct. T.H. 169
- T.H. 55 From Jct. T.H. 28 to Brooten
From Jct. T.H. 23 to Jct. T.H. 22
From 1½ miles E. of Jct. T.H. 100 to W. Limits of Mpls.*
From S. Mpls. City Limits (*) to Jct. T.H. 5
From Jct. T.H. 110 to Jct. T.H. 61
- T.H. 56 From Jct. T.H. 3 to Jct. T.H. 52 (Hampton)
From Jct. T.H. 30 to Jct. T.H. 63

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RULES

- T.H. 57 From Jct. T.H. 60 to Jct. T.H. 14
T.H. 59 From N. State Line to Jct. T.H. 1
From Jct. T.H. 200 to Jct. T.H. 10 (and 210) In Fergus Falls along T.H. 59 and 210 from Sheridan Ave. to St. Andrews St. South
From Jct. T.H. 12 to E. Jct. T.H. 212
From Jct. T.H. 23 to S. Jct. 30
T.H. 60 From S. State Line to E. Jct. T.H. 14
From Jct. T.H. 57 to N. Jct. T.H. 52
T.H. 61 From Jct. T.H. 8 to S. Jct. T.H. 96
From Jct. I-90 to Jct. T.H. 16
T.H. 63 From Jct. T.H. 16 to Jct. I-90
From S. State Line to Jct. T.H. 56
T.H. 65 From N. Jct. T.H. 169 to Pengilly
From S. Jct. T.H. 27 to N. Mpls. City Limits*
From 2.3 miles N. of S. Jct. I-35 to N. Jct. I-35
From S. State Line to S. Jct. I-35
T.H. 67 From W. Jct. T.H. 19 to Jct. T.H. 68
T.H. 68 From Jct. T.H. 23 to E. Jct. T.H. 19
From Jct. T.H. 67 to N. Jct. T.H. 15
T.H. 71 From Jct. I-90 to E. Jct. T.H. 19
From E. Jct. T.H. 212 to Browerville (N. of Jct. T.H. 27)
From Jct. T.H. 10 to Jct. T.H. 34
T.H. 73 From S. Jct. T.H. 169 to N. Jct. T.H. 169 (Hibbing)
T.H. 75 From S. State Line to N. Jct. T.H. 2
From Jct. T.H. 1 to Jct. T.H. 11
T.H. 87 From S. Jct. T.H. 71 to N. Jct. T.H. 71
T.H. 95 From Jct. T.H. 169 to Jct. I-35
T.H. 96 From Jct. I-35W to Jct. T.H. 61
T.H. 101 From S. Jct. T.H. 169 to Jct. T.H. 212 and 169
T.H. 109 From Jct. T.H. 22 to Jct. I-90
T.H. 127 From Jct. I-94 to Jct. T.H. 27
T.H. 135 From Jct. T.H. 37 (Gilbert) to Aurora
T.H. 152 From Jct. I-94 to Jct. T.H. 52 (St. Cloud)*
T.H. 169 From S. State Line to Jct. T.H. 21 (Jordan)
From S. Jct. T.H. 101 to Jct. I-494
*
From S. Jct. T.H. 52 to Jct. T.H. 23
From S. Jct. T.H. 27 to W. Jct. T.H. 210
From Jct. T.H. 200 to Jct. T.H. 2
From S. Jct. T.H. 65 to S. Jct. T.H. 53
*
T.H. 190
T.H. 200 From W. State Line to Jct. T.H. 9
From Jct. T.H. 32 to Jct. T.H. 59
From S. Jct. T.H. 371 to N. Jct. T.H. 371
T.H. 201 From Jct. T.H. 10 to Jct. T.H. 169 (Elk River)
T.H. 210 From W. Jct. T.H. 10 to S. Jct. T.H. 169
T.H. 212 From W. State Line to Dawson (E. of T.H. 75)
From W. Jct. T.H. 71 to Jct. T.H. 15
From E. Jct. T.H. 22 to Jct. T.H. 41
From Jct. T.H. 101 to Jct. I-494
*
T.H. 218 From S. State Line to 1¼ miles S. of Jct. I-90
From 2.0 miles N. of Jct. I-90 to Jct. T.H. 14
T.H. 226 From Jct. T.H. 34 into Dorset
T.H. 257 From Jct. T.H. 15 into Hanska
T.H. 268 From Jct. T.H. 75 into Edgerton
T.H. 270 From Jct. T.H. 75 into Hills

RULES

T.H. 278	*
T.H. 282	From Jct. T.H. 169 to Jct. T.H. 13
T.H. 322	From Jct. T.H. 371 to Jct. T.H. 18
T.H. 361	From Jct. I-35 to Jct. T.H. 324
T.H. 371	From Jct. T.H. 10 to Jct. T.H. 2

NOTE: *And including any other portions of this highway designated by the City of Minneapolis

DESIGNATED 10-TON ROUTES (SEASONALLY RESTRICTED) COUNTY ROADS

Becker County

CSAH 10 from T.H. 10 west of Frazee to T.H. 10 east of Frazee.

McLeod County

CSAH 9 Plato to T.H. 212.
CR 81 in Glencoe.

Stevens County

CSAH 13 Chokio only.
CSAH 9 Alberta only.

Traverse County

CSAH Browns Valley only.

Waseca County

CSAH 3 from Waldorf to Junction T.H. 14.
CSAH 9 from West County Line to CSAH 13.
CSAH 12 from CSAH 1 to T.H. 13.
CSAH 2 from CR 53 to T.H. 14.
CR 53 from CSAH 2 to CSAH 5.
CSAH 5 from CR 53 to CSAH 30.
CSAH 30 from CSAH 5 to T.H. 13.

DESIGNATED 10-TON ROUTES (SEASONALLY RESTRICTED) CITY STREETS

Morris

Pacific Avenue from T.H. 59 to Park Avenue.

New Ulm

Front Street from 8th North Street to Center Street, then Center Street from Front Street to Valley Street, then South Valley Street from Center Street to First South Street.

Owatonna

From T.H. 14 south to railroad tracks.

Rose Creek

3rd Street.




Sauk Centre

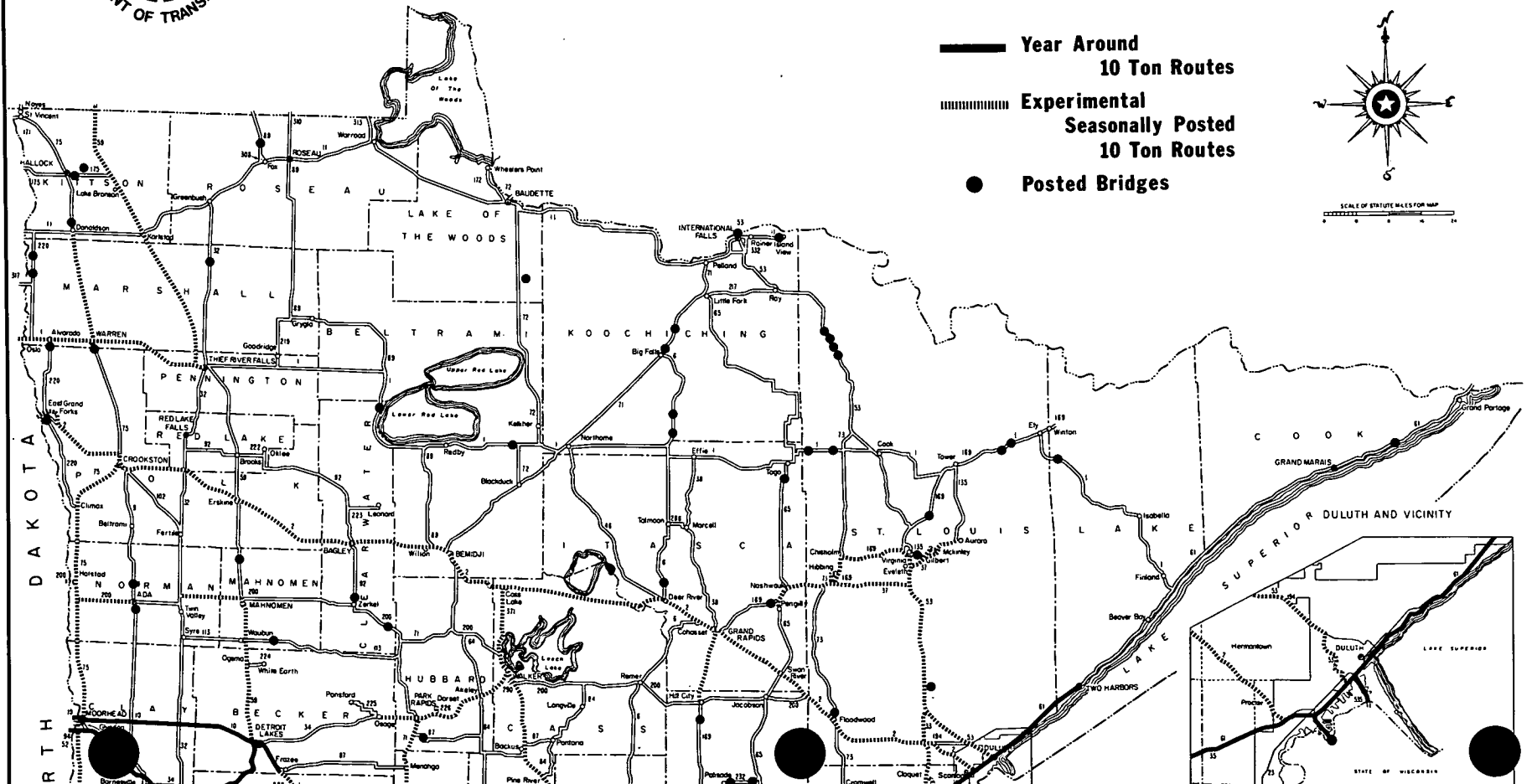
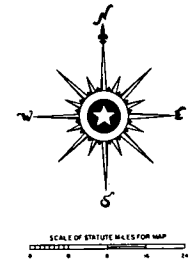
4th Street North from T.H. 71 to 331 North 4th Street.

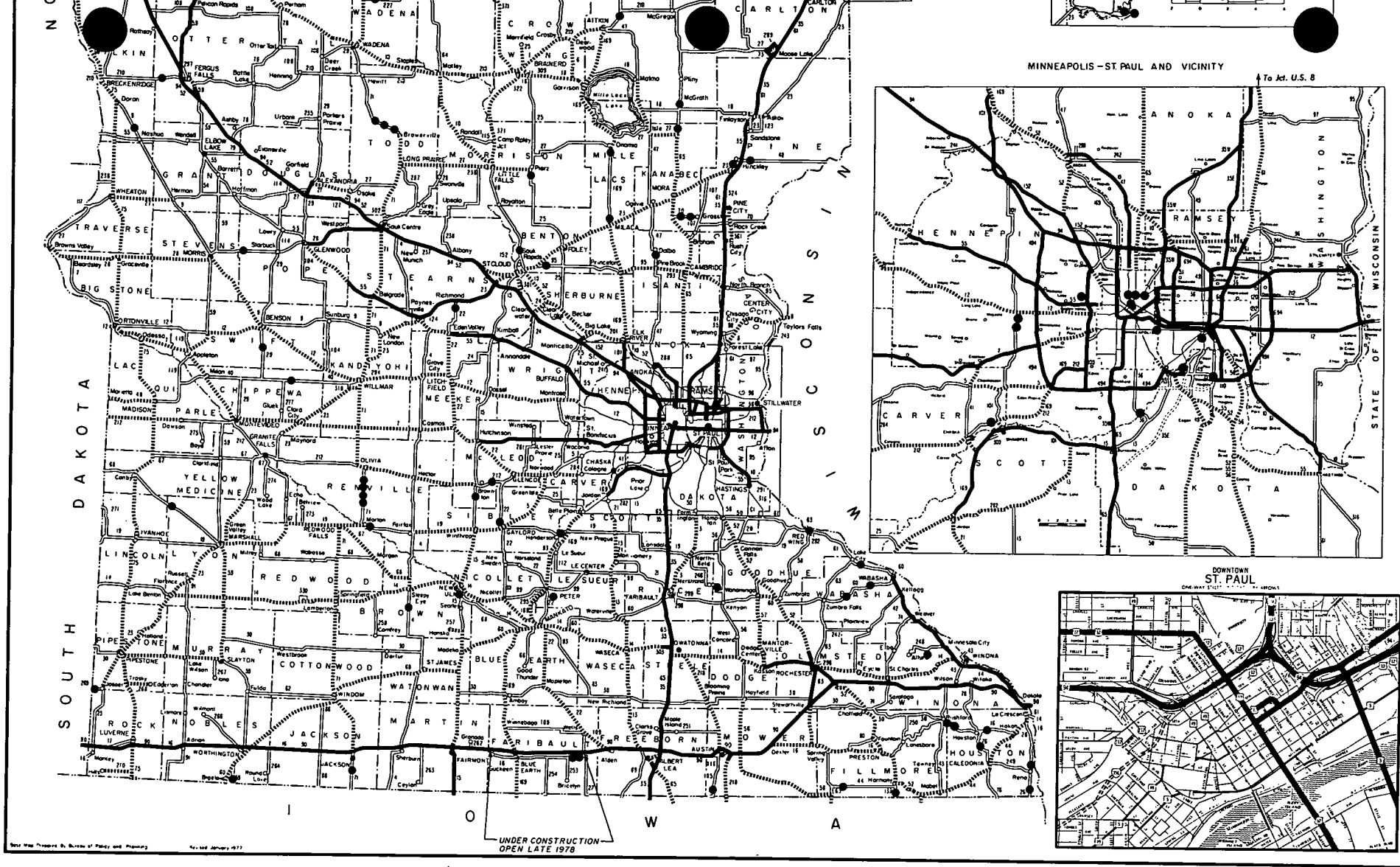
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STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
10 Ton Routes

-  Year Around
10 Ton Routes
-  Experimental
Seasonally Posted
10 Ton Routes
-  Posted Bridges





For designated routes see previous pages.

