

State of Minnesota
Board of Education

Statement of Need and Reasonableness for Proposed Amendment of Rules
EDU 380 B.6., EDU 382 B.3. and EDU 386 B. and Repeal of
EDU 380 B.4., 4.a., and 4.b.; EDU 381 D.; EDU 385 A., A.1.,
and 2.; EDU 385 B.1.; EDU 385 B.2.; EDU 386 A.; EDU 386 C.;
and relettering of EDU 380 B.5.; EDU 385 D.

Concerning: The Proposed Amendment and Repeal of Rules governing Private
Business, Trade and Correspondence schools.

The proposed amendment of rules EDU 380 B.6., and EDU 382 B.3., and
EDU 386 B. is necessary to clarify the regulation of Private Business,
Trade and Correspondence Schools licensed pursuant to Minn. Stat.
§§ 141.21-141.36 which established authority for the State Board of
Education to adopt rules and regulations to carry out the provisions
of Minn. Stat. § 141.23.

The amendments are primarily housekeeping amendments which will eliminate
duplication found in current law and reflect current law and administrative
practice.

EDU 380 B.5. is relettered as EDU 380 B.4. since it is proposed to repeal the
current EDU 380 B.4.

EDU 380 B.6. is relettered as EDU 380 B.5. and the words "or certified" are
deleted since a teacher is only required to be approved and such language is
now obsolete.

EDU 382 B.3. is proposed to change the § 141.27 to 141.271 which refers to
current numbering found in Minnesota law since § 141.27 was repealed and
replaced by § 141.271.

EDU 385 is proposed to change the § 141.27 to 141.271 which refers to
current numbering found in Minnesota law since § 141.27 was repealed and
replaced by § 141.271. It is also proposed to make minor language changes
to clarify the definition, which are not substantive changes.

EDU 386 is proposed to reflect that a school which offers both degree and
non-degree programs is still subject to licensure of its non-degree programs
and is not exempt by reason of Minn. Stat. § 141.35, clause (a). The
correlation between the two programs is recognized in Minn. Stat. § 136.A653,
subd. 1.

That latter provision relates to the Higher Education Coordinating Board's regulation of degree programs and institutions which use the term college, university, institute or academy in their name. If non-degree programs were not regulated under Minn. Stat. Chapter 141, the following situation could and would exist. A college offering one degree program could have all of its non-degree programs exempted from Chapter 141 even though those programs are identical to programs offered by other trade schools licensed under Chapter 141. Since the HECB does not take an in-depth look at non-degree programs and does not require the type of refund policies, or instructor qualifications, a significant difference in regulation would occur. The diversity of treatment would be unjust to both the students and the competing schools. It should be noted that the changes to this rule merely continue the long time administrative application of this rule and § 141.35, clause (a). In addition, a school's failure to achieve exemption under this provision does not prevent exemption under the other clauses of § 141.35. The most common exemption for colleges offering both degree and non-degree programs is § 141.35, clause (e) -- "Private and parochial non-profit schools exempt from taxation under the constitution of Minnesota...." Therefore, the rule is needed to provide uniform regulation and is reasonable in that it does not infringe upon any other available exemption.

It is proposed to repeal EDU 380 B.4.a. under the mandate of Minn. Stat. § 15.0412, subd. 1, since this rule is a duplication of Minn. Stat. § 141.25, subd. 3., clause (g), and is not crucial to its meaning and effect.

It is proposed to repeal EDU 380 B.4.b. under the mandate of Minn. Stat. § 15.0412, subd. 1, since this rule is a duplication of Minn. Stat. § 141.25, subd. 7, clause (a) and is not crucial to its meaning and effect.

It is proposed to repeal EDU 381 D. since Minnesota law no longer contains Minn. Stat. § 141.25, subd. 7, clause (c) (1971).

It is proposed to repeal EDU 385 A.1. under the mandate of Minn. Stat. § 15.0412, subd. 1, since this rule is a duplication of Minn. Stat. § 141.271, subd. 10, and is not crucial to its meaning and effect.

It is proposed to repeal EDU 385 A.2. since this rule is in conflict with Minn. Stat. § 141.271, subd. 4., 5., and 6. which was enacted subsequent to the promulgation of the rule.

It is proposed to repeal EDU 385 B.1., under the mandate of Minn. Stat. § 15.0412, subd. 1, since this rule is a duplication of part of Minn. Stat. § 141.271, subd. 1, and is not crucial to its meaning and effect.

It is proposed to repeal EDU 385 B.2., under the mandate of Minn. Stat. § 15.0412, subd. 1, since the rule is a duplication of part of Minn. Stat. § 141.271, subd. 5 and is not crucial to its meaning and effect.

It is proposed to repeal EDU 386 A. and C. since the Minnesota Higher Education Coordinating Board, and not the State Board of Education, now has authority to approve degrees. (Minn. Stat. §§ 136A.61-136A.71)