

STATE OF MINNESOTA
BOARD FOR VOCATIONAL EDUCATION

STATEMENT OF NEED AND REASONABLENESS
FOR PROPOSED RULES 5 MCAR §§ 1.0111-1.0117
GOVERNING CRITERIA FOR ADULT VOCATIONAL PROGRAM FUNDING

Introduction

In the 1981 session, the Minnesota Legislature passed legislation regarding vocational education including a section on adult education.

Minnesota Statute § 124.572, subd. 3 charges the State Board for Vocational Education with the responsibility for promulgating rules which establish criteria for program funding. These criteria are then applied by the Commissioner of Education in approving the funding process. Legislation mandates that these criteria include a) the economic impact of the program, b) the legislative mandate for the program, c) the employment opportunities in the occupational area, and d) the proven contribution of the program.

Rules Revision

I. 5 MCAR § 1.0111 Scope. This section is substantively the same as the present rule. The language has been rewritten with the assistance of the Revisor of Statutes' Office to provide for easier reading.

II. 5 MCAR § 1.0112 Program Criteria. This section is substantively the same as the present rule. The language has been rewritten with the assistance of the Revisor of Statutes' Office to provide for easier reading.

Subsection A. The subsection regarding enrollees is substantively the same as the present rule. The present rule is currently found at 5 MCAR § 1.0117. Since the subject of enrollee eligibility relates to program criteria, it has been transferred into 5 MCAR § 1.0112 which governs program criteria. This transfer will consolidate program criteria into a single rule and make the rule easier to understand.

Subsection B. The first portion of the proposed amendment to Subsection B. clarifies the term "instructor," consistent with Minnesota Statute § 124.572, subd. 2 and § 125.031, and stipulates that no license is required for short-term instructors. The rule is needed to make it possible for local programs to gain specialized information from individuals who are not otherwise teachers but who are knowledgeable in technical fields. The amendment is reasonable because it provides the flexibility needed to secure persons with special expertise. The second portion of the proposed amendment to Subsection B. clarifies licensure requirements if an adult license is not available. Where an adult license is not available, the amendment establishes that post-secondary licensure is appropriate. Post-secondary licensure is reasonable because the training/retraining/upgrading goals of adult vocational education are substantially the same as post-secondary goals.

Subsection C. No change has been made.

Subsections D., E., and F. The language in D., E., and F. clarifies the present rule as suggested by the Revisor of Statutes' Office. No substantive change has been made. Enrollment information formerly in Subsections D. and E. have been transferred to 5 MCAR § 1.0114 with other general and special requirements.

Additional Rules Due to Legislation

III. 5 MCAR § 1.0113 Course criteria, Procedures and Priorities. Criteria are needed to assist school districts and centers to determine which of their courses meet requirements for state categorical funding. Being able to predict with reasonable accuracy which courses will receive state aid and those that will need to be funded from other sources is crucial for local management. Criteria are necessary to assure that public funds will be expended in an efficient and socially beneficial manner. Twelve criteria are proposed to thoroughly and reasonably address the four concerns identified by the 1981 Minnesota Legislature in Minnesota Statute § 124.572, subd. 3 (Supp. 1981). The local board is only required to meet one of the twelve criteria for each course.

The criteria proposed are reasonable because they: 1) assist local school boards to meet the vocational educational needs of adults in the community; 2) permit the continuation of subjects, content, approaches and methods for adult vocational education courses which have been successful in the past; 3) encourage new subjects for adult vocational education; and 4) include the range of training, retraining and upgrading objectives for the many paid and unpaid occupations. A variety of adult vocational courses offered over the years has proved to be of direct value to society in relation to the stability of the economy and the supply and demand of the work force. This rule is reasonable because it includes criteria which have been understood and applied over the years in adult vocational education.

Some specific statements regarding need or reasonableness of subsections of this rule follow.

Subsection A.1. is needed to establish a framework for the wide variety of paid occupations for which adults can be trained through vocational education. These categories have evolved over the years and are well established in the vocational education community.