RULES

Wells

Broadway Avenue from T.H. 109 South to 7th Street S.E.

Worthington

Oxford Street from T.H. 60 to T.H. 266.

Department of Transportation

Adopted Temporary Rules on Public Transit Subsidy and Demonstration Grant Programs

Order Adopting Emergency Rules

Minnesota Statutes 1976 as amended by Laws of 1977, ch. 454 requires the Commissioner of Transportation to establish by rule the procedures and standards for review and approval of applications for financial assistance submitted to the Commissioner pursuant to Minn. Stat. §§ 174.21 to 174.27 (1976) as amended. Laws of 1977, ch. 454, § 25 allows the Commissioner of Transportation to promulgate emergency rules to implement the provisions of §§ 174.21 to 174.27 (as amended).

Notice having been given that the Commissioner solicited outside opinion, information and comments concerning the subject matter of the proposed rules on July 5, 1977 (1 S.R. 1875), and

Notice having been given that the Commissioner requested public comment relating to the proposed rules on October 24, 1977 (2 S.R. 892), and

After affording interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the emergency need for the above captioned rules and the reasonableness thereof,

Now, therefore, it is ordered that these rules identified as "Implementation of Rules for the Public Transit Subsidy and Demonstration Grant Programs" are adopted this 14th day of November, 1977, pursuant to authority vested in me by Minn. Stat. chs. 15, and 174, as amended; which rules shall become effective upon approval by the Attorney General of the State of Minnesota for a period not to exceed ninety (90) days, or for successive ninety day periods if authorized by me and permitted under the law.

Jim Harrington
Commissioner of Transportation

Department of Health Increase in Journeyman Plumbers' License Fees

The amendments to MHD 139(c) which were published at 2 S.R. 674, Vol. 2, September 26, 1977, are adopted and are identical in every respect to their proposed form.

PROPOSED RULES

Minnesota State University Board

Proposed Repeal of Rules of the Minnesota State University Board Numbered SCB 101-1099 Which Are Not Properly Designated as Rules and Which are Inconsistent With System Policies and Procedures

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room D, Veterans Services Building, 20 W. 12th Street and Columbus Avenue, St. Paul, Minnesota on Tuesday, January 24, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to participate.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to

Mr. George A. Beck
Room 300, Hearing Examiners Office
1745 University Avenue
St. Paul, Minnesota 55104
612-296-8118

either before the hearing or within five (5) working days (or for a longer period not to exceed twenty (20) days if ordered by the hearing examiner) after the close of the hearing.

The proposed repeal, if adopted, would rescind those Rules which are not properly designated as "Rules" and which are inconsistent with revised internal system policies and procedures. A copy of those rules to be repealed is attached and additional copies may be obtained by writing to the Office of the Chancellor, State University System, 407 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed repeal is contained in Minn. Stat., ch. 136, as amended, particularly §§ 136.12 and 136.14. A "statement of need" explaining why the agency feels

the proposed repeal is necessary and a "statement of evidence" outlining the testimony it will be introducing will be filed with the Hearing Examiners Office at least twenty-five (25) days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat., ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Garry D. Hays
Chancellor

Rules as Proposed for Repeal

Chapter One: Definitions

SCB 101 Individual. The term "individual" refers to a student, a faculty member, a professional support personnel staff member, or an administrative officer of any of the Minnesota State Colleges; an employee in the Office of the Chancellor; or a member of the Minnesota State College Board.

SCB 102 The State College System. The terms "State College System" and "System" refer to all components of the System collectively. The components of the System are: the State College Board, the Chancellor and other employees in the Office of the Chancellor, and the State Colleges.

SBC 103 College and College Community. The terms "College" and "College Community" refer to all components of the College collectively. The components of a College are: the President and other officers of administration [SCB 604], the faculty [SCB 701], the students [SCB 801], and the professional support personnel [SCB 901]. In accordance with these Governing Rules and the College Constitution, the President shall designate to which component each College employee belongs. An individual employee may appeal his designation to the State College Board or its designee. Any individual enrolled in a course for credit or audit in the College is a member of the student component.

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PROPOSED RULES

SCB 104 The Governing Rules. The State College Board Rules are hereinafter referred to as "The Governing Rules". They are regulations of the State College Board governing the organization and procedure of the System and of the individual Colleges implementing and making specific the law enforced by the Board. They are rules within the meaning of Minnesota Statutes and may be amended or otherwise modified only in accordance with the Statutes. [M.S. 1969, Chapter 15.0411 - 15.0422. See also the Minn. Reg. Atty. Gen. 301-306.] All acts of the Board, the Chancellor, the Presidents, and other System and College officers, and all other rules, regulations, procedures, and policies of the System and of the individual Colleges, including College Constitutions, must not be inconsistent with the Governing Rules. Within the printed version of these Governing Rules any material appearing between brackets [] is not part of the Governing Rules and may be modified as is appropriate. Should any rule or portion thereof in these Governing Rules or application thereof to any person or circumstances be held invalid such invalidity shall not affect other provisions or applications of the Governing Rules which can be given effect without the invalid provision or application and to this end the provisions of these Governing Rules are declared to be severable.

SBC 105 Internal Rules. Internal Rules are regulations of the State College Board concerning the internal management of the System. [M.S. 1969, Chapter 15.0411 Subd. 3(a).] They apply throughout the System and shall be codified and remain in effect until explicitly repealed. Prior to the adoption, repeal, or amendment of an Internal Rule, a hearing for individuals within the System shall be held by the Board or its designee, previous to which a copy of the proposed Rule or modification, together with the notice of the date, time, and place of the required hearing, shall be distributed by the Office of the Chancellor to each College President, to the principal agencies for faculty and for student participation in College governance, and to any other individuals or groups within the System which request in writing to the Office of the Chancellor that they receive copies of such documents. Said notice shall be distributed at least 15 and not more than 90 days prior to the hearing. The Office of the Chancellor shall codify all Internal Rules and distribute current copies to each President, to each College library, and to the organizations mentioned in SCB 431 and SCB 432. The copies in each library shall be available for inspection and duplication by any individual in accordance with the normal procedures of each library.

SCB 106 Operating Policies. Operating Policies are acts of the State College Board which the Board declares to be applicable to a specified College or to be in effect for a specified period of time for one or more Colleges. Operating Policies shall include the annual budget and modifications thereof, and authorization for a particular College to offer new degrees or programs. Notice of the intention to act on such Policies shall be included in the agenda for State Col-

lege Board meetings. Operating Policies shall be published in minutes of the State College Board meeting at which they are adopted.

SCB 107 College Constitutions. The Constitution of a College is a Board-approved regulation for the internal management of that College; all other College regulations, procedures, and policies must be consistent with it. A College Constitution may not be inconsistent with the Governing Rules and Internal Rules. It shall be available for public inspection. It shall provide procedures whereby actions taken by the Board that implicitly or explicitly amend it shall be reflected in subsequent editions. [See SCB 505 and SCB 506.]

SCB 108 College Regulations. In accordance with its Constitution, each College is empowered to adopt Regulations for itself. These College Regulations may not be inconsistent with the Governing Rules, Internal Rules, and Operating Policies or with the College Constitution. They shall be codified by the college and available for public inspection. [See SCB 505(c).]

SCB 109 Administrative Procedures. Administrative Procedures which implement these Governing Rules, Internal Rules, College Constitutions, College Regulations, and which are intended to facilitate the routine and continuing functions of the System or of a College may be adopted. Administrative Procedures of a College are subject to the approval of the College President. Administrative Procedures for the System as a whole are subject to the approval of the Chancellor, after written notice to each President. They shall be available for public inspection.

SCB 110 Rules of Order. All boards, councils, senates, committees, and similar agencies of the System and of the College shall be governed by *Robert's Rules of Order Newly Revised*, with such exceptions and modifications thereto as are convenient or desirable. Such agencies shall also establish additional Rules of Order setting forth the powers, duties, and method of electing their officers and committees; provisions relating to a quorum, attendance, the setting of agenda, and the distribution of minutes; and other matters relating to the conduct of business.

SCB 111-199 Reserved for future use.

Chapter Two: The Basic Rights and Responsibilities of Individuals Within the State College System

Part 1 Basic Rights

SCB 201 Respect for Constitutional Rights. In their relations with the State College System individuals have the same legal duties and obligations as other persons and enjoy the same freedoms of speech, press, religion, peaceful assembly, and petition that other persons enjoy. In all of their

PROPOSED RULES

dealings with these individuals, therefore, the System and the Colleges shall respect the rights guaranteed them by the Constitution and laws of the United States and of the State of Minnesota. Nothing in the Governing Rules shall be construed to preclude the rights of the individual to petition the Board for a redress of any grievance.

SCB 202 Discrimination Prohibited. The Colleges, their facilities and services, and College organizations shall be open to persons otherwise eligible without respect to race, color, creed, national origin, sex, or family relationship. Employment in the System and the colleges shall be open to persons otherwise eligible without respect to race, color, creed, national origin, sex, or family relationship. College organizations may establish reasonable qualifications for membership. An officer or agency of the State College System or of an individual College shall not discriminate against any individual because of race, color, creed, national origin, sex, or family relationship.

SCB 203 Academic Freedom. Every individual within the State College System is entitled to full academic freedom as that concept is generally understood within institutions of higher education and articulated in particular by the American Association of University Professors in its *1940 Statement of Principles on Academic Freedom and Tenure*, which statement is hereby made part of this Governing Rule. [See Appendix A.] Consistent with the principles of academic freedom, a faculty member shall have full freedom in the classroom when discussing his subject. A faculty member must also respect the right of his students to have access to, to hold, and to express, points of view different from his own related to the instruction, and to be free of intimidation or the threat of sanctions for holding them or expressing them in an appropriate way. It is a teacher's mastery of his subject and his own scholarship which entitle him to his classroom and to freedom in the presentation of his subject. Thus, it is improper for an instructor persistently to intrude material which has no relation to his subject, or to fail to present the subject matter of his course as announced to his students and as approved by the faculty in their collective responsibility for the curriculum. Subject to the performance of his other academic duties, each faculty member is entitled to full freedom in his research and in the publication of the results of his research (as are students and other persons within the State College System). A faculty member or other employee of a College or of the System performing research for pecuniary return shall do so in accordance with the provisions of any Internal Rule or College Constitution relative to professional ethics. Individuals within the State College System when they speak or write as citizens shall be free from College or System censorship or

discipline. They shall respect the rights of others to express opinions. They shall be careful not to imply they are functioning in an official capacity for either a College or the System unless authorized to do so by the Chancellor for the System as a whole or by a President for a College.

SCB 204 Fair Evaluations. Faculty members, students, and administrative officers and other employees shall be evaluated for such official purposes as the awarding of grades and diplomas, and the granting of promotions, salary increases, and tenure solely on the basis of their performance in meeting appropriate standards established and communicated to them in advance of the assignment of responsibilities for which they will be evaluated.

SCB 205 Freedom from Disruption and Intimidation. Within the State College System faculty members shall be free to teach and undertake research and related activities, students shall be free to learn, and administrative officers and other employees shall be free to carry out their duties without harassment from those who would physically interfere with classes and other authorized activities or who would disrupt such activities by any action. Such individuals shall also be free from threats and efforts to intimidate them by any person or group.

SCB 206 Participation in College and System Decisions. Individuals within the State College System have a right to participate [See SCB 502] in the making of System and College policy decisions which affect them. This right is exercised through the procedures and agencies provided for in these Governing Rules and in College Constitutions, and subject to the plenary power of the State College Board in the making of decisions.

