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# STATE REGISTER

STATE OF MINNESOTA

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Printing Schedule for Agencies

Table with 4 columns: Issue Number, \*Submission deadline for Executive Orders, Adopted Rules and \*\*Proposed Rules, \*Submission deadline for State Contract Notices and other \*\*Official Notices, Issue Date. Includes SCHEDULE FOR VOLUME 7 with dates from Oct 11 to Nov 15.

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders...

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

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- Albert H. Quie, Governor; Carol Anderson Porter, Editor; James J. Hiniker, Jr., Commissioner, Department of Administration; Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg, Editorial Staff; Stephen A. Ordahl, Director, State Register and Public Documents Division; Margaret Connelly, State Register Index Editor; Debbie Kobold, Circulation Manager.

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State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

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| Issues 1-13, inclusive        | Issue 39, cumulative for 1-39 |
| Issues 14-25, inclusive       | Issues 40-51, inclusive       |
| Issue 26, cumulative for 1-26 | Issue 52, cumulative for 1-52 |
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# PROPOSED RULES

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Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

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## Department of Commerce Insurance Division

### Proposed Rules Governing Workers' Compensation Insurance Rates

#### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Insurance Division proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Insurance has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit them to Ms. Nancy Myers, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101. Copies of this notice and the proposed rules are also available and may be obtained by contacting Ms. Myers.

Authority for the adoption of these rules is contained in Minn. Stat. § 79.51. Additionally, a statement of need and reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive a copy of the final rules as proposed for adoption should submit a written statement of such request to Ms. Nancy Myers, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101.

A copy of the proposed rules is attached to this notice.

Thomas L. O'Malley  
Temporary Commissioner of Insurance

#### Rules as proposed (all new material)

##### 4 MCAR § 1.9140 Definitions.

- A. Applicability. For the purposes of 4 MCAR §§ 1.9140-1.9143, the terms defined in this rule have the meanings given them.
- B. Rating Association. "Rating Association" means the Workers' Compensation Insurance Rating Association.
- C. Commissioner. "Commissioner" means the commissioner of insurance.

D. Data service organization; organization. "Data service organization" or "organization" means the same as it is defined in Minnesota Statutes, section 79.52, subdivision 3.

E. Classification plan; classification. "Classification plan" or "classification" means the same as it is defined in Minnesota Statutes, section 79.52, subdivision 4.

F. Rates. "Rates" means the same as it is defined in Minnesota Statutes, section 79.52, subdivision 5.

G. Insurer. "Insurer" means the same as it is defined in Minnesota Statutes, section 79.52, subdivision 13.

H. Pure premium rate. "Pure premium rate" means that portion of a rate designated for claim payments.

I. Pure premium. "Pure premium" means that portion of a premium, as defined in Minnesota Statutes, section 79.52, subdivision 7, designated for claim payments.

J. Pure premium relativities. "Pure premium relativities" means the mathematical relationship of pure premium rates for each reporting classification one to another, to a base class or classes, or to some common index or indices.

K. Pure premium base rate schedule. A "pure premium base rate schedule" is a set of pure premium rates with no adjustments for trend and with only partial loss development reflecting some additional development but not developed to the ultimate expected loss level.

#### 4 MCAR § 1.9141 Licensing of data service organizations.

A. Application information. A data service organization shall apply to the commissioner for a license. The Workers' Compensation Insurance Rating Association shall submit an application to be licensed as a data service organization by January 1, 1983. An application to be a data service organization shall include all information required by Minnesota Statutes, section 79.62. In addition, the application shall include:

1. the organization's plan of operation including:

a. the establishment of necessary facilities;

b. a description of the management and operation of the organization, including a description of major staff positions and necessary qualifications for the positions;

c. the operating rules of the organization;

d. a list of members and their responsibilities; and

2. a plan for data collection and analysis, and other activities of the data service organization, including:

a. a plan for the collection and reporting of exposure base and of loss data from individual insureds of each member;

b. a system for the classification of risks to be used for reporting by member insurers, in calculating pure premium relativities, and for other relevant rate-related or data analytic activities;

c. data reporting requirements for members and monitoring procedures. Expense data shall not be reported. Premium data may be reported to the extent needed to monitor the quality and integrity of the data bases. Following the approval of a pure premium base rate schedule, the data service organization may require premium data to be reported at that level, provided that reporting need not be required of companies writing a small volume of Minnesota workers' compensation premiums. The criteria for being excused from reporting will be determined by the data service organization subject to the commissioner's approval;

d. a plan for the collection of any other data not prohibited in c. and a description of these data;

e. a plan for and description of the ratemaking report required by Minnesota Statutes, section 79.61;

f. plans for disseminating information to members of the organization and to the commissioner;

g. plans for audit procedures to ensure that data reporting requirements are met by organization members; and

h. a plan for compiling expense data reported to the commissioner for development of advisory rates, rating plan values, and discount factors.

B. Progress reports. Data service organizations shall submit semiannual progress reports to the commissioner on the

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

## **PROPOSED RULES**

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implementation of their organizational plan. The report shall include progress made on satisfying the requirements of Minnesota Statutes, sections 79.61 and 79.62 and requirements of 4 MCAR §§ 1.9140-1.9143. The reports must be submitted semiannually between the time of application and January 1, 1986.

### **4 MCAR § 1.9142 Rate petitions and hearings.**

#### **A. Manual rates; creation and adjustment.**

1. A petition for modification of the schedule of rates shall be filed by the Rating Association by January 1, 1983, for the purpose of producing a schedule of manual rates by classification. This petition shall be considered in a hearing conducted pursuant to Minnesota Statutes, section 79.071.

2. After approval of a schedule of manual rates by the commissioner, insurers may modify the rates by adjustment of the pure premium rates and expense allowances within a range allowing for downward deviations that are unlimited and upward deviations of at most 15 percent of the approved rate.

3. Insurers may adjust premiums by the application of discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and merit rating as defined in Minnesota Statutes, section 79.52, subdivision 9. Insurers may use their own plans or plans developed by a data service organization in which they maintain membership.

4. All data and calculations used to develop actual premiums from the manual rates approved by the commissioner shall be clearly documented.

5. An insurer's rates and rating plans, along with clearly documented justification, shall be filed with the commissioner 30 days prior to use.

#### **B. Pure premiums; creation and modification.**

1. A petition for modification of the schedule of rates shall be filed by the Rating Association by January 1, 1984, for the purpose of producing a schedule of pure premium rates. These rates must not contain trend adjustments. A hearing conducted pursuant to Minnesota Statutes, section 79.071 must be held on the petition.

2. The petition must contain an analysis of trended data as specified in 4 MCAR § 1.9143 B.1.g. The analysis shall be disseminated to all members of the Rating Association when filed.

3. Following approval of a schedule of pure premium rates, insurers may calculate final rates by:

a. the modification of pure premium rates allowing for downward deviations that are unlimited and upward deviations of at most 15 percent from the pure premium rates approved by the commissioner;

b. application of trend factors based on the analysis provided by the Rating Association or on their own interpretations of underlying data; or

c. adjustments to reflect the insurer's expected expense requirements. Neither the Rating Association nor any data service organization shall publish recommended expected expense allowances.

4. Insurers may adjust premiums by the application of discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and merit rating as defined in Minnesota Statutes, section 79.52, subdivision 9. Insurers may use their own plans or plans developed by a data service organization in which they maintain membership.

5. All data and calculations used by an insurer to develop actual premiums from the pure premium rates shall be clearly documented.

6. An insurer's rates and rating plans, along with clearly documented justification, shall be filed with the commissioner 30 days prior to use.

C. Other rate petitions, hearings. The Rating Association or other data service organizations may make other filings. All petitions proposing rates, pure premium rates, or pure premium relativities for an effective period prior to January 1, 1986, shall be considered in hearings conducted pursuant to Minnesota Statutes, section 79.071.

### **4 MCAR § 1.9143 Ratemaking report.**

#### **A. Data service organizations.**

1. Licensed data service organizations shall make yearly ratemaking reports to the commissioner. Insurers may not make reference to a report in their filings until it has been filed with the commissioner.

2. In 1986 licensed data service organizations must prepare a ratemaking report in a form prescribed by the commissioner. The outline of the report should be submitted to the commissioner for comment by January 1, 1985. A draft of the report should be submitted to the commissioner for comment by July 1, 1985. The final ratemaking report must be submitted no later than January 1, 1986.

3. After 1985, licensed data service organizations must submit an outline of their annual ratemaking report to the commissioner for comment by July 1 of each year. A draft of the report should be submitted to the commissioner for comment by October 1. The final ratemaking report must be submitted no later than January 1 of the succeeding year. Interim reports on the effect of changes in the law on rates may be submitted at any time during a year.

**B. Contents of ratemaking report.**

1. A ratemaking report shall meet all requirements of Minnesota law and, in addition, may contain information useful to data service organization members regarding factors pertinent to Minnesota workers' compensation business such as legislative concerns, Workers' Compensation Reinsurance Association operations, loss control programs, and programs developed by insurers that may be of interest and applicability to workers' compensation insurers. A ratemaking report shall include:

a. a compilation of financial data collected under Minnesota Statutes, section 79.61 without adjustments for either premium or loss development or trend. Financial data must be reconcilable to that reported by insureds in their annual financial statements to the commissioner;

b. a compilation of reporting classification data collected under Minnesota Statutes, section 79.61 without adjustments for either premium development or loss development or premium trend or loss trend;

c. a calculation of factors to adjust reported loss data to a common development level. The development level is subject to approval by the commissioner;

d. a calculation of factors to reflect any benefit level changes mandated by statute or by the courts;

e. the development of a schedule of pure premium base rates using the data reported by insurers and the factors calculated in c.;

f. a schedule of pure premium relativities, based on the pure premium base rate schedule;

g. an analysis and calculation of factors to adjust reported premium and loss data to an expected ultimate level. The analysis shall be in detail so as to permit insurers to select and modify the factors based on their own interpretations of underlying data;

h. an analysis and calculation of trended data to reflect future conditions through the use of factors or some other method. The analysis shall be in detail so as to permit insurers to select and modify the factors or utilize other trending methods based on their own interpretations of underlying data;

i. a calculation of any other quantitative factor or modifications and a description of any subjective considerations reflected in the determination of pure premiums in a manner so as to permit insurers to evaluate and modify the factors and considerations based on their own interpretations of underlying data; and

j. a calculation of any other quantitative factors required to maintain advisory discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and advisory merit rating plans as defined in Minnesota Statutes, section 79.52, subdivision 9.

2. The ratemaking report shall be disseminated to all members of the data service organization.

**C. Use of ratemaking report.**

1. After the ratemaking report has been filed with the commissioner, insurers may develop and use rates based upon the pure premium base rates contained in the report. Effective January 1, 1986, insurers may also develop and use rates based upon any reasonable factors.

2. If an insurer uses the pure premium base rates contained in the ratemaking report, then the insurer may calculate rates by:

a. application of trend factors based on the analysis provided by the data service organization or on the insurer's own interpretations of underlying data;

b. application of loss development factors reflecting expected development beyond that in the pure premium base rate schedule to the ultimate loss level;

c. application of a factor to reflect the insurer's expected expense requirements. No data service organization shall publish recommended expected expense allowances;

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

## PROPOSED RULES

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d. application of any other factor based on the analysis provided by the data service organization or on the insurer's own interpretation of underlying data.

3. Insurers may adjust premiums by application of discount factors as defined in Minnesota Statutes, section 79.52, subdivision 8 and merit rating as defined in Minnesota Statutes, section 79.52, subdivision 9. Insurers may use their own plans or plans developed by a data service organization in which they maintain membership.

4. All data and calculations used to calculate rates from the pure premium base rate schedule shall be clearly documented.

5. Prior to January 1, 1986, an insurer's rates and rating plans, along with clearly documented justification, must be filed with the commissioner 30 days prior to use.

