

STATE BOARD OF EDUCATION
DEPARTMENT OF EDUCATION
PARTNERSHIPS DIVISION

Statement of Need and Reasonableness for Changes in Chapter 3505 Rules Governing Requirements for Vocational Programs in Secondary Schools.

The statutory authority for the State Board of Education to promulgate these rules is contained in Minnesota Statutes 121.11 subd. 12 (1986) and section 124.573 (1986 and Supp. 1987).

RULES AS PROPOSED

Minnesota Rules 3505.0200 to 3505.6000: Requirements for Secondary Vocational Programs.

Authority of the State Board of Education to promulgate these rules is found in Minnesota Statutes 121.11, subd. 12 (1986) which states:

The State Board shall adopt and enforce rules, consistent with this code, appropriate for the administration and enforcement thereof. Notwithstanding the provisions of section 14.05, subd. 4, the State Board may grant a variance to its rules upon application by a school district for purposes of implementing experimental programs in learning or school management which attempt to make better use of community resources or available technology.

Authority is also included in Minnesota Statute 124.573 (1987), Current Funding for Secondary Vocational Education which states in part:

Aid shall be paid under this section only for services rendered or for costs incurred in secondary vocational education programs approved by the State Department of Education and operated in accordance with rules promulgated by the State Board of Education.

BACKGROUND INFORMATION

Minnesota Rule Chapter 3505 was written in 1978. During the 1987 legislative session, a new formula was written to alter the method in which local districts are funded for their vocational education programs. As a result of the magnitude of this change, the sections 3505, which were impacted by this, must now be revised.

In July of 1987, the new licensure rules for secondary vocational education became effective and because of the many changes in Chapter 3517, this, too, was cause for many of the program rules to be altered.

In addition to the legislative initiate and the new licensure rules, Chapter 3505 includes rules for secondary, post secondary and adult vocational technical education. During 1984, post secondary and adult vocational education were separated from secondary vocational education. A new agency (State Board of Vocational Technical Education, SBVTE) was formed. Secondary vocational education remained in the Department of Education. Both agencies now need separate rules. Some parts and/or portions of parts refer specifically to post secondary or adult program rules and they have been modified, replaced or repealed.

**NEED AND REASONABLENESS
GENERAL CHANGES**

Due to the fact that post secondary and adult vocational education are no longer part of the same agency as secondary vocational education, some general statements of change need to be stated:

1. Whenever the State Board for Vocational Education is referenced in the original rule, it now becomes State Board of Education.
2. All references in context to post secondary and/or adult vocational education should be stricken as these rules no longer apply to the new agency. All of these reference changes are needed and reasonable throughout the rule because they no longer apply to secondary vocational education and because post secondary and adult vocational education have become a part of a new state agency, State Board of Vocational Technical Education, SBVTE.

In addition, several technical changes have been made throughout the rules.

3. Many parts and subparts were updated in language to reflect modern day vocational usage and educational terminology.
4. Wherever the term "instructor" appeared, it was changed to the word "teacher" to be consistent with the terminology used in Chapter 3517, Secondary Vocational Licensure Rules.

3505.0200 Application for Approval of Department and Classes

3505.0300 Standards for Approval

3505.0400 Procedure for Withholding Approval of a Department

3505.0500 Itinerant Teacher Field Program

3505.0600 Business Education: Non-Reimbursed; Requirements for Approved Program, Classified Secondary School

3505.0700 General Agriculture Education: Non-Reimbursed; Requirements for Approved Programs When Offered in Classified Secondary Schools.

3505.0800 Home Economics Requirements for Classified Secondary Schools: Non Vocational and Non-Reimbursed.

3505.0900 Industrial Education.

The parts referenced above are to be repealed. This is needed and reasonable as they are no longer accepted procedures because the Department of Education does not use "department" and/or "class approval" as a criteria for classifying and funding schools.

3505.1000 Definitions

Subp. 2. Repealed. Reference to adult vocational education. See page 2, General Changes, paragraph 2.

Subp. 3. Authorized Local Administrator.

This subpart has been changed to incorporate the definition in subp. 42 (vocational administrator). It is needed and reasonable because with the removal of post secondary and adult, programs from these rules, two separate subparts are not necessary.

Subp. 7. Classroom Instruction.

The word "lecture" was deleted in this definition because it is not the most appropriate method of instruction in vocational education. The words "simulation," "problem solving," "decision making," and "computers" were added to reflect current methods of instruction.

Subp. 10. See Statement of Need and Reasonableness, page 2 General Changes, paragraph 1.