SCB 207 Confidentiality of Records. All information which an individual acquires about other individuals within the State College System in the course of his activities as a student, instructor, administrator, advisor, or counselor may only be used to perform officially authorized evaluations required by the System or a College. When the records of such information are no longer relevant to this purpose they shall be destroyed, subject to the requirements of public law. Each College shall establish a procedure whereby an individual shall be informed of and have an opportunity to respond to any material in the record pertaining to him at such time as the material is used in an evaluation of him with the following two exceptions — records of a professional counselor and professional recommendations. However, professional recommendations for individuals using the college placement service shall be obtained only from those people specifically designated by the individual being

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PROPOSED RULES

evaluated. The individual may request the removal of any recommendation. Improper disclosure of confidential information is a serious violation of the obligations of an individual who is part of the State College System and adequate cause for the imposition of formal sanctions. Judgments of an individual's ability and character, however, may be provided to others when the individual concerned has either explicitly or implicitly requested such judgments to be supplied.

SCB 208 Freedom to Organize. Individuals are free to form and join associations. Organizations within the State College System shall be governed by System Rules and College Regulations relative to protecting the rights of others and in accordance with federal and state laws. Individuals are free to examine and discuss all questions of interest to them including questions relating to System and College policies and to express their opinions publicly and privately without formal or informal sanction. They are free to support causes by means which do not prevent others from exercising their rights and performing their duties.

SCB 209 Fair Procedures for the Imposition of Sanctions

(a) **Notification of Rights.** Before instituting formal procedures against individuals charged with serious violations of College Constitutions or Regulations or System Rules, College or System officials shall inform them of their rights. In conducting investigations and hearings officials shall respect the right of the individual to refuse to testify against himself.

(b) **Suspension.** Pending action on charges of violating a System Rule or a College Constitution or Regulation a person is presumed innocent until proven guilty and shall continue to receive all benefits of his position except that his right to be present on the campus and attend to his classes or other official duties may be suspended for reasons relating to the safety of himself or others. Compensation shall continue for any employee so suspended.

(c) **Written Notice.** College or System officials shall inform individuals in writing of the reasons for any proposed formal sanction against them, with sufficient particularity and in sufficient time for the individual to have an opportunity to prepare for the hearing of any charges.

(d) **Right to an Advisor and Counsel.** To assist him in preparing for any hearing which may lead to the imposition of formal sanctions by System or College officials and to assist him at such a hearing an individual may choose an advisor from his College Community and may be represented by counsel.

(e) Hearing Procedures

(1) Any individual accused of violating a System

Rule or College Regulation which may lead to the imposition of any formal sanction has the right to a hearing at the earliest reasonable date. Such hearings shall be conducted in accordance with this sub-rule prior to the imposition of any formal sanction, except in the case of suspension as provided in SCB 209(b).

(2) The specific agencies for conducting hearings shall be established in accordance with the provisions of these Governing Rules [See SCB 709 (a)], a relevant Internal Rule and College Constitutions and Regulations.

(3) Consistent with these Governing Rules [See SCB 709 (a)] detailed procedures to be followed by such agencies shall also be set forth in College Constitutions or Regulations.

(4) It is the privilege of an individual to admit to a hearing agency the violation of which he is accused, in which case he has the right to appear before the hearing agency and explain extenuating or mitigating circumstances. He may also offer such explanations in writing without appearing.

(5) The burden of proof at a hearing shall rest with College or System officials and shall be satisfied only by clear and convincing evidence in the record considered as a whole. If an individual declines to admit the alleged violation, he shall have an opportunity to appear and explain, to present evidence and witnesses, and to hear and question adverse witnesses. The hearing agency shall not consider statements against the individual unless he is present when they are made or he is advised in writing of their content and the names of those who made them and unless he is given an opportunity to rebut unfavorable inferences which might otherwise be drawn. The hearing agency shall not admit evidence which is precluded by an Internal Rule or the College Constitution.

(6) The hearing agency's decision shall be based solely upon matters introduced at the hearing. The hearing agency shall, when in its judgment a sanctionable action has occurred, recommend appropriate formal sanctions to be imposed. An individual may not be required to submit to procedures which may result in the imposition of College or System sanctions for a particular violation more than once.

(f) **Appeals.** An individual may appeal the decision of the hearing agency to the President or his designee if he is affiliated with a College. In cases involving suspension for more than one academic year or permanent dismissal or expulsion the decision may be appealed to the State College Board or its designee. The Board or its designee shall conduct its hearing in accordance with Minnesota Statutes [M.S. 1969, Chapter 15.0411 et seq.]

(g) **Types of Formal Sanctions.** Formal sanc-

PROPOSED RULES

tions imposed for violation of a System Rule or College Constitution or Regulation must bear a reasonable relationship to the violation. The formal sanctions which may be imposed are dismissal, expulsion, suspension, censure, disciplinary and academic probation, and denial of a promotion, salary increase, tenure, or some other privilege or reward.

(h) Classified Civil Service Staff Excluded from SCB 209. The provisions of SCB 209, (a) through (g), shall not apply to members of the classified civil service staff whose rights in relation to imposition of formal sanctions are set forth in the rules and regulations of the State Department of Civil Service.

SCB 210 Ex Post Facto Actions Prohibited. A formal sanction may be imposed only for violation of a System Rule or College Constitution or Regulation. Such Rule, Constitution, or Regulation must be established prior to the action for which the formal sanction would be imposed and published in a manner to make it generally available to those subject to it.

SCB 211 Protection of Rights. Each College shall provide in its Constitution or Regulations for a procedure to protect the rights enumerated in SCB 201-SCB 210 and a grievance procedure for each component of its community.

SCB 212-250 Reserved for future use.

Part II Basic responsibilities.

SCB 251 Professional Standards and Competence. Each individual holding a professional position within the State College System, including all faculty members and administrative officers, is obligated to perform his duties in a manner consistent with the generally acknowledged standards of his profession and with the terms of his contract, and to keep himself informed about and to utilize sound, current developments relevant to the practice of his profession. His performance is subject to evaluation by members of his profession, particularly the members of his department. It is the obligation of the State College Board, the Chancellor, the College Presidents, and all other System and College officers to insure that policies, procedures, and conditions are developed to facilitate the meeting by individuals of the obligations specified in this rule.

SCB 252 Academic Honesty. Work submitted by an individual as his own in connection with a course or other academic activity must be the product of his own efforts. Plagiarism, cheating, and other forms of academic dishonesty by any individual are prohibited.

SCB 253 Accurate Information. An individual shall not knowingly furnish false or misleading information to College or System officials or on official records of the College or System, nor shall he alter such records.

SCB 254 Respect for Persons and Property. While on a College campus or other College or System property, or while performing official duties or attending an official function, an individual shall not engage in conduct or directly incite or exhort others to engage in conduct which violates the rights of other individuals as enumerated in these Governing Rules, or which disrupts the peace, impairs the health, safety, or welfare of other persons, or which damages public property, including College property, or private property not his own, nor shall he appropriate such property for his own or another's use without the consent of its owner or custodian. Formal sanctions may be imposed on an individual only for his own actions and not for the actions of other individuals.

SCB 255 Willful Neglect of Duties. An individual shall not willfully neglect duties incumbent upon him in his official duties.

SCB 256-299 Reserved for future use.

Chapter Three: The State College Board

Part 1 Membership, duties and responsibilities.

SCB 301 Membership. The State College Board consists of eight directors appointed by the Governor, subject to confirmation by the Senate, for a term of six years and the Commissioner of Education, ex officio.

SCB 302 General Duties and Responsibilities. The duties and responsibilities of the State College Board include "the educational management, supervision, and control of the State Colleges and of all property appertaining thereto". [M.S. 1969, Chapter 136.14] Pursuant to Minnesota Statutes the State College Board may take any action it deems necessary or desirable to fulfill the duties and responsibilities imposed on it by law. Subject only to the limitations contained in applicable provisions of federal and state constitutions and statutes, the State College Board has plenary power in relation to the System as a whole and the individual Colleges. The Chancellor and the College Presidents, and all other System and College officers, agencies, employees, and students have only such power in relation to the governance of the System and the Colleges and the making of System and College rules, regulations, and policies, as are granted to them by the Board in these Gov-

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PROPOSED RULES

erning Rules, Internal Rules, Operating Policies, or College Constitutions. Those individuals or agencies which are assigned duties by the Board shall fulfill those duties in accordance with any instructions given to them by the Board or by officers or agencies designated by the Board. Failure to comply with such instructions shall make the offender liable for such penalties, including removal from office or termination of employment, as the Board may designate in an Internal Rule. Any duty assigned or power delegated to an individual or agency within the State College System by the Board may be resumed by the Board or reassigned or redelegated by the Board subject only to the provision that the Board must act in accordance with applicable statutes and these Governing Rules.

SCB 303 Duties and Responsibilities in Relation to the Colleges. Within the limits necessary for the attainment of common objectives, it shall be the responsibility of the Board to encourage, support, and facilitate the development of the Colleges as diverse and unique institutions within the System. It is the explicit intention of these Governing Rules that, insofar as possible, each College shall develop according to its own patterns, taking into account the particular needs of its primary service area, as well as the present and projected needs of its students.

SCB 304 Policy Making. The State College Board makes policy by adopting:

- (a) Governing Rules for the System,
- (b) Internal Rules and Operating Policies for the System,
- (c) Constitutions for each College,
- (d) Parking Rules and Regulations for the Colleges as provided for in Minnesota Statutes [M.S. 1969, Chapter 169.669],
- (e) Administrative Procedures, including resolutions instructing particular officers or agencies of the System or the Colleges to perform specific duties,
- (f) Rules of Order for the conduct of Board business.

SCB 305 Appointment and Removal Power

(a) Chancellor. The Board shall appoint a Chancellor for the State College System; prescribe his duties, and establish his salary. It may also remove the Chancellor. Before appointing a Chancellor, the Board shall seek the recommendation of a Chancellor Search Committee as provided for in SCB 401.

(b) Presidents. The Board shall appoint a Pres-

ident for each State College; prescribe his duties; and establish his salary. It may also remove a President. Before appointing or removing a President, the Board shall seek the recommendation of the Chancellor. The appointment of a President shall be made by the Board only after the College Community involved has taken part in the process of nominating candidates and evaluating their qualifications in accordance with the provisions of relevant Internal Rules and the College Constitution.

(c) Other Administrative Officers. In accordance with procedures set forth in an Internal Rule, the Board shall appoint Vice Chancellors or equivalent officers for the System and Vice Presidents, Deans, or equivalent officers for the Colleges.

(d) Personnel Policies. The Board may establish in Internal Rules personnel policies for the System and may review the personnel policies and procedures of the Colleges.

SCB 306 Educational Policy

(a) General Policies. By means of Internal Rules, the Board is empowered to establish general academic policies, including policies relative to program development, admissions, faculty status, and related matters, within which each of the State Colleges shall operate.

(b) Long-Range Planning. Each College President shall establish a long-range planning process for the academic development of the College. To coordinate the resulting long-range plans, the Chancellor shall, in cooperation with the Presidents, establish a long-range planning process for the System. Copies of a description of these planning processes and of the resulting plans shall be transmitted by the Chancellor to the Board.

(c) Program Review. The Board shall establish, in an Internal Rule, procedures for reviewing existing and proposed academic programs and administrative units. A College shall offer only those academic programs and degrees approved by the Board or its designee.

SCB 307 Budgets and Fiscal Policies

(a) Prior Approval. In Operating Policies the Board shall approve all budgets for the State College System, for the Office of the Chancellor, and for each College prior to their submission to the appropriate agencies of the executive and legislative branches of state government.

(b) Office of the Chancellor. In an Operating Policy the Board shall establish budgets for the Office of the Chancellor.

(c) College. In an Operating Policy the Board shall establish budgets for each State College.

PROPOSED RULES

(d) Tuition and Fees. In an Operating Policy the Board shall approve the tuition and fees to be charged by each College.

(e) Collection and Disbursements Policies. By means of Internal Rules, the Board shall provide for the collection and disbursement of monies and funds by the Colleges. Such rules shall not be inconsistent with the requirements of all relevant statutes.

SCB 308 Facilities

(a) Planning. The Board may adopt long-range plans for the development of the physical facilities necessary for each State College. Biennially each College President shall forward through the Chancellor to the Board a recommendation relative to the physical facilities needed at the College.

(b) Construction. The Board shall approve plans for the acquisition of such property and the acquisition, remodeling, and construction of such facilities as are required by each College or the Office of the Chancellor. All such acquisition, remodeling, and construction shall be undertaken in accordance with the provisions of relevant statutes and the rules of relevant departments of state government, particularly the Department of Administration. Responsibility for coordinating the relationship between the Colleges and the departments lies with the Board and more particularly with the Office of the Chancellor.

(c) Naming New Facilities. The official name for a building or facility shall be determined by the Board upon recommendation of the College involved.