Repealer: Rule 4 MCAR § 1.9142 is repealed effective January 1, 1986.

### **State Board of Education Department of Education Executive Division**

**Proposed Amendments to or Repeal of Rules Governing Chapter One—EDU 1, EDU 2, EDU 3, EDU 4, EDU 5, EDU 6, EDU 7, EDU 9, 5 MCAR § 1.0010; Chapter Two—EDU 20, EDU 21, EDU 22, EDU 23; Chapter Two-A—EDU 30, EDU 31, EDU 32; Chapter Three—EDU 40, EDU 41, EDU 42, EDU 43, EDU 44, EDU 45, EDU 46; Chapter Eight—EDU 140, EDU 141, EDU 142; Chapter Nine—EDU 160, EDU 161, EDU 162; Chapter Seventeen—EDU 327; Chapter Twenty-Two—EDU 420, EDU 421, EDU 422, EDU 423, EDU 424, EDU 425; Chapter Thirty-Five—EDU 700, EDU 701, EDU 702, EDU 703, EDU 704, EDU 705, EDU 706; Chapter Thirty-Eight—5 MCAR §§ 1.0760-1.0764, 1.0766-1.0769; Chapter Forty—5 MCAR §§ 1.0800-1.0805**

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

Notice is hereby given that the State Board of Education proposes to revise the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The proposed changes to the rules cited above would remove obsolete or redundant provisions.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to provisions of Minn. Stat. § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Dr. E. Raymond Peterson  
Associate Commissioner  
Department of Education  
713 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: (612) 296-2414

Authority for the adoption of these rules is contained in Minn. Stat. § 121.11, subd. 12. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. E. Raymond Peterson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for

review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Dr. E. Raymond Peterson.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Dr. E. Raymond Peterson.

September 14, 1982

John J. Feda  
Secretary

### Rules as Proposed

#### EDU 4 ~~Curriculum~~ General educational program requirements.

A. ~~The educational~~ Program for all pupils. The educational program shall ~~be such as to provide a program of~~ general education for all pupils and suitable special education for exceptional children—handicapped, gifted and talented; It shall meet the needs and interests of all pupils and the needs of the community served. Except as provided in this ~~rule paragraph and in 5 MCAR §§ 1.0667-1.0672,~~ no school shall provide any course or activity on the basis of sex. This includes health, physical education, home economics, and industrial education. Separation by sex is acceptable for the purpose of locker or dressing room use, facility supervision and presentation of topics in health having to do with human reproduction.

B. Guidance. Each school shall provide a guidance program to assist pupils in making satisfactory personal adjustments and appropriate educational and vocational plans.

C. Evaluation of pupil growth and progress.

1. ~~Testing.~~ Each ~~school~~ district shall provide a testing program for the purpose of ~~measuring~~ assessing pupil needs and growth and for curriculum evaluation.

2. [Unchanged.]

3. ~~Promotion.~~ Each district shall develop an appropriate program of pupil progress and promotion for its elementary, middle and secondary schools. The program shall ~~provide for meeting, in the senior secondary school period,~~ meet the State Board of Education requirements for graduation.

D. Summer school. All summer school classes for elementary, middle and secondary school pupils and special summer school classes for area vocational-technical school students ~~for which maximum foundation aid is to be claimed~~ shall be for a minimum term of six weeks, provided that 120 hours of instruction may be accepted as an equivalent term.

E. [See repealer.]

E. Civil defense education. Each district shall provide civil defense education in grades K-12.

F. [See repealer.]

#### EDU 5 ~~Staff~~ General staff requirements.

A. ~~Certificates, filing~~ License on file. For each teacher there shall be on file in the office of the superintendent ~~of school head~~ at the beginning of each ~~new~~ school year a ~~certificate of qualifications or a record of such certificate~~ copy of a valid license.

B. ~~Superintendent, administration and supervision~~ Superintendent's administrative and supervisory time.

1. In school districts ~~maintaining elementary, middle and secondary schools but~~ employing ~~less fewer~~ than ~~10~~ ten teachers, the superintendent shall devote at least one-half of the school day to the administration and supervision of the schools.

2. In school districts ~~maintaining elementary, middle and secondary schools but~~ employing ten or more teachers, the superintendent shall devote at least two-thirds of the school day to the administration and supervision of the schools.

C. ~~Teachers,~~ Teacher's lunch period. Each teacher shall be provided with a duty free lunch period, ~~scheduled in accordance with local~~ according to school board policy.

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## PROPOSED RULES

D. [See repealer.]

### EDU 6 Library.

A. Personnel. In ~~elementary, middle, and secondary~~ all schools, library or library media service appropriate to the enrollment and educational program shall be given by a qualified librarian persons licensed for their positions.

1. [See repealer.]

B. Materials ~~collection and equipment.~~ The instructional ~~materials~~ collection shall consist of an adequate number of appropriate ~~and up-to-date books, films, recordings, models, magazines, pamphlets, film strips, flat pictures, globes, and similar materials, carefully selected and systematically~~ materials and equipment organized to meet pupil and teacher needs.

C. ~~Library quarters~~ Facilities. There shall be a well-equipped ~~central~~ library or library media room, of a size appropriate to the enrollment, in every ~~elementary, middle and secondary~~ school building; ~~plus, in all new school buildings, the auxiliary space and facilities needed for work storage, viewing, listening and conference purposes.~~ In one and two-room elementary schools, provisions shall be made for a library service. The room shall be in a central location and have space for work storage, production, viewing, listening, and conferences.

### EDU 7 Records and reports.

A.-B. [Unchanged.]

C. Health record review. Each district shall assign a teacher, school nurse, or other professional person to review each pupil's health record at the beginning of each school year. The review is to assess the pupil's health status and, if necessary, to seek remedies for health concerns. Growth, results of vision and hearing screening, and findings obtained from health assessments must be entered periodically on the pupil's health record.

### 5 MCAR § 1.0010 Exemptions for experimental and flexible school year programs.

~~Elementary and middle schools desiring to offer~~ A. Request. A district may request approval from the State Board of Education for an experimental course or program of studies that would require exemption to existing state board of education rules may request approval for such course offerings or programs study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

1. improve instructional quality;
2. increase cost effectiveness;
3. make better use of community resources or available technology.

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

~~A-~~ C. Contents of proposal. The proposal shall include: A statement of specific rules from which the district requests exemption, the goals and objectives of the program which must include an expectation of improving the instructional program or the reduction of program costs without reduction in effectiveness or quality.

A listing of the activities and procedures to be utilized in accomplishing used to accomplish the stated objectives-, a definite time limit for the experiment which may not to exceed three years-, and A statement of the evaluation procedures to be used in determining the effectiveness of the program. Such evaluation shall be conducted by persons other than employees of the district.

An identification of the state board of education rules, from which the district requests exemption for the purpose of the proposed program.

~~B-~~ D. Involvement required. Evidence shall be provided that the proposal has been given thorough exposure to students and parents, that the faculty has been involved in the development of the proposal, and that the proposal has the approval of the local school board of education.

~~C-~~ E. Permanent exemption. If the evaluation at the end of the course or program time period is positive, the State Board of Education shall authorize permanent continuation of the program. When such continuation is granted, the state board of education shall stipulate and specify the specific rules from which the program shall continue to be is exempt.

### ~~EDU 701~~ 5 MCAR § 1.0011 Definitions for pupil fees.

A. Applicability. For the purposes of Minnesota Statutes, sections 120.72-120.76 the following terms in this chapter have the meanings assigned to given them.



~~A-~~ B. Curricular. "Curricular" means those portions of the school program for which credit is granted. This ~~chapter~~ definition applies equally to "required" or "elective" curricular programs.

~~B-~~ C. Cocurricular. "Cocurricular" means those portions of the school sponsored and directed activities designed to provide opportunities for pupils to participate in such experiences on an individual basis or in groups, at school and at public events, for improvement of skills. "Cocurricular activities" have one or more of the following characteristics:

1. are for credit or required for graduation-;
2. are conducted at regular and uniform times during school hours, or if at times other than school hours, are established by school authorities-;
3. are directed or supervised by instructional staff in a learning environment similar to that found in courses offered for credit-;
4. are primarily or totally funded by public monies for general instructional purposes under direction and control of the local board of education. Any deficits resulting from these activities are always subsidized by general school funds.

~~C-~~ D. Noncurricular. "Noncurricular" activities means those activities that include all direct and personal services for public school pupils for their enjoyment that are managed and generally operated under the guidance of an adult or staff member. Noncurricular activities have all of the following characteristics:

1. are not for credit or required for graduation-;
2. are conducted for the most part during other than school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities-;
3. the content of the activities is determined primarily by the interests of the student participants and their parents with only the guidance of the staff member or other adult-;
4. with the possible exception of direct costs of any salaries and indirect costs of the use of school facilities, the activity is self-sustaining as all other expenses are met by dues, admissions or other pupil fund raising events.

~~D-~~ E. Extracurricular. "Extracurricular" has the same meaning as "noncurricular."

~~E-~~ F. Supplementary. "Supplementary" has the same meaning as "noncurricular."

~~F-~~ G. Regular school day. "Regular school day" means that which is defined in EDU 44 5 MCAR § 1.00301 for middle and secondary pupils and in EDU 21 for elementary pupils.

5 MCAR § 1.00201 Elementary school curriculum.

A. Common branches. The following common branches of learning, or subjects, shall be included in grades K-6 or K-8 in the elementary curriculum:

Art

Health and safety

Language arts, including

Media center skills

Listening

Oral communication

Reading and children's literature

Written communication, handwriting and spelling

Mathematics

Music

Physical education

Science and environmental education

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# PROPOSED RULES

## Social studies

B. Method of instruction. The common branches may be taught separately, paired, or clustered for instructional purposes.

C. Balanced time. Time allocations for each of the common branches must be balanced to provide a breadth of knowledge.

D. Physical education time requirements. Physical education in elementary schools shall be scheduled as follows: grades one and two, one 10-minute period and one 25-minute period daily; grades three through eight, one 30-minute period daily.

## EDU 21-Class schedules-Elementary school day and organization.

A. Length of school day. In the an elementary school, the ~~length of the instructional school day which shall be maintained throughout the school year, exclusive of the noon intermission~~ minimum number of instructional hours per day, not including noon intermission, shall be as follows:

|  | Not less than |
|--|---------------|
| Kindergarten .....   | 2½ hours      |
| Grades 1, 2, and 3 .....   | 5 hours       |
| Grades 4 through 6 <del>8</del> (in schools maintaining six-year elementary schools) ..... | 5½ hours      |
| Grades 4 through 8 (in schools maintaining eight-year elementary schools) .....            | 5½ hours      |

B. [See repealer.]

~~C.~~ B. Kindergarten may be scheduled only as a separate unit, never separately or in combination with a first another grade. A licensed kindergarten teacher shall be assigned to teach kindergarten students whether the kindergarten is separate or combined with another grade.

## EDU 23 Elementary school staff.

A. Principal.

1. Every ~~graded~~ elementary school shall be ~~in~~ under the immediate charge of a ~~certificated~~ licensed principal.

2. In each school building or combination of school buildings in a district with an enrollment of 200 but less than 400 elementary pupils in grades 1-6, 1-8, K-6, or K-8, the principal must devote not less than one-half time to administration and supervision. Provision must be made for clerical assistance as necessary.

~~2.~~ 3. In each school building enrolling with an enrollment of 400 or more elementary pupils in grades 1-6, or 1-8, or K-6, or K-8, and in any combination of school buildings within in a district with a total enrollment of 400 or more but less than 900 elementary pupils, the district shall provide a full-time non-teaching ~~certificated~~ licensed principal ~~shall be provided~~ and clerical assistance as necessary.

~~3.~~ 4. In each school building and in any combination of school buildings within in a district enrolling with an enrollment of 900 or more elementary pupils in grades 1-6, or 1-8, or K-6, or K-8, the district shall provide a full-time non-teaching ~~certificated~~ licensed principal, ~~shall be provided~~ and the additional professional and secretarial staff as necessary.

