

State of Minnesota
Board of Education
(State Board for Vocational Education)

Statement of Need and Reasonableness

The Veterans Readjustment Act of 1952 instructed the Commissioner of Education in Washington to publish a list of nationally recognized accrediting agencies. The purpose of the action was to approve various schools for Veterans Education. Later, the same list was used to authorize schools to participate in the various student loan programs and grants from the federal government for disadvantaged students. No opportunity was afforded public vocational schools to participate in the loan programs until 1972 when the congress included the public vocational schools by amending the Vocational Education Act of 1965. In 1974, the Minnesota State Board for Vocational Education was designated the accrediting agency for vocational schools in Minnesota by the U.S. Department of Education and all public vocational schools were granted accredited status by a grandfather clause. On December 8, 1980, the Minnesota State Board for Vocational Education was reauthorized by the U.S. Department of Education to perform the accrediting function with the understanding that two problems would be remedied:

1. It was recommended that the advisory committee for accreditation be broadened to include a wider community of interest. A new committee was appointed to accommodate this recommendation.
2. It was recommended that complaint procedures concerning area vocational institutes be formalized in a published document. The Vocational Division elected to install the complaint procedures in rules.

Advice and counsel were obtained from the new advisory committee consisting of the Minnesota Vocational Association, Minnesota Area Vocational Institute Assistant Directors, Minnesota AFL-CIO, Minnesota Education Association, Minnesota Association of School Administrators, Minnesota School Boards Association, Area Vocational Institute Directors Association, Minnesota Area Vocational Technical Institute Student Services Association, North Central Accreditation, Minnesota Association of Commerce and Industry, Office of Planning and Evaluation, Post-Secondary Section, Spanish Speaking Affairs Council, Minnesota State Advisory Council for Vocational Education, Sex Equity Advisory Committee, State Student Senate and the Minnesota Federation of Teachers.

The rule concerning complaints provides that the local district establish a procedure for responding to grievances and that all grievances be addressed locally before being considered by the Commissioner of Education. Grievances are required to be submitted to the local AVTI in writing. From reasonable estimates based upon past experience with informal complaint processes at the AVTIs, it is anticipated that 95% of the complaints will be resolved at the local level. The subject matter of complaints brought at the local level may be of any type or variety.

If a complaint is advanced to the Commissioner of Education for State Board consideration, the complaint must relate to the quality of the institution or the quality of the program in which the student is enrolled. The purpose for limiting complaints to consideration of quality tends to exclude grievances dealing with disciplinary problems, tardiness and unauthorized absence, and the like. These matters are appropriately, and consistent with existing statutes, left to the decision-making function of the local school boards.

5MCAR S 1.01031, subsection A, of the proposed rules describes the basis by which accredited status is granted. It is reasonable inasmuch as it provides for granting or withholding accredited status under a variety of conditions thereby granting fair treatment to the several affected schools.

Subsection B.1. This part of the proposed rule describes the use of evaluation in the accrediting process. It is reasonable because it employs an existing criteria and process rather than to create new criteria and process for the purpose of accreditation which may add nothing substantive but create an unnecessary administrative burden on the AVTI.

Subsection B.2.a. This part of the proposed rule requires compliance with standards regarding space, class size, equipment and other essential matters. It is reasonable because it is based upon generally accepted standards, applicable to the operation of vocational programs, which have been in effect for a number of years.

B.2.b. This proposed portion of the rule establishes licensure standards for teachers, class length, record keeping and credit transfer. It is reasonable because it recognizes that specialized departments, programs and course offerings have distinctive concerns with regard to these matters. It is also reasonable because it requires compliance with standards which have generally been in effect since 1956 and which remain viable currently.

B.2.c. This part of the proposed rule deals with the maintenance of local advisory committees. This part is reasonable because local advisory committees assist AVTIs in establishing and maintaining the relevancy of the course offerings. They have been accepted as general practice since 1978 and are required of an AVTI to qualify for receipt of various federal education funds.

B.2.d. This part requires AVTI to provide student transcripts as required by 20 U.S.C. §1232g; 34 C.F.R. part 99; 34 C.F.R. §603.24(c)(i); and Minnesota Statutes, §15.165, subd. 3 (supp. 1981). It is reasonable because accreditation of an AVTI: (1) brings recognition to the AVTI by a public agency; and (2) connotes acceptability thereby encouraging students to attend the accredited institution. It is therefore appropriate that the accrediting agency's rules operate to protect students particularly in those areas of particular student interests.

Subsection B.2.e. This proposed subsection prohibits false representation. Compliance with ethical standards is a prerequisite to accreditation pursuant to 34 C.F.R. §603.24 (c)(i). Such a requirement is reasonable for the same reasons expressed under proposed subpart B.2.d. above.

Subsection B.2.f. This proposed subsection deals with refunds. It is reasonable because section 124.565 of the Minnesota Statutes specifically provides for refunds to vocational students under certain circumstances. It is reasonable for the same reasons expressed under proposed subpart B.2.d. above.

A student will be able to attend any vocational school with reasonable certainty that refunds will be provided if the student withdraws from training within a stated period of time.

Subsection B.3. This proposed subsection deals with a review of the findings of the Vocational Division preliminary to a school receiving accredited status. This part is reasonable because it affords the school an opportunity to utilize a review process. The process gives the state board the opportunity to reevaluate the division's recommendation.

5MCAR S 1.01032, subsection A, deals with complaint procedures at the local level whereby complaints may be lodged against an area vocational technical institute. This process is consistent with the federal requirement in 34 C.F.R. §603.24 (b)(1)(ix). This proposal is reasonable because it affords a complainant the opportunity to resolve differences at the local level thereby saving time and expense.

Subsection B. This proposed subsection deals with a review process in the event that the local vocational school does not adequately address the complaint. This proposed subsection is reasonable because it allows the state board to address those disputes which directly relate to its rules. The Commissioner's role in deciding issues of program or institutional quality is reasonable inasmuch as it is consistent with the duties of the executive officer of the board.