SCB 309 The Board and the Public. The Minnesota State Colleges have been established by and for the people of the State of Minnesota. The State College Board serves as trustee for the people. One of the Board's principal functions is to require students, faculty members, and administrative officers to consider the needs and requests of the larger community in decisions relating to curriculum, admissions, graduation, budgets, research, and all other aspects of the enterprise of higher education. Members of the Board also accept responsibility for communicating the legitimate needs and requests of the Colleges to the public at large. Because they are informed laymen, they can speak authoritatively to the general public and to its representatives in the executive and legislative branches of government. Ultimately, therefore, it is the Board which must determine the official requests which the colleges will make of the general public and of the executive and legislative branches

of government and which must justify these requests to the public and its representatives; recognizing, however, that other groups and persons have the right to state their own positions both to the public and to its representatives.

SCB 310-320 Reserved for future use.

Part II Officers, committees, and rules of order

SCB 321 The President. The President of the Board shall be chosen by ballot at the annual meeting in odd-numbered years for a term of two years or until his successor is qualified. [M.S. 1969, Chapter 136.13] It shall be the duty of the President to call meetings of the Board and to preside at all Board meetings.

SCB 322 The Vice President. The Vice President shall be chosen by ballot at the annual meeting in odd-numbered years for a term of two years or until his successor is qualified. It shall be the duty of the Vice President to discharge all duties of the President during the absence or disability of the President.

SCB 323 The Secretary and Assistant Secretary. The Commissioner of Education shall be Secretary of the Board [M.S. 1969, Chapter 136.13]. The Board shall designate the Chancellor or a member of his staff to serve as Assistant Secretary. The Secretary shall act on behalf of the Board in making certain that the records of the Board are properly kept by the Assistant Secretary, who shall have charge of the records of the Board and of all the papers directed to be kept on file. The Assistant Secretary shall be responsible for keeping a fair and full record of the proceedings of the Board and causing the same to be duplicated and distributed.

SCB 324 The Treasurer and Assistant Treasurer. The Treasurer shall be chosen by ballot at the annual meeting in odd-numbered years for a term of two years or until his successor is qualified. The Board shall designate the Chancellor or a member of his staff to serve as Assistant Treasurer. The Treasurer shall act on behalf of the Board in making certain that the Assistant Treasurer keeps accounts necessary to the operation of the Minnesota State College System, including the accounts of the Special Revenue Fund established in accordance with Minnesota Statutes. [M.S. 1969, Chapter 136.35]

SCB 325 Committees. In its Rules of Order, the Board may establish such permanent and temporary committees as it finds necessary or useful to the successful discharge of its duties. When a committee is established, the Board may

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designate the manner of its appointment. If the Board does not designate otherwise, committees shall be appointed by the President of the Board. The Chancellor shall designate a member of his staff to serve as Secretary for each Board committee. Minutes of Board committee meetings shall be kept and shall be made available as provided in Board Rules of Order.

SCB 326 Notice of Meetings and Agendas. The Assistant Secretary shall prepare the agenda for meetings of the Board, placing thereon any item requested by a member of the Board, by the Chancellor, a State College President, or by any other individual or group authorized by these Governing Rules to request items for Board meetings agendas. He shall distribute the agenda and notice of all regular and special meetings of the Board to members of the Board, the Presidents of the Colleges, the principal agencies for faculty and student participation in college governance and the organizations referred to in SCB 431 and SCB 432, and other persons designated by the Board, by these Governing Rules, or by statutes.

SCB 327 Minutes. A copy of the minutes of each Board meeting and each Board committee meeting shall be placed on file within 30 days of said meeting in the Chancellor's Office, each President's office, and the library of each College. The copies in each library shall be available for inspection and duplication by any individual in accordance with the normal procedures for the operation of each library. Copies of Board minutes shall also be sent to the organizations referred to in SCB 431 and SCB 432.

SCB 328 Rules of Order. The generally accepted rules of parliamentary procedure for small legislative bodies shall govern the deliberations of the Board, and unless specifically altered by the Board acting in accordance with these Governing Rules, *Robert's Rules of Order Newly Revised*, shall be the controlling guide in such practice. The Rules of Order shall not be adopted, amended, altered, repealed, or suspended, except at a regular meeting of the Board at which two-thirds of all members are present and a majority of the complete Board shall vote in favor thereof.

SCB 329-399 Reserved for future use.

Chapter Four: The Chancellor and the Administration of the System

Part I The chancellor

SCB 401 Appointment. The Chancellor is selected by the State College Board, which sets the term and conditions of his employment. Whenever a new Chancellor is to be selected, the Board shall appoint a Chancellor Search Committee with representation from, among others, the State College Presidents, faculties, and students. The Committee shall be appointed in accordance with, and its

functions set forth in, an Internal Rule. The Committee shall aid the Board in recruiting and evaluating candidates for the Chancellorship in accordance with an Operating Policy. [See SCB 305 (a)]

SCB 402 Duties and Responsibilities in Relation to the Board

(a) The Chancellor provides leadership to the State College System and provides the Board with professional judgments on all matters affecting the System and the Colleges.

(b) The Chancellor shall attend all meetings of the Board unless otherwise directed.

(c) The Chancellor shall identify the problems confronting the system, shall assess alternative solutions, and shall recommend to the Board those which to him seem best.

SCB 403 Duties and Responsibilities in Relation to the Presidents

(a) Because the Presidents share with the Chancellor the responsibility for leadership of the System as a whole, the Board expects the Chancellor to consult with the Presidents individually and collectively and to keep them apprised of matters relating to the System and fully informed of any formal action of the Board or his office which affects the Colleges.

(b) Unless directed to the contrary, the Chancellor as soon as practicable shall inform the Presidents about advice which he provides to the Board or its committees and shall inform the particular President involved about discussions which he or members of his staff have with the Board or one of its committees on matters which affect an individual College.

(c) Prior to making formal recommendations to the Board on matters affecting the System as a whole the Chancellor shall seek and consider the counsel of the Presidents.

(d) Prior to making formal recommendations to the Board on matters affecting a particular College, the Chancellor shall seek and consider the counsel of the President of that College.

(e) The Chancellor shall provide for making whatever studies are necessary, including and requested by the Board or the Presidents, individually or collectively.

SCB 404 Duties and Responsibilities in Relation to the Administration of the System

PROPOSED RULES

(a) General Responsibilities. The Chancellor is the chief executive officer of the State College System and as such is accountable to the Board for making certain that the System operates in accordance with Minnesota Statutes, these Governing Rules, Internal Rules, and Operating Policies. The Chancellor shall carry out all duties which have been or may be delegated or assigned to him by the Board. He is empowered to take any action appropriate or necessary to carry out the duties and responsibilities assigned to him or his office. He may delegate the duties assigned to him to other administrative officers or other agencies of the State College System, subject to his right to resume any duty he delegates.

(b) Signature. The Chancellor or his designee shall sign all documents on behalf of the Board, including contracts and legal papers. His signature shall be placed on file with the Secretary of State as an authorized signature for the State College System. He shall designate any other persons whose signatures shall be placed on file with the Secretary of State as authorized signatures for the State College System.

(c) Budgets. The Chancellor shall review and analyze budgets of the Colleges and make recommendations thereon to the Board and to Committees of the Board. [See SCB 307]

(d) Planning. The Chancellor shall coordinate planning and programming in the State College System. [See SCB 306 and SCB 308]

(e) Personnel Responsibilities. The Chancellor shall appoint such staff members for his office as the Board authorizes. The appointment of Vice Chancellors is subject to approval by the Board. Prior to the appointment of a Vice Chancellor, the Presidents of the Colleges shall have an opportunity to provide the Chancellor with an evaluation of the candidate or candidates he is considering for the position. The Chancellor shall fix the duties of his staff and shall make available to the Board and the Presidents a description of the responsibilities of each of the principal officers, and in consultation with the Presidents, shall define their relationship to the College President and his staff. He is responsible for making certain that each staff member executes his work properly. In accordance with Board policies and applicable rules and regulations of the State Civil Service Department, the Chancellor shall provide for the employment, promotion, salary increases, and dismissal of members of his staff. [See SCB 305(a)]

(f) Relation to External Agencies. The Chan-

cellor shall coordinate the presentation of any Board-approved program to the legislature, the Governor, and to any other agencies providing monetary support to the State College System. He shall also coordinate the relations between the System or the individual Colleges and state and federal agencies, including the State Department of Administration and the Minnesota Higher Education Coordinating Commission. The Chancellor shall represent the Board in releases to the news media of all information relating to Board policies and actions on matters affecting the System. He shall represent the System in its relation with its publics. [See SCB 309]

(g) Report to the Governor. The Chancellor shall draft for the Board's approval a report to the Governor of the State as required by statute. This report will summarize the work of the Board and the expenditures of the System and each of the Colleges during the preceding biennium, and the condition, prospects, progress, and needs of the Colleges. [See M.S. 1969, Chapter 136.14]

SCB 405-420 Reserved for future use.

Part II The administrative council

SCB 421 Membership. The Administrative Council shall consist of the Chancellor and the State College Presidents. The Chancellor, or a Council member designated by him, shall serve as chairman. The Vice Chancellors and the Vice Presidents of the Colleges (or equivalent College officers) and such other persons as are authorized by the Council or the Board shall attend meetings of the Administrative Council, but shall not vote. [See SCB 431 and SCB 432]. The voting members may meet in executive session at the request of the Chancellor or a College President.

SCB 422 Functions. The Council shall consider major recommendations for the System to be made by the Chancellor to the Board, including budgets and long-range plans, prior to his presenting them to the Board. It may make recommendations to the Chancellor or the Board on any pertinent matter. The Council may assign projects to sub-councils or other committees and receive, discuss, and (if appropriate) act upon reports and recommendations from these sub-councils or committees. Whenever requested to do so by the Council, the Chancellor shall report to the Board a particular Council action.

SCB 423 Agenda and Minutes. The agenda for Council meetings shall include any item requested by the Chancellor or a President. [See SCB 431 and SCB 432]. Copies of the agenda shall be distributed to each member of the Council

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PROPOSED RULES

prior to Council meetings. A copy of the minutes of each Council meeting shall be placed on file within 30 days of said meeting in the Chancellor's office, in each President's office, and in the library of each College. The copies in each library shall be available for inspection and duplication by any individual in accordance with the normal procedures of each library. Copies of the Council agenda and minutes shall also be sent to the organizations referred to in SCB 431 and SCB 432.

SCB 424-430 Reserved for future use.

Part III Faculty and student participation in system governance

SCB 431 Recognized Faculty Organization. In an Internal Rule the State College Board shall designate an organization to represent faculty members in policy matters which come before the Board and the Administrative Council and are of interest to them. This organization may send representatives to and recommend items for the agenda of Board meetings and Administrative Council meetings. Until such time as some other organization demonstrates majority support of the unclassified personnel holding rank on the faculties of the State Colleges, the Inter-Faculty Policies Committee, representing the Inter-Faculty Organization and the faculty associations of the various State Colleges, shall serve in this capacity. Designation of an organization to represent faculty members in accordance with this section does not preclude the representation of the faculty opinion to the Board and the Administrative Council by other means.

SCB 432 Recognized Student Organization. In an Internal Rule the Board shall designate an organization to represent students in policy matters which come before the Board and the Administrative Council and are of interest to them. This organization may send representatives to and recommend items for the agenda of Board meetings and Administrative Council meetings. Until such time as some other organization demonstrates majority support of the principal agencies for student participation in College governance, the Minnesota State College Student Association shall serve in this capacity. Designation of an organization to represent students in accordance with this section does not preclude the representation of student opinion to the Board and the Administrative Council by other means.

SCB 433 Inter-College Advisory Committees

(a) **Function.** The Administrative Council may establish Inter-College Joint Faculty/Student/Administrative Advisory Committees to advise the Council on specific matters relating to the System as a whole. The relationship among the advisory committees, their membership, and their duties shall be determined by the Council. Such advisory committees shall submit their reports and recommendations to the Administrative Council, which

when requested to do so by a committee will transmit them (together with its own recommendations) to the State College Board.

(b) **Agenda and Minutes.** Prior to all meetings, advisory committees shall distribute agendas to all members of the Administrative Council, the principal agencies for faculty and student participation in College governance, and the organizations referred to in SCB 431 and SCB 432. Minutes of all meetings shall be distributed to all members of the Administrative Council, to the principal agencies for faculty and student participation in College governance at each College, to the organizations referred to in SCB 431 and SCB 432, and to each College library where they shall be available for public inspection and duplication in accordance with the rules of the library.

SCB 434-499 Reserved for future use.

Chapter Five: The Colleges: Constitutions and Principles of Governance

SCB 501 Components of a College Community. Each State College is a Community the individual members of which are students, faculty members, administrative officers, and professional support personnel. Legal responsibility for the Community is vested in the President as its chief executive officer. These Governing Rules provide for each College Community to establish a system of governance appropriate to its needs and situations, the outlines of which shall be set forth in its Constitution. The precise role of each of the components of a College Community in its governance and the structure of its system of governance may vary from College to College. Some Colleges may establish an all-college senate. Others may establish separate senates for various components. It is the explicit intention of these Governing Rules that the role of each component in the governance of each College be articulated as clearly as possible in order to minimize misunderstandings.