4.-5. [See repealer.]

B. ~~Teacher-pupil lead.~~ Pupil-teacher ratio. The pupil-teacher ratio shall not exceed 30 to 1 in any class in grades K-6 or K-8. The superintendent shall make a written report to the State Board of Education indicating the circumstances making an exception to this ratio necessary.

1.-2. [See repealer.]

## 5 MCAR § 1.00301 General provisions for middle and secondary school.

A. Length of school day. In all middle and secondary schools the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours.

B. Required and elective subjects. Each of the required subject hours set forth in EDU 40, 5 MCAR §§ 1.0036, 1.00401, and 1.00402 must equal 60 minutes of instruction. The remaining number of hours in a school year may be used to provide required or elective subjects.

## ~~EDU 32~~ 5 MCAR § 1.0036 Middle school program of studies curriculum.

A.-C. [See repealer.]

## PROPOSED RULES

~~D.~~ A. Common branches and hours. The following common branches of learning, or subjects, shall be required for the hours specified in a middle school program organization.:

| Subjects                               | Minimum <del>eleek</del> hours |                  |                  |                  |
|--|--------------------------------|------------------|------------------|------------------|
|  | Grades 6-8                     | Grades 6-9       | Grades 5-8       | Grades 5-9       |
| Art                                    | 120                            | 120              | 150              | 150              |
| Communication skills                   | 480                            | 600              | 760              | 880              |
| Health                                 | 90                             | 90               | 120              | 120              |
| Home economics or Industrial education | 120                            | 160              | 120              | 160              |
| Mathematics                            | 360                            | 480              | 480              | 600              |
| Music                                  | 120                            | 120              | 150              | 150              |
| Physical education                     | 240                            | 320              | 320              | 400              |
| Science                                | 360                            | 480              | 480              | 600              |
| Social studies                         | 360                            | 480              | 480              | 600              |
| <b>Sub-Total</b>                       | <b>2250</b>                    | <b>2850</b>      | <b>3060</b>      | <b>3660</b>      |
| <del>Open Elective</del>               | <del>900</del>                 | <del>1350</del>  | <del>1140</del>  | <del>1590</del>  |
| <b>Total</b>                           | <b>3150</b>                    | <b>4200</b>      | <b>4200</b>      | <b>5250</b>      |
|  | <del>3 yr.</del>               | <del>4 yr.</del> | <del>4 yr.</del> | <del>5 yr.</del> |

1. [See repealer.]

~~2.~~ B. Subjects required in grades. Communication skills, mathematics, physical education, science and social studies shall be a constant requirement required each year of the middle school. Physical education shall be scheduled throughout the academic year for grades 7, 8, and 9.

~~3.~~ In grades five and/or six of the middle school, Art, music, and health shall also be a constant requirement each year required in grades 5 and 6.

~~EDU 34 5~~ MCAR § 1.0037 Middle school staff.

A. Principal.

~~1.~~ Every middle school shall be in under the immediate charge of a certified licensed principal.

~~2.~~ Every person employed as A middle school principal is to must hold either a valid elementary or secondary school principal's certificate or a valid secondary school principal's certificate license.

~~3.~~ A middle school principal shall be assigned full time responsibility to the middle school.

B. Teacher.

~~1.~~ Every A middle school teacher shall hold a valid certification to perform the particular service for which he or she is employed license appropriate for the subject or area taught.

~~EDU 40 Program of studies~~ Curriculum for junior secondary schools.

A. ~~Curriculum, general requirements~~ Common branches and hours.

1.-2. [See repealer.]

~~3.~~ Constants. The specific program of constants to be maintained for all pupils in any type of secondary school shall be as follows:

~~a.~~ Junior secondary period. The minimum total pupil load for The three year period of following common branches of learning, or subjects, shall be required for the hours specified in a secondary school composed of grades seventh,

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# PROPOSED RULES

eight, and ninth, shall be 3,150 clock hours consisting of required and elective subjects. Of this minimum total, there shall be 1,950 required (constant) clock hours and 1,200 elective clock hours. Elective clock hours shall be utilized to provide additional time for required and/or elective subjects: 7, 8, and 9:

| Subject area Subjects                  | Minimum Clock Hours | Elective clock hours                          |
|--|---------------------|---|
| Art                                    | 90                  | Plus 1,200 additional or elective clock hours |
| Communication skills                   | 360                 |   |
| Health                                 | 60                  |   |
| Home economics or Industrial education | 150                 |   |
| Mathematics                            | 360                 |   |
| Music                                  | 90                  |   |
| Physical education                     | 240                 |   |
| Science                                | 240                 |   |
| Social studies                         | 360                 |   |
| Required (constant) clock hours        | 1,950               |   |
| Elective clock hours                   | 1,200               |   |
| Total clock hours                      | 3,150               |   |

B. Scheduling. Period length and grade placement of the above required (constant) and elective clock hours shall be left to are at the discretion of the local school board. However, each pupil must take at least 80 hours of physical education each year. Physical education must be scheduled throughout the academic year.

b. [See repealer.]

4.-5. [See repealer.]

B.-G. [See repealer.]

## 5 MCAR § 1.00401 Curriculum for three-year senior secondary schools.

A. Common branches and hours. The following common branches of learning, or subjects, and credits shall be required in a secondary school composed of grades 10, 11, and 12:

| Subjects                       | Minimum Hours | Credit |
|--------------------------------|---------------|--------|
| Communication skills           | 360           | 3      |
| Health                         | 60            | 1/2    |
| Physical education in grade 10 | 60            | 1/2    |
| Social studies                 | 240           | 2      |

B. Social Studies. Social studies must consist of 120 hours or one credit of studies of America, which includes American history, and 120 hours or one credit of contemporary world problems.

## 5 MCAR § 1.00402 Curriculum for four-year senior secondary schools.

A. Common branches and hours. The following common branches of learning, or subjects, and credits shall be required in a secondary school composed of grades 9, 10, 11, and 12, in addition to any unmet requirements from EDU 40.

| Subjects                              | Minimum Hours | Credit |
|---------------------------------------|---------------|--------|
| Communication skills                  | 480           | 4      |
| Social studies                        | 360           | 3      |
| Mathematics                           | 120           | 1      |
| Science                               | 120           | 1      |
| Physical education in grades 9 and 10 | 120           | 1      |
| Health                                | 60            | 1/2    |

B. Social studies. Social studies must consist of 120 hours or one credit of studies of America, which includes American history, and 120 hours or one credit of contemporary world problems. The remaining hours may be determined by the district.

## EDU 42 Basis for secondary school credit.

A. Basic requirements.

1. Satisfactory completion of at least 120 hours shall be the basis for a credit course, or subject, in grades 9, 10, 11, and 12 in all types of secondary four-year secondary schools shall be the satisfactory completion of a course on the secondary school level, covering a minimum of 120 clock hours and in grades 10, 11, and 12 in three-year secondary schools. Length

## PROPOSED RULES

of periods and frequency of meeting ~~will~~ may be determined by the ~~local~~ district. A credit units may be divided into semester, trimester, or quarter units by offering courses covering 60, 40, or 30 ~~eleek~~ hours respectively.

2. Credit may be given on a performance basis ~~to any student~~ for any ~~elective~~ course ~~upon successful completion of approved examinations~~ if a student successfully completes an examination approved by the district covering the content ordinarily included in the subject.

3. A district may accept the transfer of credit awarded by a postsecondary institution according to an agreement entered into under Minnesota Statutes, section 123.3511.

B. Summer school. Credit ~~to be allowed~~ toward graduation by secondary schools for ~~courses~~ subjects taken in summer school shall be ~~based on the following requirements:~~ same basis as a regular school program.

C. Private tutoring. Credit toward graduation for work ~~to be~~ completed through any form of private tutoring by a ~~certificated~~ licensed teacher may be granted by a secondary school.

D. Correspondence courses.

1. Correspondence courses, at district expense, may be offered for credit toward graduation by any secondary school only to provide:

(1) ~~to provide~~ a. additional courses in secondary schools with limited course offerings; or

(2) ~~to provide~~ b. an opportunity for special secondary pupils, ~~who because of individual handicaps cannot attend school regularly,~~ to meet requirements for secondary school graduation when the pupil's handicap prevents the pupil from attending school regularly; or

c. an opportunity for secondary pupils who, due to unusual circumstances, are unable to be in attendance at school;

or

d. an opportunity for secondary school drop-outs.

2. Correspondence courses to be offered shall be approved by the commissioner of education and by the ~~local school administration~~ district before pupils are enrolled. Pupil taking such courses shall be under the supervision and guidance of a teacher assigned to such work. A teacher licensed in the area of the correspondence course shall supervise and guide a pupil enrolled in a course.

3. [See repealer.]

EDU 43 Completion of secondary ~~course~~ school requirements.

A. Graduation ~~requirement~~ requirements.

~~Each pupil shall have completed~~ student must successfully complete 15 credits earned in the 10th, 11th, and 12th years of the secondary school in required and elective courses a three-year secondary school, or 20 credits earned in a four-year secondary school in order to graduate. These credits must be from the same subjects required in 5 MCAR §§ 1.00401 and 1.00402 and elective subjects.

2.-3. [See repealer.]

B. Early graduation. Early graduation may be allowed for a student who accumulates the required number of credits for graduation before completing the usual years of secondary school. A student graduating after the normal graduation date cannot be claimed as an early graduate.

~~B. C. Secondary school certificates~~ Attendance certificate.

~~A secondary school certificates~~ attendance certificate, indicating the completion of the secondary school period may be given by a school board to pupils a student who ~~do~~ does not have the ability to meet all the requirements for graduation; provided each pupil has:

a.-d. [See repealer.]

2. [See repealer.]

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## PROPOSED RULES

C. [See repealer.]

D. ~~Secondary school~~ Equivalency certificate.

1. A secondary school equivalency certificate may be issued by the State Board of Education to ~~residents~~ a resident of Minnesota 19 years of age or over who ~~need this credential~~ needs the certificate for advancement in an occupational field or for higher education; ~~provided-~~ if both of the following are met:

a. ~~Each such~~ the person shall make makes written application on forms ~~specifically,~~ prepared and provided for this purpose, ~~and by the Department of Education,~~ which are available on request from any of the approved General Education Development Testing Centers, most secondary schools, or from the ~~state~~ Department of Education; and

b. ~~Each such~~ the person shall obtain satisfactory scores on the ~~General Educational Development Tests~~ as described below.

~~General educational development tests (high school level).~~ To qualify for a certificate, obtains a minimum standard score of 35 ~~must be obtained~~ on each of the five tests in this battery General Educational Development Tests and an average standard score of at least 45 on all five tests.

2. General Educational Development tests shall be administered only by official agencies established by the American Council on Education and approved by the commissioner of education.

~~2.~~ 3. The minimum age requirement may be waived ~~on the basis of~~ if supportive evidence of special need is provided by a recognized rehabilitative agency.

### EDU 44 Exceptions to the length of school day.

~~In all classified secondary schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours.~~

Exceptions to ~~the~~ a six-hour school day required in all secondary schools may be made as follows:

~~A.~~ 1. The State Board of Education may approve community-based programs for all or part of the school day. Employment ~~rated~~ related, community-based programs in excess of one hour per day shall be supervised by the vocational-technical division. Nonemployment related, community-based programs in excess of one hour per day shall be supervised by the division of instruction.

~~B.~~ 2. The local board of education may adopt a policy ~~which allows secondary school principals to adjust~~ allowing adjustments in the length of the school day for individual students ~~provided that~~ if all of the following circumstances exist:

~~1.~~ a. The student is at least 16 years of age; and.

~~2.~~ b. The student attends supervised classes in usual school facilities for not less than five hours per day; and.