Subp. 13. Entry level skills.

The addition of new language to this subpart was needed and reasonable to reflect the entry level skills definition which is appropriate to new and emerging technology.

Subp. 14. Essential licensed personnel.

The addition of the words "stated in vocational rules of" and "the appropriate vocational" were needed and reasonable in order to clarify this definition. See Statement of Need and Reasonableness, page 2, General Changes, paragraph 1, reference to State Board of Vocational Education.

Subp. 15. Exploratory Work Experience.

The word "vocational" was added and the words "on the job" were deleted in order to clarify the definition in subpart 15. This was needed and reasonable in order to reflect current vocational vocabulary.

Subp. 16. Extended Employment.

The words "curriculum development, staff development or vocational student organization activities" were added to this definition to update, expand and reflect department priorities. The words "laboratory organization, etc." were deleted because this is no longer a priority which is included under extended employment time.

Subp. 18 Repealed. See page 2, General Changes, paragraph 2.

Subp. 25. Occupations.

The word "employment" was deleted and the word "work" added in this definition for clarification. This was needed and reasonable because it more clearly reflects current vocabulary.

Subp. 27. Repealed. See page 2, General Changes, paragraph 2.

Subp. 35. Students With Special Needs.

The words "his/her parents" were deleted and the words "the students' parents" added for clarification. This was needed and reasonable in order to make the language less cumbersome.

Subp. 37. Secondary Vocational Teacher Full Time Equivalent.

The words "secondary" and "vocational" were added to this definition for clarification. The word "certified" was deleted and the word "licensed" was added in order to make the language consistent with Chapter 3517 which is Secondary Vocational Licensure.

Subp. 42. Repealed. See page 2, General Changes, paragraph 2.

Subp. 43. Reference to "post secondary and adult" eliminated. See Statement of Need and Reasonableness, page 2, General Changes.

Subp. 44. Repealed. This definition has been incorporated into subpart 10 - Cooperative Centers.

Subp. 45. Vocational Education.

The words "skills other than a baccalaureate or" were deleted and the words "competencies or a post secondary or a higher education" were added for clarification. This was needed and reasonable because it more clearly defines higher or advanced degree education.

Subp. 47. Vocational Program Advisory Committee.

The words "the purpose of" and "instructor" were deleted purely for clarification. This is needed and reasonable in order to make the language less cumbersome.

3505.1200 Opportunity to Appeal.

In this definition, the word "hearing" was changed to review. This was needed and reasonable in order to provide a faster, more feasible method for districts to appeal a funding disapproval. It is not a complex issue and therefore does not require a formal hearing.

3505.1500 Center Approval

In this part, the word "vocational center" was changed to "cooperative center" to make it consistent with the language in the law. Also in this part, the words "or a school district sharing secondary vocational education among two or more senior high schools" was deleted

because this no longer is an approved method for sharing vocational programs. See Statement of Need and Reasonableness, page 2, General Changes in reference to the word "adult" and "State Board for Vocational Technical Education".

3505.1700 Allotment Availability of Federal Funds.

This section was deleted and a new section rewritten in order to reflect a new policy established by the State Board for Vocational Technical Education and the State Board of Education when the agencies were separated. This was needed and reasonable in order to identify how the federal funds will be allocated to secondary programs in accordance with the federal law.

3505.2100 Property Management Standards.

The word "must" was substituted for the word "shall" in this part as an editorial change by the Revisor's Office. See Statement of Need and Reasonableness, page 2, General Changes in reference to State Board for Vocational Technical Education.

3505.2200 Standards and Procedures Governing Ownership.

The addition of the words "this part lists" was an editorial change by the Revisor's Office. The addition of the words "or federal funds" covers both state and federal funds in one sentence. This was needed and reasonable in order to clarify the fact that both federal and state funds may be expended. The additional word changes in this part were also editorial changes by the Revisor's Office. See Statement of Need and Reasonableness, page 2, General Changes in reference to State Board for Vocational Technical Education.

3505.2400 Scope.

The word "rules" was deleted and the word "requirement" substituted for clarity. Programs are no longer jointly funded by vocational and special education and, therefore, that sentence was deleted from this part. It is needed and reasonable because it reflects the new language and new intent of the law.

3505.2600 Program Components and Time Standards.

The addition of the words "learner outcomes for specific program areas as specified in parts 3505.2700 to 3505.4100" were added to update the language to be current with the Department of Education language. At present the Department of Education does not speak of program components, but is designing all curriculum around learner outcomes, therefore it is reasonable and necessary to update these rules using that terminology. The deletion of the daily time requirements reference was needed and reasonable because it is irrelevant to program components in current rules.