SCB 502 General Responsibilities of the Components

(a) **The President.** Consistent with these Governing Rules, Internal Rules, and public law, the State College Board assigns full responsibility and authority for the College to its President, who is accountable to the Board through the Chancellor. The President is responsible for the development and enforcement of all college policies, including the College Constitution, all College Regulations, and all College budgets, and for making all College personnel decisions.

(b) **The Faculty.** Because the faculty has primary responsibility for providing the education which is at the heart of the College's purpose, the faculty has responsibilities as set forth in SCB 752 and 753 and the appropriate College Constitution.

PROPOSED RULES

(c) The Students. Because the education which a College offers is provided for its students and because their education will be enhanced by the students having a significant responsibility for its direction, students have responsibilities as set forth in SCB 803 and 804 and in the appropriate College Constitution.

(d) Faculty and Students. In establishing policy on matters not otherwise specified in the Governing Rules or College Constitutions it shall be presumed that on matters of equal concern to faculty and students they shall participate in equal numbers in the decision making process and they shall have the right to participate in making decisions on matters not of equal concern. This does not exclude participation by other College components.

(e) Professional Support Personnel. Because persons on the professional support personnel staff have a clear interest in and specific knowledge of certain aspects of the colleges' operations, they shall have responsibilities as set forth in SCB 904.

(f) General. In general, each President shall consult with all components within the College Community about decisions which will affect them before such decisions are made and insure that effective channels are established so that the views of all interested individuals within the Community can be received and given fair consideration.

SCB 503 "Major Responsibility" and "Participation" Defined. The term "major responsibility" as used in these Governing Rules means that with reference to those decisions for which a component is said to have such a responsibility, the system of College governance as set forth in the College Constitution and Regulations shall provide that the authority of that component, exercised directly or through representatives of its choosing, shall be predominant in this area subject to final action by the President. Where in these Governing Rules provision is made for "participation" by a particular component in the making of certain specified types of College decisions, the term means that the system of College governance shall insure that prior to the making of the decision, the views of the members of that component expressed either directly or through representatives of their choosing shall be received and given fair consideration in a systematic fashion. Consistent with the letter and intent of these Governing Rules each College Community shall decide for itself the organization and procedures to be used by it to provide for both the exercise of the component's major responsibilities and its right to participate in the respective types of decisions. The assignment of major responsibilities

to one component does not preclude the participation of other components in carrying out that responsibility.

SCB 504 The Right of Appeal

(a) Of a President's Decision. It is the explicit intention of these Governing Rules that any component of the College Community, acting through representatives of its choosing and in accordance with an Internal Rule and the College Constitution, be able to appeal through the Chancellor to the Board or its designee any decision of the College President which it believes adversely affects either the component or the College. When a conflict arises between or among components of a College Community, the President shall seek to resolve it. If an impasse should occur, the matter may be appealed through the Chancellor to the Board or its designee by any one of the components of a College after all local channels of appeal have been utilized. The procedure for such appeals shall be provided in an Internal Rule and elaborated in the College Constitution. Whenever an appeal is taken to the State College Board or its designee by one of the components of the College, both the President, or his designee, of that institution and representatives designated by the appealing component shall be present during consideration of the appeal and shall have opportunity to present to the Board or its designee any factors pertinent to the appeal. Further appeal may be made as provided under Minnesota Statutes. If a decision of a President is appealed to the Board or its designee, the President's decision shall prevail until the board or its designee rules. During the time a Presidential decision is pending before a court of law, the decision of the President shall prevail until and unless the court rules otherwise.

(b) Of a Chancellor's Decision. Any College acting through its President may appeal to the Board any decision of the Chancellor which it believes adversely affects the College or the System.

SCB 505 The Content of College Constitutions

(a) The President. Each College Constitution shall set forth the powers and duties of the President as established by Minnesota Statutes and the State College Board, and provisions relating to the exercise of a President's powers and responsibilities within the College Community, including provisions relating to the delegation of Presidential power and provisions relating to the power of the other officers of administration.

(b) Component Participation in College Governance. Consistent with the principles enumerated in SCB

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502 each College Constitution shall set forth such provisions for participation in College governance as are appropriate to each component of the College Community, including faculty members, students, and the professional support personnel. Each Constitution shall recognize that different types and degrees of participation are appropriate for different components.

(c) College Regulations. Each College Constitution shall contain a description of the process for establishing or modifying College Regulations, which description shall include the responsibilities in this process of the President and other administrative officers and all other components of the College Community. Each College is required to have regulations on the subjects listed below. A College may also have Regulations on such other subjects as are not expressly forbidden nor precluded by these Governing Rules, Internal Rules, or Operating Policies. All College Regulations must be consistent with these Governing Rules, Internal Rules, Operating Policies, and the College Constitution, as well as with public law.

(1) The recruitment, appointment, retention, evaluation, and removal of College employees, and the imposition of formal sanctions on such employees, including faculty members and administrative officers; the granting of salary increases, tenure, and promotions to such employees; and the assigning of duties to them.

(2) Student admissions, academic standards, and graduation requirements.

(3) The College curriculum and methods of instruction.

(4) The preparation of budgets, academic plans, and facilities plans.

(5) The conduct of individuals and organizations within the College Community.

(6) The safekeeping, use, and maintenance of College property, including the operation of College bookstores.

(7) Student housing.

(8) The use of campus centers, student unions, and similar facilities.

(9) Parking and traffic.

(d) Individual Rights and Responsibilities. Each College Constitution shall include an enumeration of the rights and responsibilities of the individuals making up the College Community, and procedures for protecting these rights and enforcing these responsibilities.

(e) General. Each College Constitution shall include such other provisions as are required by these Governing Rules or Internal Rules.

SCB 506 Proposing and Ratifying Constitutions and Amendments

(a) Each State College must have a Constitution, the provisions of which are consistent with these Governing Rules.

(b) Action by the College. An amendment to a Constitution or a new Constitution which has been reviewed by the President of the College involved shall be submitted to separate secret ballot elections of the faculty, students, and professional support personnel of the College. If a majority of those casting valid ballots in each component's election vote for the Constitution or amendment the President shall submit, with his recommendation, the Constitution or amendment to the Board. If a majority of one of the foregoing components casting valid ballots in the election vote against the Constitution or amendment, but fewer than ten percent of the eligible voters in that component cast valid ballots, the President shall submit, with his recommendation, the Constitution or amendment to the Board. If more than ten percent of those eligible to vote in a component cast valid ballots, and the majority of those voting in that component cast votes against the Constitution or amendment, the President shall not submit it to the Board. In this latter instance, the President shall call for another election as described above, prior to which he may call the Constitution or amendment to be redrafted. Following the second election, the President may submit, with his recommendation, the Constitution or amendment to the Board.

(c) Action by the State College Board. Any submission by a President in accordance with SCB 506 (b) must be made to the Chancellor at least thirty days prior to the date of the Board meeting at which it will be considered for ratification by the Board. Copies shall be sent by the Chancellor to each Board member. If any Board member requests the Board to decide whether or not any inconsistency with these Governing Rules or any Internal Rules exists, the proposal shall be placed on the agenda of the next Board meeting. If there is no such request, or if the Board does not act negatively, the Constitution or amendment shall be ratified and take effect immediately following the Board meeting referred to in the preceding sentence. If the Board rejects any part or all of a College Constitution or amendment, it shall return that which it rejected to the College together with reasons for the rejection. The college may request reconsideration of the decision and, prior to a decision on that request, will be given an opportunity to appear before the Board.

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SCB 507-509 Reserved for future use.

Chapter Six: The Colleges: The President and the Administration

SCB 601 Appointment. The President of a State College is appointed by the State College Board. He serves for such term as the Board establishes. A President may be awarded academic rank and tenure in accordance with Internal Rules or College Constitutions. [See SCB 305 (b) and M.S. 1969, Chapter 136.14]

SCB 602 Duties and Responsibilities in Relation to the Administration of the College

(a) **General Responsibilities.** The President is the chief executive officer of the College and as such is responsible and accountable to the Board through the Chancellor for the operation of the College and its educational and related programs. The President shall carry out all duties which have been or may be delegated or assigned to him. He is empowered to take any action appropriate or necessary to carry out the duties and responsibilities assigned to him or his office. He may delegate the duties assigned to him to other administrative officers or other agencies of the College, including faculty members, students or College Committees subject to his right to resume any duty he delegates. He is empowered to take the initiative in the development of the College Constitution and amendments thereto, and in the development of any College Regulations, plans, or budgets. In those instances in which these Governing Rules provide for participation by the faculty or the students (or both) in the development of the Constitution, an amendment, a regulation, a plan or a budget, if the President is unable to secure such participation and if he is accountable to the Chancellor and the Board for operating the College or its programs in accordance with said Constitution, amendment, regulation, plan, or budget, the President shall proceed to establish it, reporting in writing to the Chancellor, the Board, and the principal faculty and student agencies for participation in College governance his reasons for so acting. In those instances where faculty or student participation is required and the President acted without it, the principal agency for faculty or student participation in College governance may appeal the President's action to the Board, which may either confirm or modify the President's action.

(b) **Executive Responsibility.** The President shall make certain that the affairs of the College are conducted in accordance with all relevant statutes, rules of appropriate state agencies, these Governing Rules, Internal Rules, Operating Policies, and the College Constitution.

(c) **Personnel.** In accordance with the provisions of these Governing Rules, relevant Internal Rules, the College Constitution relating to the role of the faculty in such matters, and, where pertinent, rules of the State Department of Civil Service, the President is ultimately responsible for recruiting, appointing, retaining, removing, and imposing sanctions on; granting salary increases, tenure, and promotion to; and defining the duties of, all persons employed by the College, including members of the faculty and administrative officers, except that the initial appointment of a vice president, a dean, and of comparable College officers shall be submitted to the State College Board for approval in accordance with an Internal Rule. The provisions of this sub-section constitute a delegation of the Board's power as set forth in Minnesota Statutes. [M.S. 1969, Chapter 136.14] This delegation is made in accordance with Minnesota Statutes. [M.S. 1969, Chapter 15.16]

(d) **Goal Definition.** The President shall direct the College Community in defining and attaining its goals.

(e) **Communication.** The President shall convey to the State College Board and the Chancellor the views of all components of the College on those decisions in which they have participated. The President shall convey to the appropriate components of the College the views and the decisions of the State College Board and the Chancellor which are forwarded to the President for such dissemination. The President shall represent the College to its publics and maintain communication within the College and between the College and its region.

(f) **Budgets.** The President is responsible for preparing, reviewing, approving, and implementing all College budgets and fiscal plans. If the final decision on a budget or fiscal matter does not rest with the College, the President shall forward his recommendations to the specified agencies of the State College System. [See SCB 307]

(g) **Safety and Security.** The President shall take all reasonable action to promote and protect the health and safety of all persons on the College campus.

(h) **Property.** The President shall have charge of and be responsible for the physical property of the College. The provisions of this sub-section constitute a delegation of the Board's power as set forth in Minnesota Statutes. [M.S. 1969, Chapter 136.14] This delegation is made in accordance with Minnesota Statutes. [M.S. 1969, Chapter 15.06]

(i) **Records.** The President is responsible for all

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College records. Only persons authorized by law, the State College Board, or the President in accordance with these Governing Rules and the College Constitution may inspect such records. [See SCB 207].

(j) Planning. The President is responsible for making certain that long-range plans for academic programs and College facilities are prepared and kept current. [See SCB 306 and SCB 308]

SCB 603 Duties and Responsibilities in Relation to the Board and the Chancellor

(a) The President is to provide the Chancellor and the Board with professional judgments on matters relating to the College.

(b) The President is the spokesman to the Chancellor and the Board for the College Community.

(c) A President shall attend meetings of the Board unless otherwise directed.

(d) The Board expects a President to consult with the Chancellor and to keep him apprised of matters affecting the College and matters within his area of responsibility which affect the System as a whole.

(e) When a problem cannot be solved locally, the President shall assess alternative solutions and recommend to the Chancellor and the Board those which to him seem best.

(f) A President may present to the Chancellor and the Board his views on any matter affecting the College or the System and shall have an opportunity to present his views whenever a matter concerning the College or the System is discussed at a Board meeting.

(g) A President may appeal to the Board any decision of the Chancellor which affects the College or the System.

(h) The President shall provide for making whatever studies are necessary, including any requested by the Chancellor or the Board.

(i) Prior to bringing a matter formally to the attention of the Board, a President shall inform the Chancellor.