~~3.~~ c. The secondary school principal ~~must design~~ designs for each student ~~exempted from six hour requirement~~ a work-study option or other non-work experience of real educational value. ~~The secondary school principal shall ensure that the educational program is actually pursued.~~ A written record must be maintained indicating the type of work-study option or other educational experience to be pursued, the reason for the exemption, and the method of ensuring that the program is actually pursued; and.

~~4.~~ d. The student's parent ~~has approved~~ approves the option in writing.

### EDU 45 Admission to secondary schools.

A. ~~Admission to secondary schools~~ Grades 7, 8, and 9.

~~1.~~ Admission to grades ~~seven~~ 7, ~~eight~~ 8, or ~~nine~~ 9 of any ~~classified~~ secondary school shall be limited to pupils who have satisfactorily completed the work of the preceding grade; ~~or and to those,~~ as special pupils, who, in the judgment of the ~~school authorities~~ district, may profit by such work.

~~2.~~ B. Secondary school. Admission as regular pupils to any specified year of ~~the senior~~ a three- or four-year secondary school ~~period (10-11-12)~~ of any classified secondary school shall be based upon the following conditions: those

a. pupils, from ~~classified~~ public or nonpublic schools, ~~or schools with equivalent standards,~~ in this state or any other state, ~~shall~~ who submit admission records showing the successful completion of the preceding years' work of the preceding years. If the records can not be submitted, admission shall be determined by an examination or other method approved by the district.

b. [See repealer.]

**EDU 46 Secondary school staff.**

A. Licensed principal. Every ~~junior, senior, six year, and four year~~ secondary school shall be under the direction of a ~~properly certified~~ licensed principal.

B. ~~All teachers~~ Licensed teacher. A secondary school teacher shall be assigned to teach subjects ~~or courses~~ and perform services only in areas ~~for in~~ which ~~they are~~ the teacher is properly certified licensed.

C. Teaching load assignment.

~~1-~~ The maximum assignment ~~of subjects~~ for any secondary school teacher shall be five periods in a six-period day or six periods in a seven- or eight-period day.

~~2-~~ Each ~~secondary school~~ teacher shall have one period during the school day for preparation and conferences.

~~3-~~ D. Maximum number of pupils. The ~~total pupil load~~ maximum number of pupils per day for a secondary school teacher shall ~~not exceed is~~ 160 pupils per day, exclusive of classes in physical education and applied music except for teachers of performing music groups and physical education classes. The total pupil load for a teacher in the various team teaching programs, or other such organization of teaching, shall not exceed an average of 160 pupils per day per week. The maximum number of pupils for each teacher in a physical education class is 40.

D. [See repealer.]

**5 MCAR § 1.0760 Coverage.**

A. This chapter is applicable Applicability. 5 MCAR §§ 1.0760-1.07642 apply to all Minnesota school districts; ~~however organized, including those formed pursuant to Minnesota Statutes, section 121.21, as well as to all governmental units formed by joint powers agreements entered into by such school districts pursuant to Minnesota Statutes, sections 120.17, 123.351, 471.59, or any other law, and all;~~ educational cooperative service units; area vocational-technical institutes; elementary, secondary and vocational regional computer centers; cooperative centers for special education; cooperative centers for vocational education; and governmental units formed by joint powers agreements entered into by school districts. For purposes of ~~this chapter~~ 5 MCAR §§ 1.0760-1.07642, all ~~covered~~ entities are referred to as "districts."

B.-C. [Unchanged.]

D. Recommendations for reporting methods. Where ~~details of and forms~~ methods for reporting to the department are specified, such ~~details and forms~~ methods shall be prescribed by the commissioner after recommendations have been made by the advisory council on uniform financial accounting and reporting standards.

E. Requirements named. The requirements adopted in ~~this chapter~~ 5 MCAR §§ 1.0760-1.07642 shall be known as the uniform financial accounting and reporting standards for ~~Minnesota~~ school districts.

F.-G. [Unchanged.]

**5 MCAR § 1.0761 Modified accrual accounting and other accounting requirements.**

A. Recognition principles. Revenues and expenditures shall be recorded and recognized in accordance with generally accepted accounting principles. Generally accepted accounting principles provide for the accrual basis of accounting and the modified accrual basis of accounting as appropriate for the particular fund. The cash basis of accounting is not acceptable for district budgeting, accounting, and reporting. Specific standards for revenue recognition are contained in Minnesota Statutes, section 121.904. Specific standards for expenditure recognition are contained in Minnesota Statutes, section 121.905.

B. Reporting categories. Budgeting, accounting, and reporting systems shall be designed to provide financial data, where applicable, according to the terms and categories used in ~~the~~ Minnesota Statutes with particular attention to categorical programs funded by the state.

C. Accounting structure. Development of programmatic data for district internal reporting and management purposes, and for reporting to the public and the department, requires the use of multidimensional systems of classification of transactions. ~~Installation of such multi-dimensional systems shall be implemented as of July 1, 1980, as specified in Minnesota Statutes, section 121.92.~~

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~~D. Participation in a computer-based financial management, accounting, and reporting system is required as of July 1, 1980, as specified in Minnesota Statutes, section 121.92. Any stipulated form of participation in this computer-based system shall be appealable to the commissioner.~~ School district accounting principles. The "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the state of Minnesota, Department of Education, shall contain the standards for budgeting, accounting, and reporting. Amendments to the principles contained in this manual shall be approved by the State Board of Education.

E. Student activities accounting principles. The "Manual of Instructions for Uniform Student Activities Accounting for Minnesota School Districts," issued by the State of Minnesota, Department of Education, shall contain the accounting and reporting standards for extracurricular student activities. Amendments to the generally accepted accounting principles contained in this manual shall be approved by the State Board of Education.

### 5 MCAR § 1.0762 Fund accounting.

A. Definition. [Unchanged.]

B. Funds maintained. The following funds shall be maintained:

- General fund;
- Food service fund;
- Pupil transportation fund;
- Community services fund;
- Capital expenditures fund;
- Building construction fund;
- Debt redemption fund;
- Trust and agency fund;
- Enterprise fund.

C. Operating and nonoperating funds. The general fund, ~~the~~ food service fund, ~~the~~ pupil transportation fund, ~~and the~~ community services fund, and enterprise fund shall collectively be known as the operating funds. The other funds collectively shall be known as the nonoperating funds.

D. Enterprise fund requirement. The enterprise fund shall be maintained by elementary, secondary, and vocational regional computer centers.

D. [See relettering instruction.]

~~E. F. Fund accounting.~~ Revenues, and expenditures, ~~and encumbrances~~ shall be recorded in the appropriate funds ~~as designated by law, this chapter, or generally accepted accounting principles.~~

~~F. G. Fund transfers.~~ General fund assets may be used for any general or special operating purpose of a ~~school~~ district and may be transferred permanently by ~~local governing school~~ board action to any other operating fund where the resources of that other fund are not adequate to finance approved expenditures from such fund or to eliminate a negative unappropriated fund balance in a building construction fund being discontinued.

The portion of the general fund unappropriated fund balance permanently transferred to eliminate a negative building construction fund unappropriated fund balance must be reduced by

- ~~1-~~ the capital expenditure fund year-end unappropriated fund balance, ~~plus~~
- ~~2-~~ ~~The difference between the capital expenditure levy limitation and the certified capital expenditure levy for the three previous years.~~

~~G. H. Special fund uses and transfer limitations.~~ All funds other than the general fund are special purpose funds in which expenditures may only be made for the special purposes of the fund.

Transfers of monies from special purpose funds to other funds are not permitted unless ~~herein provided:~~ authorized by law.

~~1-~~ Transfers may be made from any fund to another fund to pay for expenditures legitimately chargeable to one fund but expended from another. Such items are most appropriately accounted for on a current basis, as interfund transactions, increasing the expenditures of one fund and reducing those of another.

~~2-~~ Transfers may be made from the capital expenditure fund to pay for expenditures from other funds for capital expenditure purposes ~~as defined in § 1-0763 C.~~



**5 MCAR § 1.07631 Revenue and expenditure classification principles.**

A. Definition of system. Revenue and expenditure budgeting, accounting, and reporting is based on individual accounts. An account, in the multidimensional system, requires the use of six dimensions each of which has a distinct meaning. The revenue dimensions are fund, organization, program, finance, source, and course. The expenditure dimensions are fund, organization, program, finance, object, and course. The mutually exclusive dimensions and account components are defined in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education on July 1, 1981. All revenue and expenditure accounts shall specify classification detail to permit grouping in the respective revenue and expenditure categories and to permit required state and federal reporting.

B. Netting principles. Netting revenues and expenditures is not permissible except as allowed under generally accepted accounting principles.

C. Account distribution. District accounting practice must include requirements for appropriate expenditure account distribution, according to generally accepted accounting principles.

D. Account structure for indirect costs. Appropriate account codes shall be used to identify indirect cost factors, as required for federal programs.

E. Capital expenditures classification. Maintenance and capital improvements expenditures shall be distinguished, in accordance with generally accepted accounting principles. Capital expenditures are those which extend the life of an asset, increase its value, or change its use or character.

F. Supply classification. Supplies and equipment shall be distinguished in accordance with generally accepted accounting principles and item definitions. Supplies are those items which have a nominal value and are expendable or are consumed in use. Equipment items are tangible units of nonexpendable character, are not consumed in use, have an extended useful life, and are of material value.

**5 MCAR § 1.07641 Unaudited and audited financial reports, statements, budgets.**

A. Unaudited financial reporting. The unaudited financial report is to be submitted to the commissioner by the district through an elementary, secondary, and vocational regional computer center. This report shall contain total fiscal year amounts by fund for assets, liabilities, fund balances, revenues, and expenditures as well as the general fixed asset and general long-term debt groups of accounts. The account structure and account definitions for these accounts are contained in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education, September, 1977. Material audit adjustments of the unaudited financial reports shall be submitted to the commissioner by the district through an elementary, secondary, and vocational regional computer center.

B. Audited financial statements. An audit is an examination of the various financial statements of the funds and account groups of a district by the State Auditor or an independent certified public accountant. This examination shall be performed in accordance with generally accepted auditing standards as set forth in "AICPA Professional Standards," issued by the American Institute of Certified Public Accountants (New York, New York, 1974). It shall also meet the audit requirements contained in the Office of Management and Budget Circular A-102 Revised and published in the *Federal Register*, volume 42, pages 45828 to 45891 (1977).

C. Audited financial statement format. Audited financial statements are those financial statements which have been examined pursuant to an audit. The format of these statements shall comply with the standards in "Governmental Accounting, Auditing, and Financial Reporting," issued by the Municipal Finance Officers Association of the United States and Canada (Chicago, Illinois, 1980). If a district levies to retire its statutory operating debt, the district shall footnote its audited financial statement. An historical analysis of the statutory operating debt shall be provided in the audited financial report.

D. Budget requirement. By August 15 each year, a revenue and expenditure budget for that fiscal year shall be submitted to the commissioner through an elementary, secondary, and vocational regional computer center. Revenue and expenditure budget amounts are required by fund and in sufficient detail to permit comparison with actual revenue and expenditure amounts

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reported at the end of the fiscal period. Subsequent revisions to the budget which are of a material amount shall also be submitted to the commissioner through the elementary, secondary, and vocational regional computer center.

5 MCAR § 1.07642 Fixed assets. For the fiscal year ending June 30, 1984 and each year thereafter, each area vocational-technical institute shall report its fixed assets by item and categories as defined in accordance with the uniform property accounting and reporting standards in 5 MCAR §§ 1.0760-1.07642 adopted by the State Board of Education. Fixed asset accounting principles and definitions shall be contained in the "Manual for the Uniform Financial Accounting and Reporting System for Minnesota Schools," issued by the State of Minnesota, Department of Education on June 7, 1982.