Subsection A.2. is necessary because many communities have volunteer fire departments, making it reasonable and appropriate to provide instructional courses for both the persons who are compensated and those who are not compensated. It is reasonable because both types of persons are of economic value to the community.

Subsections A.3. and A.4. are reasonable because it is not cost effective to use state funds to provide vocational training for which there is no employment.

Subsection A.5. is reasonable because a large portion of the state's economy is based on small businesses and farms.

Subsection A.6. is necessary because it is reasonable to prepare a person for a specific job if the individual can apply those job skills and knowledges in other work settings if the person desires to do so at a later time.

Subsection A.7. is necessary to establish that vocational education prepares adults for the occupation of homemaking which is unpaid in our society. This subsection is reasonable because these courses benefit the individual, family and community by addressing concerns such as nutrition, child development, consumer decisions and energy use. These benefits are economically and socially valuable to individuals and to society.

Subsection A.8. is necessary because courses which assist people in meeting established standards are appropriately and reasonably supported by the state.

Subsection A.9. is reasonable because it identifies community support as a measure of success. Indications of community support could include advisory committees' recommendations or the positive results from the annual evaluation of the program.

Subsection A.10. is reasonable because it is crucial to serve individuals who have special needs and who are economically dependent on society. State funds are appropriately spend on support services in order that such persons have the opportunity a) to succeed in the program and b) to become financially independent because of the training received. Such courses are reasonable because of the cost benefit to the taxpayer.

Subsection A.11. is reasonable because it lists methods whereby local administrators may calculate cost effectiveness of vocational courses.

Subsection A.12. is reasonable since it is economically sound to prevent people from being displaced from their jobs, thus a) unemployment costs will be avoided, b) cost of training for a new job will be avoided and c) individual and family stability can be improved.

Subsection B. is necessary to assist local management personnel in the planning process. The state maintains a list of course titles which meet criteria for aid eligibility. This list is updated on the basis of frequently offered courses eligible for aid. Subsection B. is reasonable because it provides an expedient method for obtaining state approval.

Subsection C. is necessary since it establishes a process whereby a course which is not frequently offered can be approved as eligible for aid. It is reasonable to have such a process so that unique approaches to meeting some of the twelve criteria can be used for approval.

Subsection D. is necessary since it is a statewide problem when funds available to the state are inadequate to fund all approvable courses at the standard rate. Subsection D. is needed to assist and enable local managers and boards to predict the posture of the state with reasonable accuracy in the event adequate state funds are not available. This subsection is reasonable because the most cost effective programs of greatest need would be funded before others. Furthermore, item one will assure service to adults with the greatest potential for economic advancement. Item two is reasonable because it includes the opportunity for the efficient use of vocational resources, likelihood of comprehensive programs to meet the varied need of individuals when more than one system is involved and recognition of local joint planning efforts. Item three is reasonable because it recognizes that programs required by the Legislature will be given priority for state funding. It is reasonable that when the economic impact on the community is directly related to an adult vocational course, priority will be given, as stated in item four.

Rule Revisions Plus Additional Rules

IV. 5 MCAR § 1.0114 General and Special Requirements.

Subsection A. is needed to clarify the organization of the subsections in 5 MCAR § 1.0114. The subsection relates to enrollment requirements necessary for cost effectiveness. It is reasonable to organize the subsection in this manner to make the rule easier to understand.

Subsection B. is substantively the same as the present rule. The present rule is currently found at 5 MCAR § 1.0112 D. Since minimum enrollment relates to general and special requirements, it has been transferred into 5 MCAR § 1.0114 which governs general and special requirements.

Subsection C. Items listed under Subsection C. are necessary for these reasons: Item one is needed to carry out legal requirements; item two is needed to provide the opportunity to become trained for employment even though the number of related job opportunities is small; item three is needed to allow for provision of support services to small numbers of people who are presently economically dependent on society; item four is needed to provide the opportunity for improving safety, increasing cost effectiveness when expensive equipment is involved and reducing time lost while waiting to use equipment.