SCB 604 College Administrative Officers

(a) Designation. In accordance with Internal Rules, the College Constitution, and College Regulations, the President shall designate which College employees are administrative officers and shall fix the duties of these

officers. The provisions of this sub-section constitute a delegation of the Board's power as set forth in Minnesota Statutes. [M.S. 1969, Chapter 136.14] This delegation is made in accordance with Minnesota Statutes. [M.S. 1969, Chapter 15.06]

(b) Description of Responsibilities. He shall keep current and make available to the Chancellor and the Board a description of the responsibilities of each of the principal officers.

(c) Term of Office. The term of office of administrators other than the President shall be set by the President, who may remove any administrative officer from any administrative office whenever in his judgment such action is in the best interest of the college.

(d) Academic Rank and Tenure. Consistent with the provisions and procedures established in College Constitutions and Regulations for making decisions relative to these matters, administrative officers otherwise qualified may hold academic rank and may be granted tenure in the college as faculty members.

SCB 605-699 Reserved for future use.

Chapter Seven: The College Faculties

Part I Definition and appointment of faculty members

SCB 701 Definition of a Faculty Member. In addition to the qualifications required by these Governing Rules or in Internal Rules, each College Constitution shall set forth the qualifications which an individual must have in order to be a member of the faculty. In general, faculty members shall be those persons who perform instructional and research duties and may include those who perform related professional services, including administrative duties relating to instruction, research, or support services, for the College. Each College Constitution shall also set forth the qualifications which individual faculty members must meet to participate in College governance as a member of the faculty component. Different qualifications may be established for different kinds of participation.

SCB 702 Terms of Appointment. The terms and conditions of every appointment to the faculty of a College shall be stated or confirmed in writing, and a copy of the appointment document shall be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notice which either party is required to provide, shall be stated or confirmed in writing and a copy given to the faculty member. A State College shall normally notify all faculty members of the terms and conditions of their appointments by April 15 of each year unless the legislature has not acted to appropriate funds, in which case the College shall pro-

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vide faculty members with as much information about the terms and conditions of their appointments as is available by that date.

SCB 703 Faculty Ranks. Faculty members shall be assigned to one of the following ranks: professor, associate professor, assistant professor, instructor, or such other ranks as may be designated by the College. College Constitutions or Regulations shall delineate the qualifications and procedures required for appointment or promotion to each rank; however, no faculty member can be assigned a rank lower than the one he holds at the time these rules are adopted.

SCB 704 Types of Appointments

(a) Appointments with Tenure. An appointment with tenure means that the individual holding such an appointment holds it in his highest permanent rank for an indefinite term within the institution and is not reappointed annually. It means further that the individual may be dismissed only for adequate cause [See SCB 708] and in accordance with procedures which meet the generally accepted standards of the academic profession and of law, and more specifically the procedures guaranteed in SCB 209-SCB 211, SCB 708-SCB 713, and College Constitutions. Tenure granted under the Rules and Regulations in effect prior to the adoption of these Governing Rules shall be valid under these Governing Rules. To hold an appointment with tenure does not mean, however, that the individual holding such an appointment will not be evaluated or that such evaluations will never result in the imposition of formal sanctions, including dismissal for cause.

(b) Probationary Appointments. A probationary appointment means that the individual holding such an appointment holds it for a contractually stated term, but that during such term he is being evaluated for purposes of determining whether or not at some fixed point in time he will be offered an appointment with tenure.

(c) Fixed Term, Non-probationary Appointments. A fixed term, non-probationary appointment means that the individual holding such an appointment should not expect that the College will require his services beyond the time stated in his current contract. Such an appointment is to be made only in special circumstances. Occasionally a College may offer additional contracts. A College may offer a probationary appointment to an individual who has previously held a fixed term, non-probationary appointment.

SCB 705 Procedures Relative to Appointments with Tenure

(a) Time Schedule

(1) An appointment with tenure may be granted to a faculty member after he has been employed in a College for a minimum of two years and a maximum of seven years with exceptions to the minimum to be determined in accordance with the College Constitution. An appointment with tenure shall be granted to a faculty member who has been employed in a College for a maximum of seven years and has been employed for an additional year.

(2) SCB 705 (a)(1) shall apply to faculty members whose service begins after the adoption of these Governing Rules by the State College Board. Faculty members employed prior to that time receive appointments with tenure in accordance with the schedule in effect at the time of their appointment, unless a given faculty member and his President agree in writing that said faculty member may elect to receive tenure in accordance with the time schedule in these governing rules.

(b) Ineligible Service

(1) Appointments involving only off-campus teaching, evening teaching, part-time teaching, or summer school teaching assignments shall not apply toward eligibility for an appointment with tenure, unless the individual and the College agree in writing to the contrary and the agreement has been approved by the Board.

(2) Time spent on leave of absence shall not count as probationary service unless the individual and the College agree in writing to the contrary at the time leave is granted.

(c) No Tenure in an Administrative Position. An administrative officer of the College who also holds an appointment on the faculty with tenure does not hold his administrative appointment with tenure. All administrative appointments are for terms established by the State College Board (in the case of Presidents) and by the Presidents (in the case of all other College administrative officers). This means that a faculty member is entitled to retain his tenured appointment in his highest academic rank and not in any administrative position.

SCB 706 Procedures Relative to Probationary Appointments

(a) Time Schedule. Probationary appointments

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PROPOSED RULES

may be for one year, or for other stated periods, subject to renewal. The total period of full-time service, prior to the acquisition of tenure, shall not exceed seven years. This seven year period shall include service in fixed-term, non-probationary appointments in the College and all previous full-time service in other institutions of higher learning, with the following exceptions:

(1) The probationary period may extend to as much as four years, even if the total full-time service in institutions of higher learning thereby exceeds seven years; the term of such extensions shall be stated in writing at the time of initial appointment, and may, with the mutual consent of the appointee and the President expressed in writing, be extended to as much as six years.

(2) A faculty member who has tenure at another institution of higher learning may be employed by a State College with the understanding, stated in writing, that the appointment does not grant tenure at the College. Employment beyond a third year shall automatically grant tenure.

(b) Notification of Non-reappointment. Written notice that a probationary appointment is not to be renewed shall be given to the faculty member in advance of the expiration of his appointment, as follows:

(1) Not later than March 1 of the first academic year of service, if the appointment expires at the end of that academic year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;

(2) Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;

(3) At least twelve months before the expiration of an appointment after two or more years of service at the institution.

SCB 707 Termination of Appointment by a Faculty Member. A faculty member may terminate his appointment effective at the end of an academic year, provided that he gives notice in writing at the earliest possible opportunity but not later than May 15 or 10 days after receiving notification of the terms of his appointment for the coming year, whichever date occurs later. The faculty member may request a waiver of this requirement of notice in case of hardship or in a situation where he would otherwise be denied substantial professional advancement or opportunity.

SCB 708 Adequate Cause for Suspension or Dismissal by the College

(a) General Cause. A faculty member holding

an appointment with tenure or a faculty member whose term of appointment has not expired may be dismissed only for adequate cause. Adequate causes for dismissal (and for the imposition of other sanctions on faculty members) include violation of any of the basic responsibilities of individuals within the State College System enumerated in SCB 251-SCB 255 of these Governing Rules and include the causes stated in sub-rules (b) and (c) below.

(b) Physical or Mental Disability. Physical or mental disability which would impair the capacity of a faculty member to perform his duties or would endanger the health of himself or others shall constitute an adequate cause for suspension or dismissal of a faculty appointment by a College. This disability shall be based upon clear and convincing medical or other professional evidence reviewed by an appropriate faculty agency established by the College prior to final decision made by the President; said decision subject to appeal by the faculty member involved to the Board. Nothing in this rule shall be construed to deprive a faculty member of sick leave benefits to which he is otherwise entitled. In the case of a faculty member who has been suspended or dismissed under this rule, the faculty member may appeal the suspension or dismissal to the State College Board or its designee. If the Board does not uphold the President's decision to suspend or dismiss, the faculty member shall receive all the salary and benefits lost as a result of the suspension or dismissal.

(c) Discontinuation or Reduction of a Program or Academic Unit

(1) Procedure for Discontinuation or Reduction. A proposal to discontinue or reduce a program or a department of instruction (or other academic unit) which results in the dislocation of tenured faculty must normally follow the same procedure established by the College Constitution for the initiation of a new program or academic unit. It must be approved by the principal agency for faculty participation in College government subject to SCB 602, SCB 752, SCB 753, and subject to the approval of the Board.

(2) Procedure for Protection of Tenured Faculty Members in Reduced Programs or Academic Units. A tenured faculty member in a reduced program or academic unit is entitled to continuation in the reduced program or academic unit on the basis of his length of service to the College, and shall have priority over all non-tenured faculty in the reduced program or academic unit.

(3) Procedure for Protection of Tenured Faculty Members in Discontinued Programs or Academic Units. Tenured faculty in a reduced program or academic unit for whom provision cannot be made under SCB 708 (c) (2) because all available positions are filled by tenured faculty who have greater length of service at the college, or tenured faculty members in a discontinued program are entitled to

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one of the following unless legislative action requires otherwise: reassignment at the same rank and salary to a related field for which he is qualified; an opportunity for a professional improvement period of at least one academic year with pay to prepare himself for re-assignment at the same rank and salary; an opportunity for full time employment at the College at the same rank and salary for at least one academic year prior to the termination of his appointment; or, an opportunity for a professional improvement period at the same rank and salary for at least one academic year prior to the termination of his appointment. Every effort shall be made to give affected faculty members first consideration for vacancies in the State College System for which they are suited by education and experience.

SCB 709 The Advisory Committee on Faculty Rights and the Faculty Hearing Committee. Each College Constitution shall provide for the establishment of two elected faculty committees for implementation of SCB 710-SCB 714:the Advisory Committee on Faculty Rights and the Faculty Hearing Committee. Either of these committees may delegate responsibility for the exercise of the duties assigned to the full committee in this rule and SCB 710-SCB 714 to panels or sub committees made up of members of the full committee. The principal functions of the Advisory Committee on Faculty Rights are counseling a faculty member regarding his rights to academic freedom and tenure, seeking to mediate disputes between the faculty member and the College regarding these rights, and recommending to the parties of a dispute whether or not a hearing should be held. The principal function of a Faculty Hearing Committee is to conduct such a hearing.

SCB 710 Pre-Hearing Procedures

(a) Preliminary Steps. Dismissal of a faculty member with tenure, or with a non-tenured appointment before the end of the specified term, shall be preceded by:

(1) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement;

(2) informal inquiry by the Advisory Committee on Faculty Rights which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President;

(3) a statement of charges, stated with reasonable particularity, by the President or his designee.

(b) Disqualification of Faculty Hearing Committee Members. A Faculty Hearing Committee member shall remove himself from the case, either at the request of a party or on his own initiative, if he deems himself disqualified for bias or interest. Each party shall have a maximum of two challenges without stated cause.

SCB 711 Specific Procedures of Faculty Hearing Committee. The following procedures shall be followed by the College in the case of a faculty dismissal procedure.

(a) Service of notice of hearing with specific charges in writing shall be made at least 20 days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges against him or asserts that the charges do not support a finding of adequate cause, the Faculty Hearing Committee shall evaluate all available evidence and rest its recommendation upon the evidence in the record.

(b) Subject to paragraph (d), below the Faculty Hearing Committee in consultation with the President and the faculty member, shall exercise its judgment as to whether the hearing should be made public or private. No hearing shall be public without the consent of the faculty member involved.

(c) During the proceedings the faculty member shall be permitted to have an academic advisor and a counsel of his own choice.

(d) At the request of either party or the Faculty Hearing Committee, representatives of responsible educational associations shall be permitted to attend the proceedings as observers.

(e) A verbatim record of the hearing or hearings shall be taken. In the event the faculty member appeals to the State College Board, at his request a typewritten copy shall be made available to him without cost.

(f) The burden of proof that adequate cause exists rests with the College and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

(g) The Faculty Hearing Committee shall grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

(h) The faculty member shall be afforded an

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opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the institution shall, insofar as it is possible for it so to do, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.

(i) The faculty member and the administration shall have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear, but the Faculty Hearing Committee determines that the interests of justice require admission of his statement, his statement shall be admissible only as a deposition under the usual rules with notice to all parties; giving the faculty member an opportunity to take part therein.

(j) In the hearing on charges arising under SCB 251 the testimony shall include that of qualified faculty members from the College involved or other institutions of higher education.

(k) The Faculty Hearing Committee shall not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort shall be made to obtain the most reliable evidence available.

(l) The Committee shall make findings of fact and such findings of fact and the Committee's recommendation shall be based solely on evidence adduced at the hearing.

(m) Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by any party, or the parties' agents, employees, or representatives shall be avoided so far as possible until the proceedings have been completed.

(n) The President and the faculty member shall be notified of the Committee's recommendation in writing and shall be given a copy thereof. The President shall issue his decision within 10 days of receiving the Committee's recommendation, unless the time is extended by the Hearing Committee. If the President rejects the Committee's recommendation, he shall state his reasons for doing so, in writing, to the Faculty Hearing Committee and the faculty member, and before making a final decision provide an opportunity for response.