3505.4200 Minimum Student/Staff Ratio To Obtain Financial Aid for a Program.

This section was rewritten and updated to clarify in rule what was accepted in practice. In previous years, the Department of Education has averaged all sections and classes within a program area. The part deleted indicates that the averaging was to be done between like program sections not between all sections of the program. (i.e. family life, foods and clothing are averaged together; not just sections of family life, foods or clothing separately.) A third part was added under the hardship exception to provide a one-time, one-year exception for a unique, unpredictable situation that occurs in a school district or center. This was done to allow more flexibility within the rule and it was needed and reasonable because it allowed funding for programs when it caused a financial hardship to the school and/or center. In addition to this, the rationale and plan of action to resolve this hardship situation must be submitted on the appropriate date. This is reasonable because these are the dates when enrollment figures are collected in order to calculate aid payments.

3505.4300 Community Based Education

It is necessary and reasonable to cross reference this part with the requirements for exceptions to the length of the school day (3505.3500). Because community based programs often have variances in time and are not in a traditional school setting, it is necessary to indicate the requirements that must be followed.

3505.4400 Single Vocational Area Cooperative; Regular Cooperative.

The abbreviation "coop" was expanded to include the entire word "cooperative" for clarity and for less confusion in the field. This was needed and reasonable because many times the abbreviated word form caused confusion as to its real meaning. The single word changes from "instructor" to "teacher" and from "shall" to "must" and from "prior to" to "before" were all editorial changes for clarity by the Revisor's Office. The addition of the words "taught by a licensed vocational teacher coordinator" was also for clarity of an accepted practice. This was needed and reasonable in order to ensure quality in the vocational program. The issue of submitting age certificates has been changed to "now keeping them on file for three years." The age certificates are no longer required to be submitted to the Department of Labor, and the three years is a standard measure of time for auditing purposes.

3505.4500 Multiple Vocational Area Cooperative: Diversified Occupations; Interrelated Cooperative.

The single word changes were for clarity and at the request of the Revisor's Office. The word changes from "his/her" to "the students" was done for clarity also. It was needed and reasonable because it made the language less cumbersome.

3505.4600 Special Needs Cooperative.

The word changes and the references to specific parts of the law in this part were done for clarity. It was needed and reasonable because it is easier for the reader to know where this language came from. The words "without special assistance" were added to clarify the parameters of the definition of handicapped students who are eligible for special needs cooperative programs.

3505.4700 Work Experience.

The words "an employment certificate" and "kept on file for five years" were added to this section for clarity. It is needed and reasonable to have these clarifications in order to ease confusion in the field. The five-year requirement meets the general requirement of the federal law.

Subpart 2. Revisor's Office made substitutions and additions of words in this subpart for clarity.

Subpart 3 in this section was rewritten. In order to provide excellence in programming, it is necessary to limit the student/teacher ratio. The student/teacher ratio needs to be further limited when multi-handicapped students or three or more types of handicapped students are in a classroom, to provide time for the teacher to work with each of the students. When severely handicapped students are enrolled, additional support staff should be provided. This is necessary and reasonable in light of the diversity of the types of students that are enrolled in these programs. The last sentence of this subpart was deleted in order to make it consistent with the licensure requirements in 3517.1520.

3505.4900 Support Services.

Item A and Item B.

The words "facilitator" and "supplemental support staff/technical tutor" were inserted in this section to reflect the current language used in Licensure Rules, Chapter 3517.

Item C was deleted because licensure no longer exists for this particular specialist. This is needed and reasonable in order to make this rule consistent with Licensure Chapter 3517.

3505.5200 Vocational Aid.

This part was expanded to reflect the 1987 revision of Minnesota Statute 124.573. It is necessary and reasonable to require that the estimated budget is updated on October 25 and February 25 because the formula used to fund programs needs accurate enrollment figures to make the correct aid payment to schools. Estimates made in the previous February are not accurate enough to determine the aid. It is reasonable to assess a penalty by withdrawing aid for the districts/centers who do not submit or amend their budgets by the prescribed dates. It is needed and reasonable to assess this penalty because without it, many districts/centers would not

submit enrollment figures causing over and underpayment of aid to some districts/centers. When an overpayment is made to many districts/centers, other districts/centers are prorated getting less aid than they are eligible for. It is also reasonable and necessary to provide a waiver for districts/centers who neglect to submit the information requested by allowing them to resubmit this information at a later date and be funded if funds are available. This is allowed in order to support school districts instead of penalizing them.