Items two and three are reasonable because this variance makes it possible to serve individuals who have special needs and who are economically dependent on society. The variance will benefit both individuals enrolled in the courses and the taxpayer.

Item four is reasonable because the course will be more efficient and instructional quality should increase as a result of the variance.

Subsections D. - J. regarding adult farm management and small business management are substantively the same as the present rule with the exception of the last two sentences of I. The present rule is currently found at 5 MCAR § 1.0112.

Since minimum enrollment in these areas relates to general and special requirements, it has been transferred into 5 MCAR § 1.0114 which governs general and special requirements. The language has been rewritten with the assistance of the Revisor of Statutes' Office to provide for easier reading. The last two sentences in I. are needed to clarify the intent that small number of persons do not justify a long term variance. This subsection is needed and reasonable to provide for cost effectiveness of state funds.

V. 5 MCAR § 1.0115 Adult Vocational Aid. Subsections A.1., 2., 3., 5., and 6. are substantively the same as the present rule. The language has been rewritten with the assistance of the Revisor of Statutes' Office to provide for easier reading.

Subsection A.4. is required in Minnesota Statute § 124.572, subd. 3a. The subsection is needed to provide a procedure for determining the use of any funds remaining after approvals on the initial due dates have been made. It is reasonable to provide procedures so local school districts and centers know how to approach the state to request remaining moneys. It is also reasonable because adult courses may be planned after the original deadline and subsequently need state approval.

Subsection B. is required in Minnesota Statute § 124.572, subd. 3a. It is reasonable because the education omnibus bill is passed on a biennial basis and in recent appropriations years has been enacted in the month of May and is normally effective on July 1. The Department needs time to understand and apply the law. That time is not generally needed during the alternate years and the statute and rule move the initial approval date up to March 1 from July 1.

Subsection C. is substantively the same as the present rule. The item regarding aid for personnel exempt from licensure has been added to reflect the requirement in Minnesota Statute § 125.031.

Subsections D. and E. are substantively the same as the present rule. The present rule is currently found at 5 MCAR § 1.0114. Since the administrative staff salaries relate to aid, it has been transferred into 5 MCAR § 1.0115 which governs adult vocational aid. The variance in the present rule regarding districts not meeting the minimum ratios in order to receive aid for administrative time has been removed because the effective date will have passed. The original exception was granted to allow local programs to provide for efficient and economical ways to meet the needs of adults. Three years was a reasonable time to accomplish this objective.

Subsections F. and G. are substantively the same as the present rule. The language has been rewritten with the assistance of the Revisor of Statutes' Office to provide for easier reading.

VI. 5 MCAR § 1.0116 Tuition and Fees. Subsections A., B., C., and E. are substantively the same as the present rule. The language has been rewritten with the assistance of the Revisor of Statutes' Office to provide for easier reading. The information formerly in Subsection C. has been moved to Subsection E.

Subsection D. addresses senior citizen fees. It is needed to carry out Minnesota Statute § 136A.81, subd. 1 for adult vocational education courses. It is reasonable to provide local school districts the opportunity to determine tuition or fees to provide for cost effectiveness.

VII. 5 MCAR § 1.0117 All subsections are substantively the same as the present rule except for item A., line six. The option of giving the test through community colleges was added because of legislative mandate, Minnesota Statute § 144A.61, subd. 3 (Supp. 1981). The present rule is currently found at 5 MCAR § 1.0113. The language has been rewritten with the assistance of the Revisor of Statutes' Office to provide for easier reading.

Effective Date. The effective date is needed so local school districts and centers will know when the rules become effective and can make plans to carry out the rule. The effective date is reasonable because local schools have six months to reasonably predict the new rules and to make plans at the local level.

Repealer. Rule 5 MCAR § 1.0112 G.; Rules 5 MCAR §§ 1.0113; 1.0114; 1.0115 and 1.0117, as they existed before the effective date of 5 MCAR §§ 1.0111-1.0117, are repealed because they will be replaced by these new rules. When the new 5 MCAR §§ 1.0113; 1.0114; 1.0115 and 1.0117 became effective, the old provisions will serve no purpose.