SCB 712 Appeal to the Board. A faculty member who has been dismissed or suspended for more than one year by his President may appeal the decision of the President to the Board or its designee after exercising all formal College appeal procedures. Upon request of the faculty member involved, the President shall transmit to the Board the College's record of the case. The board or its designee shall conduct a hearing pursuant to Minnesota Statutes [M.S.

1969, Chapter 15.0411 et seq.]. At this hearing the faculty member may appear, with counsel and witnesses, as may the President of the College or his designee.

SCB 713 Terminal Notice. If a faculty member's appointment is terminated for adequate cause, the faculty member shall receive notice of the termination in accordance with the schedule of notice in SCB 706(b). If such faculty member is tenured, he shall receive at least one year's notice. In case the stated cause for dismissal is willful neglect of duties as defined in SCB 255, or the mental or physical impairment of the faculty member as defined in SCB 708(b), or a flagrant act which would endanger the health, welfare, or safety of another individual as defined in SCB 254, a President may suspend the faculty member without pay immediately, which suspension shall last until the termination of his appointment in accordance with the requirements stated above. Nothing in this rule shall be construed to deprive a faculty member of sick leave benefits to which he is otherwise entitled. In the case of a faculty member who has been suspended under this rule, the faculty member may appeal the suspension to the State College Board or its designee. If the Board does not uphold the President's decision to suspend, the faculty member shall receive all the salary and benefits lost as a result of the suspension.

SCB 714 Non-reappointment of Non-tenured Faculty. If a faculty member on probationary appointment formally alleges that considerations violative of academic freedom significantly contributed to a decision not to reappoint him, his allegations shall be given preliminary consideration by the Advisory Committee on Faculty Rights which shall seek to settle the matter informally. His allegations shall be accompanied by the statement that he agrees to the presentation to this committee of such reasons and such evidence as the College may allege in support of its decision. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter shall be heard in the manner set forth in SCB 710 and SCB 711, except that the faculty member making the complaint is responsible for stating the grounds upon which he bases his allegations, and the burden of proof shall rest upon him. If he succeeds in establishing a *prima facie* case, it is incumbent upon those who made the decision not to reappoint him to come forward with evidence in support of their decision. If a faculty member on probationary appointment alleges that inadequate consideration was given to a decision not to reappoint him, the Advisory Committee on Faculty Rights shall make an information investigation into the matter. If the committee concludes, on the basis of its inquiry, that inadequate consideration apparently was given to the appropriate faculty body's decision, that body shall reconsider its decision.

SCB 715-750 Reserved for future use.

Part II Participation by the faculty in college governance

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SCB 751 Principal Agency for Faculty Participation. Each College Constitution shall provide a principal agency for faculty participation in College governance. In addition to the principal agency for faculty participation in College governance, the College Constitution and Regulations may provide for subordinate agencies. In the College Constitution or Regulations a faculty may delegate to the principal and subordinate agencies such of its responsibilities for participation in College governance as it chooses, subject to the right of a faculty to resume any responsibility it delegates. The Constitution may provide procedures for a faculty to hold referendum votes and shall determine the effect of such votes. Through agencies and procedures designated in the College Constitution or Regulations, the faculty may make recommendations to the President on any matter affecting the College, including any action taken by any agency of the College or sub-division thereof.

SCB 752 Major Responsibilities of the Faculty in College Governance. Through agencies and procedures designated in the College Constitution or Regulations, the faculty shall have major responsibility [See SCB 503] for the following:

(a) The development, in consultation with students and appropriate administrative officers, of College Regulations relating to curriculum, the evaluation of instruction, admissions, academic standards, and graduation requirements.

(b) The recruitment, recommendation, and evaluation of faculty members, and the development of College Regulations relevant to faculty promotions, tenure, appointment, dismissal, grievance, salaries, and leaves.

(c) The conferring of such degrees as are authorized by the Board.

(d) The development of such College Regulations as are designated in the College Constitution.

SCB 753 Participatory Responsibilities of the Faculty in College Governance. Through agencies and procedures designated in the College Constitution or Regulations the faculty shall participate [See SCB 503] in the following:

(a) The development of long-range plans and priorities for the College.

(b) The preparation of College budgets and the allocation of College resources, including the budgets referred to in SCB 803.

(c) The planning and development of campus facilities.

(d) The selection of a new College President when a vacancy occurs and the selection of such other personnel as the College Constitution specifies for such participation.

(e) The establishment and modification of the College Regulations enumerated in SCB 505(c).

SCB 754-799 Reserved for future use.

Chapter Eight: College Students

SCB 801 Definition of Students. A State College student is any individual enrolled for credit or audit in a State College. Each College Constitution shall set forth qualifications which a student must meet in order to participate in College governance. The Constitution may require that students meet different qualifications for different kinds of participation.

SCB 802 The Principal Agency for Student Participation in College Governance. Each College Constitution shall provide a principal agency for student participation in College governance. The College Constitution and Regulations may also provide for additional, subordinate agencies. The College Constitution may provide procedures for students to hold referendum votes and shall determine the effect of such votes. Through agencies and procedures designated in the College Constitution or Regulations, students may make recommendations to the President on any matter affecting the College, including any action taken by any agency of the College or subdivision.

SCB 803 Major Responsibilities of the Students in College Governance. Through agencies and procedures designated in the College Constitution or Regulations, students shall develop, in consultation with faculty members and appropriate administrative officers, the budgets for programs supported by the student activity fee. [M.S. 1969, Chapter 136.11; SCB Chapter Ten]. Students shall have major responsibility [See SCB 503] for the development of College Regulations pertaining to student relations, the conduct of students, college centers or student unions, and student housing; and for such other College Regulations as are designated in the College Constitutions.

SCB 804 Participatory Responsibilities of the Students in College Governance. Through agencies and procedures designated in the College Constitution or Regulations, students shall participate [See SCB 503] in the following:

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(a) Development of College Regulations relating to curriculum, the evaluation of instruction, admissions, academic standards, and graduation requirements.

(b) Development of College Regulations pertaining to parking and traffic.

(c) Selection of a new College President when a vacancy occurs and in the selection of such other personnel as the College Constitution designates for such participation.

(d) Development of long-range plans and priorities for the College.

(e) The establishment and modification of the College Regulations enumerated in SCB 505(c).

(f) The preparation of College budgets and the allocation of College Resources.

SCB 805 Student Rights. Special provisions specifically relating to student rights shall be provided for in an Internal Rule and the College Constitutions. Such provisions shall include procedures guaranteeing the confidentiality of student records and the appeal of academic and disciplinary decisions.

SCB 806-899 Reserved for future use.

Chapter Nine: Professional Support Personnel

SCB 901 Definition of Professional Support Personnel. The term Professional Support Personnel shall refer to those employees of a College who are neither faculty members nor administrative officers.

SCB 902 Appointment and Terms. Professional support personnel who are in the classified service as defined in Minnesota Statutes [M.S. 1969, Chapter 43.09, Subd. 4] shall be appointed and shall serve in accordance with Civil Service Department rules and regulations, these Governing Rules, Internal Rules, the College Constitutions, and College Regulations. Other professional support personnel shall be appointed, be promoted, obtain tenure, and serve in accordance with these Governing Rules, Internal Rules, College Constitutions, and College Regulations. The rights and privileges which these employees enjoy individually, and collectively as a component of the college, shall be set forth in these Governing Rules, Internal Rules, and College Constitutions.

SCB 903 Principal Agency for Participation in College Governance. Each College Constitution shall provide a principal agency for participation in college governance by the professional support personnel. In addition to the princi-

pal agency for professional support personnel participation in college governance, the College Constitution and Regulations may provide for subordinate agencies. The Constitution may provide procedures for the professional support personnel to hold referendum votes and shall determine the effect of such votes. Through agencies and procedures designated in the College Constitution or Regulations the professional support personnel may make recommendations to the President on any matter affecting the College, including any action taken by any agency of the College or subdivision thereof.

SCB 904 Responsibilities of the Professional Support Personnel in College Governance. Through agencies and procedures designated in the College Constitution or Regulations, the professional support personnel shall have responsibility for such actions and decisions as the Constitution designates and shall participate in making such decisions as the Constitution designates.

SCB 905-999 Reserved for future use.

Chapter Ten: The College Activity Funds

SCB 1001 Establishment. Consistent with the following provisions and any other relevant provisions of these Governing Rules, Internal Rules, Operating Policies, and the College Constitution, each College shall establish a College Activity Fund and may adopt such Regulations and Administrative Procedures as are necessary or useful to the conduct of said fund.

SCB 1002 General Regulations

(a) Purpose. "The purpose of this fund shall be to provide for the administration of the college activities designed for student recreational, social, welfare, and educational pursuits supplemental to the regular curricular offerings. The college activity fund shall encompass accounts for student activities, authorized college agencies, authorized auxiliary enterprises, and student loans, and in addition such other accounts as the Board may prescribe." [M.S. 1969, Chapter 136.11, Subd. 3]. All financial operations of the College and any of its subdivisions not accounted for in the regular state accounts through the treasurer of the State of Minnesota or not accounted for in "The College Board of the State of Minnesota Revenue Fund" shall be accounted for in the College Activity Fund.

(b) Accounting. A College administrative officer designated by the President of the College and acting under his direction shall be responsible for accounting for the financial operations of the College Activity Fund, subject to post-audit by the Chancellor and by the public examiner.

(c) Depository. All monies received by any ac-

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count in the College Activity Fund shall be deposited within three days in the official depository or depositories named by the Board.

(d) Collateral. The official depository or depositories serving a College Activity Fund shall be required to post a surety bond or deposit securities as collateral in accordance with Minnesota Statutes. [C.S. 1969, Chapter 118].

(e) Budgets. Such College Activity Fund budgets as the Board designates shall be forwarded to the Office of the Chancellor for review and approval.

(f) Financial Reports. The Office of the Chancellor shall be furnished with a statement of receipts and disbursements for all accounts of the College Activity Fund annually.

SCB 1003 Student Activity Account

(a) Student Activities Defined. "Student activities . . . means lecture courses, concerts, and other functions contributing to the mental, moral and cultural development of the student body and community in which they live, athletic activities, including intercollegiate contests, forensics, dramatics, and such other activities of any nature as in the opinion of the state college board contribute to the educational, cultural, or physical well being of the student body." [M.S. 1969, Chapter 136.11, Subd. 4]

(b) Administration. The Student Activity Account shall be administered in accordance with the terms of these Governing Rules [See SCB 803, in particular], and in accordance with relevant provisions of Internal Rules, the College Constitution, and College Regulations.

(c) Receipts. All receipts from the Student Activity Fee as authorized in Minnesota Statutes [M.S. 1969, Chapter 136.11, Subd. 2] and all receipts from events sponsored under the Student Activity Account, e.g., athletic events, plays, concerts, shall be deposited in this account.

(d) Expenditures. Expenditures may be made from the Student Activity Account for such purposes as are authorized by Minnesota Statutes and as are approved in relevant Internal Rules, College Constitutions, or College Regulations [See M.S. 1969, Chapter 136.11, Subd. 4]. The State College Board herewith delegates to each College President, acting in accordance with these Governing Rules, relevant Internal Rules, the College Constitution, or College Regulations, the authority of the Board to make determina-

tions as to the functions for which student activities account monies may be expended in accordance with Minnesota Statutes. [M.S. 1969, Chapter 136.11, Subd. 4]. This delegation is made pursuant to Minnesota Statutes. [M.S. 1969, Chapter 15.06]. Capital expenditures may be made from the Student Activity Account only in accordance with the provisions of relevant Internal Rules, the College Constitution, or College Regulations.

(e) Reserves. The minimum balances to be maintained as reserves in Student Activity Accounts shall be established in an Internal Rule. The ordinary balances in the Student Activity Account shall not exceed minimum amounts necessary to safeguard against deficits and in no case shall the balance in any College exceed an amount equal to twice the Student Activity Account receipts for the preceding fall quarter. Special reserves in excess of the balance mentioned above may be accumulated for special purposes which have been approved by the Chancellor.

SCB 1004 Agency Accounts. Each College may establish agency accounts as part of the College Activity Fund. The purposes for such accounts and the procedures under which they shall be administered shall be set forth in an Internal Rule, the College Constitutions, or College Regulations. Each State College President is hereby authorized to approve voluntary student or faculty and student clubs or agencies of an educational, recreational or social nature. Such clubs or agencies may levy dues for membership and engage in other revenue producing activities. All such receipts shall be deposited in the club's or agency's account wherever that club or agency determines. All money allocated from the Student Agency Account to any agency shall be deposited in the Agency Account. Should any club or agency disband with unspent money in its account, such monies may be transferred to the Student Activity Account or to the Student Loan Account, or to any other account under the control of the Board as provided in the College Constitution. Any additional agency accounts may be established with the approval of the Board or its designee.