### 5 MCAR § 1.0800 Grant application and review procedures.

A. Who may apply. Regional library systems designated as eligible under provisions of ~~Laws of 1978, ch. 546, section 5 Minnesota Statutes, section 134.34~~, subdivision 3, may apply for establishment grants as specified in 5 MCAR § 1.0801 and for regional library basic system support grants as specified in 5 MCAR § 1.0802 and for special project grants as specified in 5 MCAR § 1.0803. County and city public libraries which are participating in the aforementioned regional library systems may also apply for special project grants as specified in 5 MCAR § 1.0803. The Minnesota Department of Corrections and the Minnesota Department of Welfare may apply for grants for institution library service and for library service for the blind and physically handicapped as specified in 5 MCAR § 1.0804. Multi-county multi-type library systems designated by the State Board of Education as eligible under provisions of Minnesota Statutes, section 134.351, subdivision 1, (~~Supp. 1979~~) may apply for development grants as specified in 5 MCAR § 1.0805 and for operating grants as specified in 5 MCAR § 1.0806.

B. [Unchanged.]

C. Application dates. All grant applications shall be filed on or before July 1 to be considered for funding during the succeeding state fiscal year provided that applications for establishment grants shall be filed by regional library systems on or before July 1 or on or before January 1, to be considered for funding for the succeeding twelve-month period. Applications for special project grants and for multi-county multi-type library cooperation development grants shall be filed on a date established ~~annually~~ by the State Board of Education and published in the newsletter of OPLIC not less than 90 days before such date. ~~During Fiscal Year 1981 only, applications for multi-county multi-type library cooperation operating grants shall be filed on or before April 1, 1981.~~

D.-H. [Unchanged.]

I. Proposed amendments. If after a project or program has been funded, the grant recipient determines that modifications are necessary, the grant recipient shall file an amendment to the grant application. Budget modifications resulting in transfer from one budget category to one or more other budget categories of less than 20 percent of the ~~total grant amount~~ budget need not be filed as amendments. The grant amendment shall not change the purpose for which the grant was awarded. It shall, however, address at least one of the following:

1.-2. [Unchanged.]

3. modification of the budget of the project or program, within limits of the amount of the grant and amounting to more than 20 percent of the ~~total grant amount~~ budget, judged by the recipient to be necessary to most economically and practically achieve project objectives.

All amendments shall be filed in writing with the information the recipient determines is necessary to accurately and completely explain the need for the amendment.

J. Approval of amendments. The director of the Office of Public Libraries and Interlibrary Cooperation shall review all amendments and shall use the following standards in determining whether an amendment is approved:

1.-4. [Unchanged.]

Approval or disapproval of all amendments shall be communicated to a grant recipient within ten working days following OPLIC's receipt of the proposed amendment.

### 5 MCAR § 1.0801 Establishment grants.

A. Application. Regional library systems may apply for establishment grants to extend library service to additional counties ~~as authorized in Laws of 1978, ch. 546 Section 3 subd. 2.~~ Applicants shall submit the following information:

1.-3. [Unchanged.]

4. a copy of the resolution adopted by the county board of commissioners in which they agree to provide minimum levels of local support ~~as required by Laws of 1978, ch. 546, Section 4;~~

5.-6. [Unchanged.]

B.-C. [Unchanged.]

**5 MCAR § 1.0802 Regional library basic system support grants.**

A. Application. Regional library systems may apply for regional library basic system support grants ~~authorized in Laws of 1978, ch. 546, Section 3, subd. 3.~~ Applicants shall submit the following information:

1.-5. [Unchanged.]

6. ~~for purposes of determining compliance with Laws of 1978, ch. 546, Section 5;~~ provision for each participating governmental unit of the following financial information:

a. the amount provided by the governmental unit for operating purposes of public library service during the preceding fiscal year;

b. the amount provided by the governmental unit for operating purposes of public library service during the current fiscal year.

7. [Unchanged.]

B. Criteria for eligibility. Regional library systems shall be designated as eligible by the State Board of Education provided they meet the criteria in ~~Laws of 1978, ch. 546, section 5~~ Minnesota Statutes, section 134.34, and the following:

1.-2. [Unchanged.]

C. Calculation of grant amounts. Regional library basic system support grants shall be calculated as specified in ~~Laws of 1978, ch. 546, section 6 or in subsequent law~~ Minnesota Statutes, section 134.35. The most recent United States census shall be used in calculation of all per capita and land area amounts, reduced by the population and land area of any nonparticipating governmental units.

D. Audit. Regional library systems which receive regional library basic system support grants shall annually submit to OPLIC an audit of receipts and disbursements within 180 days after the end of the regional library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minnesota Statutes, sections 6.64-6.71 (~~1976~~).

**5 MCAR § 1.0803 Special project grants.**

A. Application. Regional library systems and county and city public libraries which are participating in regional library systems may apply for special project grants as authorized by ~~Laws of 1978, ch. 546, section 3~~ Minnesota Statutes, section 134.32, subdivision 4.

B.-F. [Unchanged.]

**5 MCAR § 1.0804 Grants for institution library service and for library service for the blind and physically handicapped.**

A. Application. The Minnesota Department of Corrections and the Minnesota Department of Welfare may apply annually for grants to improve library services for institutionalized persons and for the blind and physically handicapped as authorized by ~~Laws of 1978, ch. 546, section 3~~ Minnesota Statutes, section 134.32, subdivision 6, and by the Library Services and Construction Act, 20 USC 351 et seq. (1970). Applicants shall submit the following information:

1.-7. [Unchanged.]

B.-D. [Unchanged.]

**5 MCAR § 1.0805 Multicounty multitype library cooperation development grants.**

A.-E. [Unchanged.]

F. Audit. Multicounty multitype library systems which receive grants shall annually submit to (OPLIC) an audit of receipts and disbursements within 180 days after the end of the multicounty multitype library system's fiscal year. The audit shall be performed by the staff of the State Auditor's Office, by a certified public accountant or by a public accountant as defined in and in accordance with Minnesota Statutes, sections 6.64-6.71 (~~1978~~).

**Relettering and renumbering.** Reletter 5 MCAR § 1.0762 D. as E. Renumber EDU 420-425 as 5 MCAR §§ 1.00051-1.00056.

**Repealer:** Rules EDU 1, 2, 3, 4 E., 4 F., 5 D., 6 A.1., 9, 20, 21 B., 22, 23 A.4., 23 A.5, 23 B.1., 23 B.2., 30, 32 A., 32 B., 32 C., 32 D.1., 40 A.1., 40 A.2., 40 A.3.b., 40 A.4., 40 A.4.a., 40 A.4.b., 40 A.4.c., 40 A.4.c.(1), 40 A.4.c.(2), 40 A.4.c.(3), 40 A.5., 40 B.,

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### State Board of Education Department of Education Instruction Division

#### Proposed Rules Governing the Automobile Driver Education Programs and the Motorcycle Driver Education Programs Offered through Public Schools

##### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Education proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The proposed rules are authorized by the Laws of 1982, ch. 548, art. IV, §§ 13-14. These rules establish the minimum criteria the State Board of Education and commissioner will use in determining whether the Automobile Driver Education Program and the Motorcycle Driver Education Program, offered through public schools, should be approved or denied.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subsd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Joseph E. Meyerring, Specialist  
Traffic Safety Education  
685 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
Telephone: (612) 296-4899

Authority for the adoption of these rules is contained in Laws of 1982, ch. 548, art. IV, §§ 13-14. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Joseph E. Meyerring upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Joseph E. Meyerring.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Joseph E. Meyerring.

September 14, 1982

John J. Feda  
Secretary

**Rules as Proposed (all new material)**

Chapter Eight: Health and Safety  
Education Instruction and Training  
Minimum Standards for Elementary and Secondary Schools

**EDU 143 Automobile driver education programs.** A school district offering automobile driver education programs, directly or indirectly, shall comply with the requirements of EDU 144 to EDU 146.

**EDU 144 Instructional requirements for automobile driver education.**

A. Classroom curriculum. A written classroom curriculum guide must be available to and used by each instructor conducting classroom instruction. The curriculum must include at least the following opportunities for students:

1. to analyze and assess several decision-making models and factors influencing highway-user decisions;
2. to analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance;
3. to analyze and practice making decisions about using occupant restraints;
4. to identify and analyze a variety of driving decisions about highway users and roadway characteristics;
5. to analyze and practice making decisions about a vehicle's speed under different driving conditions;
6. to know the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;
7. to identify, analyze, and describe proper procedures for a variety of driving situations;
8. to gather information and practice making decisions about automobile ownership and maintenance;
9. to identify, analyze, and practice making decisions related to drivers' attitudes and emotions; and
10. to explore alternative ways to become better drivers and to improve the highway transportation system.

B. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by each instructor conducting laboratory instruction. The curriculum must include at least the following:

1. orientation to the purpose, content, and procedures for laboratory instruction;
2. orientation to gauges and instruments, and preparing to move the vehicle;
3. basic skills in speed control and tracking on forward and backward paths;
4. orientation to driving and initial techniques in scanning for, recognizing, and responding to obstacles;
5. basic skills in parking, turning, backing, turning around, lane changing, crossing intersections, and passing;
6. reduced-risk city driving, highway driving, freeway driving, and interacting with other highway users;
7. strategies for perceiving and responding to adverse and special conditions and emergencies; and
8. formal evaluation, self-evaluation, and planning for future improvement.

C. Place for on-street instruction. All on-street instruction shall be conducted on a planned practice driving route. It shall not be on actual routes used for road tests for state driver licenses.

D. Classroom instruction. At least 30 hours of classroom instruction must be scheduled over no less than three weeks with no more than two clock hours per day.

E. Laboratory instruction. Laboratory instruction must include at least six clock hours of on-street instruction or the equivalent. The clock hours or the equivalent must be scheduled over no less than two weeks and not more than 18 weeks with no more than two clock hours per day.

1. If automobile-driving simulator instruction is provided and is not counted as classroom time, four clock hours of simulator instruction may be substituted for one clock hour of on-street instruction.

2. If off-street driving range instruction is provided, two clock hours of driving range instruction may be substituted for one clock hour of on-street instruction.

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## **PROPOSED RULES**

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3. When simulator or driving range instruction is substituted for on-street instruction, the on-street instruction time may not be reduced to less than three clock hours. However, when both simulator and driving range instruction are substituted, on-street instruction time may not be reduced to less than two clock hours.

F. Sequence when simultaneous instruction. When both phases of the program are conducted during the same time period, at least five clock hours of classroom instruction must have been completed before beginning laboratory instruction. The laboratory instruction must be dispersed throughout the classroom instruction.

G. Sequence when successive instruction. Successful completion of classroom instruction is mandatory for enrollment in laboratory instruction, when the two phases of the program are conducted during separate time periods. The time period between the phases of instruction must not exceed six months.

H. Occupant restraints. Instructors must ensure that all vehicle occupants use restraints at all times during laboratory instruction.

I. Permit or driver's license. Instructors must ensure that a student is in actual possession of a valid Minnesota driver instruction permit or driver's license before giving on-street driving instruction.

J. Course credit. Driver education courses may carry credit toward graduation for students, whether offered directly or indirectly, as a separate course or part of another course. Credit for driver education must be granted under the same standards that credit is granted for satisfactory completion of other courses.

K. Program modification. A school district which does not provide the complete laboratory instruction may offer classroom instruction only after it has consulted with an approved on-street provider within the immediate area. The district must modify its program to minimize duplication of training and ensure coordination of classroom and laboratory instruction.

L. Authorized school official. A school district must identify an authorized school official to be responsible for certifying satisfactory completion of the program. The official need not be licensed under 5 MCAR § 3.083 unless that person also is an instructor in the program.

1. When a student satisfactorily completes the driver education program, including both classroom and on-street instruction, the authorized school official must furnish the student a certificate of course completion.

2. When a student satisfactorily completes classroom instruction and intends to complete the program with another provider, the authorized school official must furnish the student a verification statement of completion of classroom instruction.

3. When a student under 16 years of age fails to continue or successfully complete the driver education course, including on-street instruction, the authorized school official must immediately notify the Department of Public Safety, Driver and Vehicle Services Division.

M. Annual report. Before September 1 of each school year, each district must submit an annual report identifying the authorized school official and all instructors who will be teaching students during that school year and during the following summer. The report must be submitted to the Department of Education on forms supplied by it.

### **EDU 145 Vehicle requirements for automobile driver education.**

A. Safety standards. Each vehicle used for laboratory instruction for automobile driver education must comply with all federal and state motor vehicle safety standards for the model year of the vehicle.

B. Required equipment. Each vehicle used for on-street instruction must have the following equipment:

1. dual control brakes;
2. outside and rearview mirror for the driver's use and separate rearview mirror for the instructor's use;
3. sunvisors for both the driver and the front seat passenger;
4. windshield washers, wipers, and defroster; and
5. occupant restraints for each occupant of the vehicle.

C. Display of sign. Each vehicle used for on-street instruction must conspicuously display a sign on the rear which reads "Student Driver." The background and letters of the sign must be of contrasting colors. The lettering must be at least two but not more than five inches high. The sign must be removed when the vehicle is used for purposes other than driver education instruction.

D. Required maintenance. Each vehicle used for laboratory instruction must be maintained in safe operating condition through routine care and servicing.

E. Firearms, hazardous or toxic substances prohibited. No firearms, hazardous substances, or toxic substances may be transported in a driver education vehicle. For the purpose of this subpart, "firearms" has the definition given it in Minnesota

Statutes, section 97.40, subdivision 34; "hazardous substances" and "toxic substances" have the definitions given them in Minnesota Statutes, section 24.33, clauses (d) and (e).

F. Insurance or self-insurance required. The district shall provide a plan of reparation security covering each vehicle used and complying with the provisions of the Minnesota No-Fault Automobile Insurance Act, Minnesota Statutes, sections 65B.41-65B.71. However, residual liability coverage and uninsured motorist coverage must be provided in the following amounts: not less than \$100,000 because of bodily injury to or death of any one person in any one accident; not less than \$300,000 because of bodily injury to or death of two or more persons in any one accident; and not less than \$50,000 because of damage to or destruction of property of others in any one accident.

**EDU 146 Instructor requirements for automobile driver education.** All instructors providing automobile driver education instruction must be appropriately licensed by the Board of Teaching.

**EDU 147 Motorcycle driver education programs.** A school district offering motorcycle driver education programs, directly or indirectly, shall comply with the requirements of EDU 148 to EDU 150.

**EDU 148 Instructional requirements for motorcycle driver education.**

A. Classroom curriculum. A written classroom curriculum guide must be available to and used by each instructor conducting classroom instruction. The curriculum must include at least the following opportunities for students:

1. to become familiar with the purpose, content, and procedures for classroom instruction;
2. to learn the location and operation of motorcycle controls and indicators;
3. to identify, analyze, and practice making decisions about proper protective gear;
4. to identify and become familiar with the procedures for starting, riding, and stopping a motorcycle;
5. to learn procedures for turning, changing gears, and using both brakes to stop a motorcycle;
6. to identify basic riding strategies and prepare to ride safely in traffic;
7. to become familiar with the various methods used to minimize, separate, and compromise riding hazards;
8. to learn procedures for passing, group riding, and night riding techniques;
9. to prepare for handling unusual or emergency situations; and
10. to gather information and practice making decisions about selecting, insuring, and maintaining a motorcycle.

B. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by each instructor conducting laboratory instruction. The curriculum must include at least the following:

1. orientation to the purpose, content, and procedures for laboratory instruction;
2. mounting, dismounting, starting, stopping, walking the cycle, clutch friction point, and riding in a straight line;
3. circles, weaving, sharp turns, and straight line shifting;
4. braking, turning, adjusting speed, shifting and accelerating in a turn;
5. simulated on-street riding and initial scanning techniques for recognizing and responding to obstacles;
6. passing, rear wheel skids, and quick stops;
7. riding on pegs, lane changing, and stopping on a curve;
8. reduced-risk urban, suburban, and rural riding techniques; and
9. formal evaluation, self-evaluation, and planning for future improvement.

C. Place for on-street instruction. All on-street instruction shall be conducted on a planned practice driving route. It shall not be on actual routes used for road tests for state driver licenses.

D. Classroom instruction. At least eight clock hours of classroom instruction must be scheduled. No more than two clock hours of classroom instruction may be scheduled per day for a single group of students.

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E. Laboratory instruction. Laboratory instruction must include at least six clock hours of instruction. No more than two clock hours of laboratory instruction may be scheduled per day for a single group of students.

F. Sequence when simultaneous instruction. When both phases of the program are conducted during the same time period, at least two clock hours of classroom instruction must have been completed before beginning laboratory instruction. The laboratory instruction must be dispersed throughout the classroom instruction.

G. Sequence when successive instruction. Successful completion of the classroom phase is mandatory for enrollment in the laboratory phase, when the two phases of the program are conducted during separate time periods. The time period between the phases of instruction must not exceed one month.

H. Student-instructor ratio. The student-instructor ratio shall not exceed three students per instructor for on-street instruction.

I. Protective clothing. Instructors must ensure that all students, during laboratory instruction, wear helmets and protective clothing, including gloves, jackets or long-sleeved shirts, long pants, and leather shoes or boots which cover the foot.

J. Driver's license. Instructors must ensure that a student is in actual possession of a valid standard Minnesota driver's license before giving classroom instruction and a valid two-wheeled vehicle instruction permit before giving on-street instruction.

K. Program modification. A school district which does not provide the complete laboratory instruction may offer classroom instruction only after it has consulted with an appropriate on-street provider within the immediate area. The district must modify its program to minimize duplication of training and ensure coordination of classroom and laboratory instruction.

L. Authorized school official. A school district must identify an authorized school official to be responsible for certifying satisfactory completion of the program. The official need not be licensed under 5 MCAR § 3.083 unless that person also is an instructor in the program.

1. When a student satisfactorily completes the motorcycle driver education program, including both classroom and laboratory instruction, the authorized school official must furnish the student a certificate of course completion.

2. When a student satisfactorily completes classroom instruction and intends to complete the program with another provider, the authorized school official must furnish the student a verification statement of completion of classroom instruction.

M. Annual report. Before September 1 of each school year, each district must submit an annual report identifying the authorized school official and all instructors who will be teaching students during that school year and during the following summer. The report must be submitted to the Department of Education on forms supplied by it.

### **EDU 149 Motorcycle requirements for motorcycle driver education.**

A. Safety standards. Each motorcycle used for laboratory instruction for motorcycle driver education must comply with all federal and state motor vehicle safety standards for the model year of the motorcycle.

B. Required maintenance. Each motorcycle used for laboratory instruction must be maintained in safe operating condition through routine care and servicing.

C. Insurance or self-insurance required. The district shall provide a plan of reparation security covering each vehicle used. Notwithstanding anything in the Minnesota No-Fault Automobile Insurance Act, Minnesota Statutes, sections 65B.41-65B.71, exempting motorcycles from no-fault residual liability coverage requirements, the district shall provide no-fault in an amount equal to at least that minimum level required for automobiles under that act. However, residual liability coverage and uninsured motorist coverage must be provided in the following amounts: not less than \$100,000 because of bodily injury to or death of any one person in any one accident; not less than \$300,000 because of bodily injury to or death of two or more persons in any one accident; and not less than \$50,000 because of damage to or destruction of property of others in any one accident.

**EDU 150 Instructor requirements for motorcycle driver education.** All instructors providing motorcycle driver education instruction must be appropriately licensed by the Board of Teaching.

**Repealer.** Rule EDU 142 C. is repealed.



**State Board of Education  
(State Board for Vocational Education)  
Department of Education  
Vocational-Technical Division**

**Proposed Rules Governing the Accreditation of Vocational-Technical Institutes and  
Complaint Procedures (5 MCAR §§ 1.01031-1.01032)**

**Notice of Intent to Adopt Rules without a Public Hearing**

Notice is hereby given that the State Board of Education (State Board for Vocational Education) proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The rules will clarify the authority of the board to accredit area vocational-technical institutes and establish certain standards for accreditation. There will also be established a procedure for handling complaints against area vocational-technical institutes that may be brought against the schools by students, parents, staff or others.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Melvin E. Johnson, Manager  
Operational Services Section  
548 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: (612) 296-2421

Authority for the adoption of these rules is contained in Minn. Stat. §§ 121.21, subd. 6 and 121.11, subd. 12. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Melvin E. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Melvin E. Johnson.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Melvin E. Johnson.

September 13, 1982

John J. Feda  
Secretary

**Rules as Proposed (all new material)**

5 MCAR § 1.01031 Accreditation of area vocational-technical institutes.

A. Powers of State Board for Vocational Education. The State Board for Vocational Education shall grant accredited status to an area vocational-technical institute if it meets the requirements in B. It may also grant accredited status contingent upon a

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

## **PROPOSED RULES**

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specified task to be performed by the institute, grant probationary status, revoke accredited status, reinstate accredited status, defer action, or deny accredited status if the institute does not meet the requirements in B.

### **B. Requirements.**

1. The division of vocational-technical education shall use evaluations conducted pursuant to 5 MCAR § 1.0073 to recommend a status to the State Board for Vocational Education.
2. To obtain accredited status, an institute shall:
  - a. secure program approval pursuant to 5 MCAR § 1.0071 and 5 MCAR § 1.0102;
  - b. secure specialized department and class approval pursuant to 5 MCAR § 1.0061;
  - c. maintain a local advisory committee pursuant to 5 MCAR § 1.0075, even if an institute does not receive federal assistance;
  - d. upon request by a student, give a copy of the student's transcript to the student;
  - e. not make, directly or indirectly, any statement or representation, oral, written, or visual, in connection with offering or publicizing a course if the institute or its agent knows or should know the statement or representation is false, fraudulent, deceptive, substantially inaccurate, or misleading; and
  - f. comply with the requirements about refunds set forth in Minnesota Statutes, section 124.565.
3. The recommendation of the division shall be reviewed at a meeting of the board. An institute shall be given the opportunity to present objections it may have to the recommendation. The board shall make a written final decision.

### **5 MCAR § 1.01032 Complaint procedures.**

A. Local review. A student, parent of a student, staff member, or any other interested person may submit a complaint related to an area vocational-technical institute. The complaint must be submitted in writing to the director of the area vocational-technical institute within one year of the event. The institute and school board shall provide procedures for prompt response to a grievance.

B. Review by state board. Upon request by the complainant, the State Board for Vocational Education shall review a complaint which the commissioner of education determines is about institutional or program quality, as the qualities are related to 5 MCAR § 1.01031. The request of the complainant must be submitted to the commissioner within 15 days of completing the procedures in A. The commissioner shall forward qualifying complaints to the state board. The state board shall place the complaint on the agenda of its next regularly scheduled meeting and review it at that meeting. The complainant and school board shall be given an opportunity to be heard. The state board shall make a written final decision containing findings and conclusions. If the commissioner determines the complaint is not about institutional or program quality, as the qualities are related to 5 MCAR § 1.01031, the commissioner shall notify the complainant that no action will be taken.

## **Department of Energy, Planning and Development Business Development Division**

### **Proposed Rules Governing Designation of Enterprise Zones**

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

Notice is hereby given that the State of Minnesota, Department of Energy, Planning and Development proposes to adopt the above entitled rules without a public hearing. The commissioner has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statute 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if modifications are supported by data and views submitted to the agency do not result in substantial change in the proposed language.

Unless 7 or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statute 15.0412, subdivision 4-4f.