SCB 1005 Auxiliary Enterprises and Service Activity Accounts

(a) Establishment. In accordance with an Internal Rule, each President may establish such auxiliary enterprises and service activity accounts as provided for in the College Constitution as part of the College Activity Fund.

(b) Bookstores. Any bookstore within a State College shall be operated under this section.

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(c) Parking Facility Income. The income for the operation of any parking facility established in pursuance of Minnesota Statutes [M.S. 1969, Chapter 169.966, Subd. 1A] shall be deposited in an Auxiliary Enterprises Account. Income from the operation of a parking facility may be expended for the purposes set forth in the Statutes.

(d) Administration. These accounts shall be operated in accordance with the provisions of relevant Internal Rules, the College Constitutions, or College Regulations. Proceeds from these accounts may be transferred to the Student Activity Account, to the Student Loan Account, or to any other account under the College Activity Fund subject to the approval of the Chancellor. Reserves and balances in these accounts shall not exceed an amount necessary for the efficient operation of the enterprise.

SCB 1006 National Defense Student Loan Account

(a) Establishment. Each College may establish an account in the College Activity Fund to be known as the National Defense Student Loan Account. This account shall be operated in accordance with Federal Statutes [Title II, Chapter 85-864] and Minnesota Statutes [M.S. 1969, Chapter 136.43]. This account shall also be operated according to the following sub-rules.

(b) Federal Loan Application. Pursuant to Minnesota laws a State College may apply for federal loans for the purpose of matching the federal grants made available under Title II, Chapter 85-864 or any other Federal Statutes. Such application shall be made only after the President of a College making application has filed with the Chancellor a proposal setting forth the plan for repayment of the loan and the proposal has been approved by the Chancellor.

(c) Gifts. Monies received by gift or transfer from existing accounts shall be placed in the National Defense Student Loan Account only upon execution of proper gift acceptance forms as provided for in Administrative Regulations established by the Office of the Chancellor.

(d) Administration. Each College shall be responsible for the efficient and business-like administration of the National Defense Student Loan Program including the selection of students to receive loans, the determination of the size of the loans, and the disbursing, accounting, and collecting of monies. The program shall be operated in accordance with the Federal Laws, Regulations and Guidelines as established or may be established for the operation of the National Defense Student Loan Program and such Institutional Policies as may be established by each Institution's Financial Aid Policy Committee.

(e) Eligible Students. Loans may be made to

admitted students and currently enrolled students who are eligible in accordance with federal regulations and statutes.

(f) Loan Forms. In connection with the National Defense Student Loan Program, all State Colleges shall require the completion of an application form by the student and a financial statement by the student's family, except those cases exempted by the Committee. All State Colleges shall use a standard promissory note form.

SCB 1007 Educational Opportunity Grant Account

(a) Establishment. Each college may establish an account in the college activity fund to be known as the Educational Opportunity Grant Account. This account shall be operated in accordance with Federal Statutes. [Title I c P.L. 89-329.]

(b) Gifts. Monies received by gift or transfer from existing accounts shall be placed in the Educational Opportunity Grant Account only upon execution of proper gift acceptance form as provided for in Administrative Regulations established by the Office of the Chancellor.

(c) Administration. Each College shall be responsible for the efficient and business-like administration of the Educational Opportunity Grant program, including the selection of students to receive grants, the determination of the size of the grant and the disbursing and accounting of money. The program shall be operated in accordance with the Federal Laws, Regulations and Guidelines as established or may be established for the operation of the Educational Opportunity Grant Program and such Institutional Policies as may be established by each Institution's Financial Aid Policy Committee.

(d) Student Enrollment. A grant recipient shall be enrolled full time. Determination of full time shall rest with the committee.

(e) Eligible Students. Grants may be made to admitted students who demonstrate exceptional financial need. Currently enrolled students may receive grants provided they are in satisfactory standing and demonstrate exceptional financial need. The determination of exceptional financial need shall be in keeping with Federally Accepted Need Analysis Procedures and in compliance with current Federal Laws, Regulations and Guidelines and such Institutional Policies as may be established by each Institution's Financial Aid Policy Committee.

(f) Grant Forms. In connection with the Educational Opportunity Grant program all State Colleges shall require the completion of an application form by the student and a financial statement by the student's family, except those cases exempted by the committee.

PROPOSED RULES

SCB 1008 College Student Loan Accounts. Any State College may establish a College Student Loan Account. All existing monies currently held by each College for the purpose of making loans to students, regardless of the original source of the money, shall be incorporated as accounts under this section of the College Activity Fund. The loans shall continue to be administered under the conditions stipulated by the donor when the money was received, if such conditions exist.

SCB 1009 College Scholarship Accounts. Each State College may establish College Scholarship Accounts in the College Activity Fund. All monies received for scholarship purposes by the College shall be placed in this account.

SCB 1010 Revolving Deposit Account. Each State College may establish as a part of the College Activity Fund a revolving deposit account into which may be placed student deposits for lost or broken equipment, lost or overdue library books, other fines or penalties; and other deposits of a temporary nature which will be returned to the depositor or applied to the purposes for which the money was intended upon the fulfillment of certain conditions stipulated at the time of deposit. Monies from this account shall be disbursed by the College to the depositor upon satisfactory fulfillment of the conditions under which the money was deposited. Should it be determined that the depositor has forfeited all or part of the deposit, the forfeited portion shall be remitted to the proper College account, depending upon the purposes for which the deposit was made.

SCB 1011 Establishment of Other College Activity Funds Accounts. The Board may by Internal Rule authorize any State College to establish additional accounts in the College Activity Fund and shall provide for the administration of such accounts in said Internal Rule.

SCB 1012 Acceptance of Gifts. Pursuant to Minnesota

Statutes [M.S. 1969, Chapter 15.06] the State College Board herewith delegates to each President the power granted to the Board in Minnesota Statutes [M.S. 1969, Chapter 136.142] to "receive and accept on behalf of the state and for the benefit of any State College any gift, bequest, devise, or endowment in the form of cash which any person, firm, corporation, or association may make to the Board by will, deed, gift, or otherwise for the purpose of providing monies for any aspect of the College Activity Fund." Such gift, bequest, devise, or endowment shall be used by the College for the purpose for which it was intended. This delegation is made in pursuance of Minnesota Statutes [M.S. 1969, Chapter 15.06]. All such gifts shall be reported to the Office of the Chancellor as provided in an Internal Rule.

SCB 1013 Transfer of Monies. Each College is herewith authorized to transfer monies from one account to another in the College Activity Fund or to such other funds as required except that no money may be transferred from the Student Activity Account, and no money may be transferred which would violate the conditions or purposes for which the money was received. All such transfers shall be reported in the annual College Activity Financial Report required by SCB 1002(f).

SCB 1014 Investment of Monies. When it has been determined by a College that surplus monies are held in any account of the College Activity Fund, the President of the College may invest appropriate amounts of said surplus in authorized securities. Such securities shall be deposited and held for the College (and the Board) by any bank serving as an official depository for the College Activity Fund. Such surplus monies may also be placed in savings or time deposits in banks designated as official depositories for College Activity Funds. All such transactions shall be noted in the Annual Financial Report of the College Activity Fund.

SCB 1015-1099 Reserved for future use.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

OFFICIAL NOTICES

Agricultural Society

Notice of Annual Meeting

The 119th annual meeting of the Minn. State Agricultural Society, governing body of the Minn. State Fair, will be held Jan. 15, 16, and 17 at the Radisson Hotel, St. Paul.

A complete schedule of all events and meetings is available during regular business hours at the Administration Building on the fairgrounds, Falcon Heights, or at the hotel during the meeting.

Department of Health

Notice of Intent to Solicit Outside Opinion on an Expanded Newborn Metabolic Disease Screening Program

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1977) the Commissioner of Health will propose the amendment and revision of 7 MCAR 1.172 "Testing for Phenylketonuria" to include centralized screening for phenylketonuria, galactosemia and hypothyroidism.

All interested parties desiring to submit data or views relating to the amendment or revision of 7 MCAR 1.172 should address their comments (either written or oral) to the Minnesota Department of Health, Division of Personal Health Services, 717 Delaware Street, S.E., Minneapolis, Minnesota 55440, by writing or calling the person designated. Evidence submitted for consideration should be pertinent to the matter at hand. Any materials received by the Department will become part of the hearing record.

Contact: Dr. Lee E. Schacht
Telephone: (612) 296-5269

Any materials submitted shall be reviewed and considered by the Department of Health during the preparation of the amendments to the Rule. Notice of the public hearing on the amendments to the Rule shall be published in the *State Register* and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provisions of the Administrative Procedure Act.

Under the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1976), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of amendments to this Rule, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at

Room 401, State Office Building, Saint Paul, Minnesota 55155.

Waren R. Lawson, M.D.
Commissioner of Health

Minnesota Board of Nursing

Notice of Intent to Solicit Outside Opinion on Proposed Rules of the Minnesota Board of Nursing

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412 subd. 6 (Supp. 1977), that the Minnesota Board of Nursing will develop and propose the adoption of new rules and the amendment and revision of existing rules relating to curriculum requirements for approval of Licensed Practical Nurse and Registered Nurse preparing programs.

All interested parties desiring to submit data or views relating to the proposed adoption, amendment or revision of the rules, Chapter Nine: Approval of LPN Preparing Programs; Curriculum and Chapter Ten: Approval of RN Preparing Programs; Curriculum, should address their comments, either written or oral to Ms. Margaret Baach, assistant director, Minnesota Board of Nursing, 717 Delaware St. S.E., Minneapolis, MN 55414, telephone (612) 296-5493. Any data or views submitted for consideration should be pertinent to the rules to be developed concerning curriculum requirements for approval of RN and LPN preparing programs.

Notice is also hereby given that the Board's Committee on Program Approval Rules will hold an informal meeting for the purpose of soliciting ideas and information from the public regarding the development of rules for approval of curricula. The subject matter to be addressed at the meeting is the essential competencies or knowledge, skills and attitudes needed by new graduates for entry into nursing practice. This meeting will be held on January 19, 1978 from 9:00 A.M. to 4:00 P.M. in the Board Room in the Minnesota Department of Health building, 717 Delaware St. S.E., Minneapolis, MN. Views regarding the essential competencies expected as an outcome of graduation from an approved program will be received as follows: 9-12 A.M. LPN-preparing programs and 1-4 P.M. RN-preparing programs. Those persons who are unable to attend are encouraged to mail in their suggestions. Any materials submitted to the Board pursuant to this notice will be placed on the record of any formal rules promulgation hearing held pursuant to this notice.

Any materials submitted shall be reviewed and considered by the Board and its Committee on Program Approval

OFFICIAL NOTICES

Rules during the preparation of the proposed rules. Notice of the subsequent public hearing on the proposed rules shall be published in the *State Register* and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provisions of the Administrative Procedure Act.

Under the provisions of Minn. Stat. § 10A.01 subd. 11 (1976), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at Room 401, State Office Building, Saint Paul, Minnesota 55155.

Joyce M. Schowalter, R.N.
Executive Secretary
Board of Nursing

Department of Transportation

Notice of Application and of Opportunity for Hearing on the Petitions of the Chicago and North Western Transportation Company for Authority to Retire and Remove Approximately 399 ft. of Spur Track Adjacent to Leitzen Concrete Products, Approximately 418 ft. of Spur Track Adjacent to Piepho Rochester Transfer and Storage and Approximately 449 ft. of Spur Track Known as St. Mary's Spur All Located in the City of Rochester, Minnesota

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Center, 80 South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supplement) and § 218.041, Subd. 3 (10) (1977 Supplement) to retire and remove approximately 399 ft. of spur adjacent to Leitzen Concrete Products, approximately 418 feet of spur track adjacent to Piepho Rochester Transfer and Storage and approximately 449 ft. of spur track known as St. Mary's spur. The petitions individually recite among other matters that: "The subject track(s) is (are) no longer needed for rail

transportation service and constitute a continuing and burdensome maintenance expense. The track(s) is (are) not used at the present time, and there is no present prospect that the subject track(s) will be needed in the future."

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before January 9, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a party to this matter must submit a timely petition to intervene to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington
Commissioner of Transportation

Errata

1. 2 S.R. 1050: change rule title "PSC 120" to "PSC 120 Promulgation of Existing Code by Reference.", at PSC 120.

2. 2 S.R. 1093: add the following information below the short title and before the existing text.

"The following Department of Public Welfare Rules, published at *State Register*, Vol. 1, No. 43, May 2, 1977, are adopted and are identical in every respect to their proposed form:

DPW 171 (Cite 1 S.R. 1564) DPW 212 (Cite 1 S.R. 1572)

DPW 210 (Cite 1 S.R. 1571) DPW 217 (Cite 1577)

DPW 211 (Cite 1 S.R. 1572) DPW 218 (Cite 1577)

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