Persons who wish to submit written request for a public hearing should submit such requests to:

Business Development Division  
Attn: Dana Weber Young  
Department of Energy, Planning and Development  
480 Cedar Street—Room 100  
St. Paul, Minnesota 55101 (612) 296-3976

Authority for adoption of these rules is contained in Minnesota Statute Chapter 523, Article 6, *Laws of Minnesota*, 1982. (Minnesota Statute § 273.1312). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dana Weber Young, at the above listed address upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Dana Weber Young, at the above listed address.

The rules proposed for adoption relate to the following matters: purpose, definitions, application cycle, application for enterprise zone designation, action plans to promote economic development, determination of enterprise zone sites and application procedures.

Copies of this notice and the proposed rules are available and may be obtained from Dana Weber Young, either in writing or by telephone.

September 24, 1982

Robert Renner  
Commissioner

### **Rules as Proposed (all new material)**

**4 MCAR § 2.501 Purpose.** 4 MCAR §§ 2.501-2.508 are promulgated pursuant to Laws of Minnesota 1982, chapter 523, article VI, section 2 to implement and make specific the provisions of Laws of Minnesota 1982, chapter 523, article VI and relate to the designation of enterprise zones.

#### **4 MCAR § 2.502 Definitions.**

A. Statutory definitions. The terms defined in Laws of Minnesota 1982, chapter 523, article VI, section 2 have the same meaning when used in 4 MCAR §§ 2.501-2.508. The terms in B.-E. have the meanings given them for the purposes of Laws of Minnesota 1982, chapter 523, article VI, section 2.

B. Data source. "Data source" means the most recent federal decennial census data unless otherwise provided.

C. Recently experienced. "Recently experienced" means within the last five years.

D. Significant employment. "Significant employment" means one percent of the total employment base of a community.

E. Manufacturing. "Manufacturing" includes activities in standard industrial classification codes 20-39 contained in the "Minnesota Directory of Manufacturing."

#### **4 MCAR § 2.503 Application cycle.**

Applications will be accepted from July 1983 through March 1984 for the initial year of receiving applications. After the initial year applications from governing bodies for enterprise zone designation will be accepted during the first quarter of each calendar year.

#### **4 MCAR § 2.504 Application for enterprise zone designation.**

The commissioner shall prepare uniform application forms for use by governing bodies setting forth the information necessary for the determination of eligibility as an enterprise zone.

#### **4 MCAR § 2.505 Information in enterprise zone designation applications.**

A. Statutory information. An application must demonstrate that the proposed enterprise zone complies with statutory requirements to be designated an enterprise zone.

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## **PROPOSED RULES**

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B. Data connected to zone. Data in an enterprise zone application must be for all areas most closely corresponding to the proposed enterprise zone area. Data need not be for an area identical to the proposed area of the enterprise zone but should be for an area as closely identical as reasonably possible.

C. Statistical sources; economic hardship area. Statistical sources to be used in determining whether an area is an economic hardship area will be those approved by the state demographer.

D. Population statistics. The most recent federal census or estimates by the state demographer or the metropolitan council may be used for population data.

### **4 MCAR § 2.506 Action plans.**

An action plan to promote economic development must be designated and passed on by resolution by the governing body. The action plan should be between three and five pages in length. An action plan shall contain:

A. a brief description of the organization of the governing body designated in charge of developing and implementing the action plan;

B. a brief summary of the area's economic situation based on an analysis of data for the area and surrounding region related, for example, to employment income, labor force composition, unemployment, housing, and land use;

C. some conclusions and judgments about the area's potential for economic development, for example, development of under-utilized resources and ways to overcome any barriers to development; and

D. an identification of realistic actions that the governing body wants to initiate to spur economic growth. Each action identified should address six items: what the action is, its purpose, when action will be initiated, when it will be completed, who is going to complete it, and how it will be completed.

### **4 MCAR § 2.507 Determination of enterprise zone size.**

A governing body may apply for more than one enterprise zone designation but no land area may be part of more than one enterprise zone.

### **4 MCAR § 2.508 Application procedures.**

A. Submission of application. The governing body shall submit to the commissioner three copies of the completed application upon the forms and in the format designated by the commissioner.

B. Review by the commissioner. The commissioner has 30 days from the date of its receipt to approve or disapprove an application.

C. Notification of determination. The commissioner shall notify the governing body of a determination as follows:

1. If the commissioner determines that the application is complete and the area eligible for enterprise zone designation, the governing body shall be notified within 15 days and a copy of the approved application shall be sent to the Department of Revenue.

2. If the commissioner determines that an incomplete application has been submitted, the commissioner shall notify the applicant specifying the deficiencies. The applicant has 30 days from the date of the commissioner's notification to complete the application. In the event the application is then completed in a timely fashion notification shall be as in 1. If the application is not complete within the 30 days, the application shall be rejected and not further considered during that application receipt period.

# ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

## State Board of Education Department of Education Instruction Division

### Adopted Temporary Rules Governing Public School Automobile Driver Education Programs

The temporary rules proposed and published at *State Register*, Volume 7, Number 2, pages 48-50, July 12, 1982 (7 S.R. 48) are adopted with the following modifications:

#### Temporary Rules as Adopted

Chapter Eight: Health and Safety  
Education Instruction and Training  
Minimum Standards for Elementary and Secondary Schools

EDU 144 [Temporary] Instructional requirements for automobile driver education.

F. Sequence when simultaneous instruction. When both phases of the program are conducted during the same time period, at least five clock hours of classroom instruction must have been completed before beginning laboratory instruction. ~~when both phases of the program are conducted during the same time period.~~ The laboratory instruction must be dispersed throughout the classroom instruction.

J. Course credit. Driver education courses may carry credit toward graduation for students, whether offered directly or indirectly, as a separate course or part of another course. Credit for driver education must be granted under the same standards that credit is granted for satisfactory completion of other courses. ~~A student must not be granted credit toward graduation for completing a driver training course provided wholly or partially by a commercial driver training school not meeting all requirements of EDU 144 to EDU 146.~~

K. Program modification. A school district which does not provide on street the complete laboratory instruction may offer classroom instruction only after it has consulted with ~~a commercial driving school or other~~ an approved on-street provider within the immediate area. The district must modify its program to minimize duplication of training and ensure coordination of classroom and laboratory instruction.

EDU 145 [Temporary] Vehicle requirements for automobile driver education.

F. Insurance or self-insurance required. The district shall provide a plan of reparation security covering each vehicle used and complying with the provisions of the Minnesota No-Fault Automobile Insurance Act, Minn. Stat. §§ 65B.41-65B.71; ~~except that.~~ However, residual liability coverage and uninsured motorist coverage must be provided in the following amounts: not less than \$100,000 because of bodily injury to or death of any one person in any one accident; not less than \$300,000 because of bodily injury to or death of two or more persons in any one accident; and not less than \$50,000 because of damage to or destruction of property of others in any one accident.

~~Temporary repealer suspension.~~ Rule EDU 142 C. is repealed suspended during the time temporary rules EDU 143 to EDU 146 are effective.

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

## **ADOPTED RULES**

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### **Minnesota Housing Finance Agency**

#### **Adopted Temporary Rules Governing Income Limits for Limited Use Developments**

The rule proposed and published at *State Register*, Volume 7, Number 1, pages 11-12, July 5, 1982 (7 S.R. 11) is adopted as proposed.

## **SUPREME COURT**

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### **Decisions Filed Friday, October 8, 1982**

#### **Compiled by John McCarthy, Clerk**

82-166 Robert Utecht, Appellant, v. Shopko Department Store. Stearns County.

Genuine issues of material fact exist regarding the defamatory meaning of the published communication and defendant's privilege to publish it.

The trial court did not abuse its discretion by denying a motion to amend the complaint to assert a claim for punitive damages.

Affirmed in part; reversed and remanded in part. Scott, J. Dissenting, Peterson and Kelley, JJ. Took no part, Coyne, J.

82-276 In the Matter of the Petition for Disciplinary Action against Allan J. Larson, a Minnesota attorney. Supreme Court.

Per Curiam. Took no part, Amdahl, C. J.

### **Decision Filed Tuesday, September 28, 1982**

82-447 Larry A. Meyer, Appellant, v. State of Minnesota. Hennepin County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

### **Decisions Filed Thursday, September 30, 1982**

82-339 Willie Davis, petitioner, Appellant, v. State of Minnesota. Hennepin County.

Particularly cruel way in which petitioner committed offense of criminal sexual conduct in the first degree justified doubling of length of presumptive sentence established by Sentencing Guidelines Commission.

Affirmed. Amdahl, C. J.

82-843 David Ward, Appellant, v. State of Minnesota. St. Louis County.

Postconviction court properly denied petition seeking resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

# STATE CONTRACTS

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Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

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## Department of Public Welfare Income Maintenance Bureau, Refugee Program Office

### Notice of Request for Proposals for "Minnesota Refugee Incentive Grant Program"

Notice is hereby given that the Income Maintenance Bureau, Department of Public Welfare, is seeking proposals from non-profit incorporated Refugee Mutual Assistance Associations for the development of employment services and/or English language training to adult refugees.

The estimated amount of the contract will not exceed \$50,000 per project and will be for one year only. Responses must be received by November 3, 1982.

Direct inquiries to: Sandra DuVander, Refugee Program Office, Space Center Building/2nd Floor, 444 Lafayette Road, St. Paul, Minnesota, 55155; or call (612) 297-2777.

# OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Health Emergency Medical Services

### Notice of Application for Licensure

As of October 18, 1982, a complete application for advanced life support transportation service was submitted by Steven Belau, County Emergency Medical Services, Fertile, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires that the Commissioner of Health publish notice in the *State Register* at the applicant's expense, and in a newspaper in the municipality in which the service will be provided; or if no newspaper is published in the municipality, or if the service would be provided in more than one municipality, in a newspaper published in the county seat of the county or counties in which the service would be provided. Each Municipality, County, Community Health Services Agency, and any other interested person wishing to comment on this application may submit comments to the Health Systems Agency in which the service applying is located. The Health Systems Agency to contact for comments concerning this application is the Agassiz Health Systems Agency, 31 South Third Street, Box 129, Grand Forks, North Dakota 58201, Tim Langliers, Director (701/746-0441).

Your comments must be submitted before the close of business on November 17, 1982.

After a public hearing has been held in one of the municipalities in which the service is to be provided, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of the receipt of the Health Systems Agencies recommendations, the Commissioner of Health shall grant or deny the license to this applicant.

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## OFFICIAL NOTICES

### Department of Natural Resources

#### Sale of State Peat Lease

Notice is hereby given that a lease sale to remove peat in swamp and school fund lands located in 2872 acres, more or less, of the Arlberg Bog, St. Louis County, Minnesota will be held in the office of the Governor in the State Capitol Building, St. Paul, Minnesota, at 9:30 o'clock a.m. CST, on November 22, 1982.

The Commissioner of Natural Resources, Box 45, Centennial Office Building, St. Paul, Minnesota 55155, will receive sealed bids and applications for a lease to remove peat under the authority of Minnesota Statutes 1980, Section 92.50, as amended by Laws of Minnesota 1981, Chapter 328, Section 1, up to the time specified below.

Each application and bid must be submitted in a bid envelope obtained from the Division of Minerals and each sealed bid envelope must be enclosed in another envelope and delivered to the Commissioner of Natural Resources, Attention: Division of Minerals, Box 45, Centennial Office Building, St. Paul, Minnesota 55155. Bids must be received by 9:30 o'clock a.m. CST on November 22, 1982 and no bids received after that time will be considered.

At the time specified for the lease sale, the commissioner, together with the State Executive Council, will publicly open the bids and announce the amount of each bid separately. A lease will be awarded by the commissioner, with approval of the State Executive Council, to the highest responsible bidder; but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the prospectus. The right is reserved to the State, through the Executive Council, to reject any or all bids. All bids not accepted will become void.

In the absence of satisfactorily demonstrated past technical and financial competence to perform under similar circumstances, the commissioner may require bidders to submit information relating to their technical and financial competence to perform under the State's lease to remove peat. If the commissioner makes such a request of a bidder, the information shall be submitted within 30 days after the date of the commissioner's request.

Application and bid forms, bid envelopes, instructions on how bids are to be submitted, and copies of the prospectus may be obtained from the Department of Natural Resources, Division of Minerals Offices at Box 45, Centennial Office Building, St. Paul, Minnesota 55155, or Box 567, Hibbing, Minnesota 55746.

October 18, 1982

Joseph N. Alexander  
Commissioner

### Department of Natural Resources

#### Notice of Sale of State Copper-Nickel Mining Leases

Notice is hereby given that a sale of leases to prospect for, mine and remove copper, nickel, and associated minerals in trust fund lands, lands forfeited for non-payment of taxes, lands otherwise acquired, and other State-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Beltrami, Itasca, Koochiching, Lake of the Woods, Marshall, Roseau and St. Louis Counties, will be held in the office of the Governor in the State Capitol, St. Paul, Minnesota at 9:30 o'clock a.m. on November 22, 1982.

Prior to the time of sale, the Commissioner of Natural Resources, Box 45 Centennial Office Building, St. Paul, Minnesota 55155, will receive sealed bids and applications for leases covering minerals in State lands, in accordance with 6 MCAR § 1.0094, the copper-nickel rules, issued under the authority of Minnesota Statutes §§ 93.08-93.12 and 93.25.

Each application and bid, together with a certified check, cashier's check, or bank money order, payable to the State Treasurer in the sum of \$50.00, must be submitted in a bid envelope obtained from the commissioner.

At the time specified, the commissioner, together with the State Executive Council, will publicly open the bids and announce the amount of each bid separately. Leases will be awarded by the commissioner, with the approval of the State Executive Council, to the highest bidder for the respective mining units, but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the rules or that do not comply with all provisions of the rules. The right is reserved to the state, through the Executive Council, to reject any or all bids.

The purpose of Minnesota's copper-nickel rules is to promote and regulate the prospecting for, mining and removal of copper, nickel and associated minerals on state-owned and state-administered lands. These rules, and the leases issued under the rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals which increase with the passage of time, the payment of royalty for all ore mined and



removed, the submission of data and other reports, and addressment of certain environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws. In the absence of satisfactorily demonstrated past technical and financial competence to perform under similar circumstances, the commissioner may require bidders to submit information relating to their technical and financial competence to perform under the state's lease to prospect for, mine, and remove copper, nickel, and associated minerals. If the commissioner makes such a request of a bidder, the information shall be submitted by the bidder within 30 days after the date of the commissioner's request.

Upon the award of a lease, the check submitted with the bid will be deposited with the State Treasurer as a fee for the lease. All bids not accepted will become void, and the checks accompanying such bids will be returned to the respective bidders.

Application and bid forms, bid envelopes, instructions on how bids are to be submitted, copies of the rules (6 MCAR § 1.0094), and copies of the Copper-Nickel Unit Books listing the land areas designated by the commissioner as mining units, may be obtained from Elwood F. Rafn, Director, Division of Minerals, Box 45 Centennial Office Building, St. Paul, Minnesota 55155.

Application for each copy of the Copper-Nickel Unit Book must be accompanied by a certified check, cashier's check, or bank money order, payable to the State Treasurer in the sum of \$25.00, as a fee for such mining unit book, plus \$1.25 State of Minnesota Sales Tax. Unit Books will also be available for inspection at the Hibbing and St. Paul Offices of the Division of Minerals.

Joseph N. Alexander, Commissioner

## Department of Natural Resources

### Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Morrison County

#### Notice of and Order for Hearing

It is hereby ordered and notice is hereby given that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1980) will be held in Meeting Room #1, Court House, Little Falls, MN, on October 27, 1982, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative John Hohncke, R.R. 1, Box 87A, Little Falls, MN 56345, Department of Natural Resources representative Karen Loechler, 1200 Warner Road, St. Paul, MN 55106, and County Soil and Water Conservation District representative Robert Siegel, Route 1, Box 229, Little Falls, MN 56345.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1980) and the criteria contained in Minn. Stat. § 105.37, subs. 14 and 15 (1980). Please take notice that waters listed in para. A.2. may sometimes also be considered for designation, in the alternative, as wetlands.

#### A. PUBLIC WATERS

##### 1. Watercourses.

| <u>Name</u>           | <u>From</u>    |                 |              | <u>To</u>      |                 |              |
|-----------------------|----------------|-----------------|--------------|----------------|-----------------|--------------|
|                       | <u>Section</u> | <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Township</u> | <u>Range</u> |
| Big Mink Creek        | 4              | 41 (Granite)    | 29           | 30             | 41 (Buh)        | 30           |
| Unnamed to Two Rivers | 24             | 127 (Elmdale)   | 31           | 24             | 127 (Elmdale)   | 31           |

##### 2. Preliminarily designated under section 105.37, subs. 14(a)-14(h).

| <u>Number and Name</u> | <u>Section</u> | <u>Township</u>   | <u>Range</u> |
|------------------------|----------------|-------------------|--------------|
| 49-4 : White Bear Lake | 3, 10          | 42 (Richardson)   | 28           |
| 49-25: Rice Lake       | 19, 20, 29, 30 | 40 (Little Falls) | 31           |

#### B. WETLANDS

| <u>Number and Name</u> | <u>Section</u> | <u>Township</u>      | <u>Range</u> |
|------------------------|----------------|----------------------|--------------|
| 49-42 : West Twin Lake | 17             | 129 (Pike Creek)     | 30           |
| 49-98 : Propect Lake   | 26, 35         | 129 (Culdrum)        | 31           |
| 49-119: Unnamed        | 2              | 132 (Scandia Valley) | 31           |
| 49-120: Unnamed        | 3              | 132 (Scandia Valley) | 31           |

## OFFICIAL NOTICES

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|                         |        |                                       |        |
|-------------------------|--------|---------------------------------------|--------|
| 49-121: North Twin Lake | 3      | 132 (Scandia Valley)                  | 31     |
| 49-122: South Twin Lake | 3, 10  | 132 (Scandia Valley)                  | 31     |
| 49-123: Unnamed         | 4      | 132 (Scandia Valley)                  | 31     |
| 49-124: Unnamed         | 3, 4   | 132 (Scandia Valley)                  | 31     |
| 49-125: Unnamed         | 4, 9   | 132 (Scandia Valley)                  | 31     |
| 49-178: Unnamed         | 2      | 41 (Leigh)                            | 28     |
| 49-180: Morass Lake     | 13     | 42 (Richardson)                       | 28     |
| 49-181: Unnamed         | 3, 10  | 42 (Richardson)                       | 28     |
| 49-189: Unnamed         | 3      | 42 (Richardson)                       | 28     |
| 49-196: Unnamed         | 30, 31 | 41 (Buh)                              | 30     |
| 49-254: Unnamed         | 2      | 131 (Cushing)                         | 31     |
| 49-258: Unnamed         | 17     | 131 (Cushing)                         | 31     |
| 49-270: Unnamed         | 9      | 128 (Swanville)                       | 31     |
| 49-272: Windy Lake      | 18     | 128 (Swanville)                       | 31     |
| 49-174: Unnamed         | 21, 28 | 128 (Swanville)                       | 31     |
| 49-285: Unnamed         | 23     | 39 (Lakin)                            | 28     |
| 49-292: Unnamed         | 10     | 42 (Richardson)                       | 28     |
| 49-294: Unnamed         | 10     | 41 (Leigh)                            | 28     |
| 49-303: Unnamed         | 6; 1   | 132 (Rail Prairie;<br>Scandia Valley) | 30; 31 |
| *49-310: Unnamed        | 25, 26 | 40 (Hillman)                          | 29     |

\* petitioned to be added.

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425 (1980).

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1980). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subds. 10 and 12 (1980).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearing unit or to

David B. Milles  
DNR—Division of Waters  
Third Floor, Space Center Building  
444 Lafayette Road  
St. Paul, MN 55101  
Telephone: 612/297-2835.

October 6, 1982

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Office of the Secretary of State

### Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is November 9, 1982.

**LOCAL PROJECT REVIEW COMMITTEES OF THE WASTE MANAGEMENT BOARD.** As of September 23, the Waste Management Board is considering 12 proposed hazardous waste disposal sites in seven Minnesota counties: Aitkin, Carver, Clay, Marshall, Renville, Scott, and Sibley. Applications are being sought from residents of these seven counties to serve on the review committees. Each Local Project Review Committee will develop specific recommendations for the Waste Management Board on topics including the certification of need for hazardous waste facilities; the types and extent of mitigation and compensation for the siting of hazardous waste facilities; the design and operating and monitoring procedures for a hazardous waste disposal facility; standards for hazardous waste processing, including determination of which specific types of wastes would be acceptable, and the level of processing required; and the state's overall Hazardous Waste Management Plan. Members appointed by the Governor. Weekly meetings. For specific information, contact the Governor's Office, 130 State Capitol, St. Paul 55155; (612) 296-4030.

**METROPOLITAN PARKS AND OPEN SPACE COMMISSION** has 1 vacancy open for a resident of Metro Council District 5 or 6 (essentially the northern half of Mpls. plus Robbinsdale, St. Anthony and the north east portion of Golden Valley). The commission assists the Metropolitan Council in planning the regional recreation open space system, and in making grants for the acquisition and development of facilities in that regional system; and reviews master plans for regional facilities prepared by metropolitan area park districts and counties to make sure they are consistent with the metropolitan council regional plans for parks. Members are appointed by the Metropolitan Council. Members may not be members of Metropolitan Council, or any other metropolitan agency, board or commission, or hold judicial office; they must file with EPB; their 4-year terms are staggered; and they must reside in precinct to which appointed, except for the chairman. Meetings are twice monthly at Metro Square Bldg. Members receive \$50 per diem. For specific information, contact the Metropolitan Parks and Open Space Commission, 300 Metro Square Bldg., St. Paul 55101; (612) 291-6401.

## **Minnesota Board of Teaching**

### **Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Relating to Procedures for Voluntary Surrender of Teaching Licenses, Licensure of Teachers of Driver and Traffic Safety Education, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of English as a Second Language, and Teachers of Bilingual/Bicultural Education**

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the board in preparing to propose the adoption or amendment of rules governing Procedures for Voluntary Surrender of Teaching Licenses, Licensure of Teachers of Driver and Traffic Safety Education, Teachers of Science for Grades 5-9 and Grades 7-12, Teachers of English as a Second Language, and Teachers of Bilingual/Bicultural Education. Any interested persons may submit data or views on these subjects in writing or orally to:

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching  
608 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-2415

Any written material received by the board shall become part of the hearing record in the event that the rule governing this subject is promulgated.

October 4, 1982

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching

## **Department of Transportation**

### **Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.832**

#### **Order No. 67142**

Whereas, the Commissioner of Transportation has made his Order No. 66400 as amended by Orders Nos. 66446, 66550, 66628, 66690, 66768, 66807, 66920, 66962 and 67065 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.832, and

## OFFICIAL NOTICES

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Whereas, the commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.832.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 66400 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

### TRUNK HIGHWAYS

- TH 9 From Jct. I-94 to 2 miles north (12 month.)
- TH 49 From TH 36 to Larpenteur Avenue in Ramsey County (Seasonal.)
- TH 68 From West State Line to Jct. TH 75 in Canby (Seasonal).

Dated this 7th of October, 1982.

Richard P. Braun  
Commissioner of Transportation

STATE OF MINNESOTA  
State Register and Public Documents Division  
117 University Avenue  
St. Paul, Minnesota 55155

**ORDER FORM**

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**FOR LEGISLATIVE NEWS**

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

**Briefly/Preview**—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

**Perspectives**—Publication about the Senate. Contact Senate Information Office.

**Weekly Wrap-Up**—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

**This Week**—weekly interim bulletin of the House. Contact House Information Office.

Legislative Reference Library  
Room 111 Capitol

Interoffice