The words "and actual enrollment" were added in this section to make the language consistent with the statute. The new statute requires both actual expenditures and actual enrollment to be submitted to the Department of Education.

3505.5300 Aid for Salaries.

Subp. 1. Eligibility of Local Education Agency.
This section had parts deleted to make the language reference the new statute section 124.573.

Subp. 2. Items A and B. See Statement of Need and Reasonableness, page 2, General Changes in reference to the word "instructor".

The words "four weeks" were changed to "twenty days" because in the calculation of extended employment time days as opposed to weeks are used. This was needed and reasonable to prevent confusion in interpretation.

It is needed and reasonable to identify the current practice of prorating the extended employment for less than a full time equivalent teacher in the same manner as the legislative auditor requested for prorating preparation time.

Subp. 3. This was rewritten and words were redefined at the request of the legislative auditor. Preparation time and its relationship to eligibility for aid were redefined in order to reference the language used in the statute (124.573). The previous eligibility for aid language was not acceptable because it did not follow the language in the new law. It was therefore necessary and reasonable to make these terms consistent with the language of the new statute and accepted by the legislative auditor.

3505.5400 Eligible Added Cost Categories.

The title of this part was changed to reflect the new language of the Statute 124.573.

Subpart 1.

It is necessary and reasonable to delete language in the rule which was repealed by Minn. Statute 124.573. The subparts were rearranged and listed in the order that they appear in the legislation. This is needed and reasonable because it was easier to cross reference

the rules with the new law. It is reasonable to list and use the UFARS definitions and codes because they are used and understood by local school personnel.

Subpart 2. Contracted services.

This section was rewritten and redefined so that it was consistent with the language of the statute.

Subitem A. Resource specialists and guest speakers add to the quality of a program and provide current updated information for classes. It is reasonable to support these added cost portions of secondary vocational education programs because they contribute to the excellence of the program.

Subitem B was moved from 3505.6000. It has been rewritten and placed here because it is an added cost item and can be funded. Subitems 1 and 2 under B give the criteria for an existing contract to be eligible for aid and also how a local school district applies for this approval. This is necessary and reasonable and the statute requires that the State Board of Education provide guidelines and criteria for local districts. Subitem B, 1 and 2, which were moved from 3505.6000 to this subpart are necessary to assure the quality of contracted services.

Subpart 3. Necessary Travel.

This part was redefined and rewritten and was moved from the original Subpart 1 of this part. It is necessary and reasonable to identify the UFARS object dimension definition for necessary vocational travel because it is the definition used by all districts/centers and it provides clear guidelines for what is eligible for funding.

Item A under this part deals with necessary travel between vocational instructional sites and has a UFARS object dimension number of 366 for reporting purposes.

Item B deals with necessary in-state travel for the vocational student organization personnel for instructional purposes. It, too, has a UFARS object dimension course of 366. It was needed and reasonable to add to this definition in order that vocational student organization travel have parameters defined that included the instructional purposes and included the appropriate vocational program area.

Item C in this section refers to necessary travel for professional development and carries a UFARS dimension object course number of 367. This is a new category that was provided for in Section 124.573. Therefore, it was needed and reasonable to include it under the category of necessary travel and give an object dimension number for reporting purposes.

Subpart 4. Curriculum Development.

Curriculum development is a new item provided for in Section 124.573. The law requires a five-year plan for improvement based on assessment. It was needed and reasonable, therefore, to define what should be included in the five-year plan as well as the processes to be used. It was also necessary to include a program dimension number for reporting purposes.

Subitem A describes when the five-year plan must be submitted in order to be approved and eligible for aid. It also describes a process for yearly amendments when there is a significant deviation from the five-year plan. This is needed and reasonable in order for districts to know the process for approval of their plan.

Subitem B identifies in detail the assessment process for the five-year plan. It defines who must be involved and what types of processes may be used. This is needed and reasonable in order to give guidance to local school districts/centers who wish to participate in this five-year plan.

Subitem C addresses the comprehensiveness of the plan and what must be considered by the individual school districts or centers in order to submit the plan. It is reasonable to include a list of items to consider in order to define for local districts what is meant by a comprehensive plan. Subitems C(1), C(2), and C(3) are related to the Department of Education goals and reflect the framework of the department's Coordinated Model. Subitem C(4) reflects the traditional vocational education goal of work readiness and subitem C(5) is another Department of Education major goal.

These criteria are broad based and comprehensive in order to cover relevant concepts to be included in curriculum development.

This is necessary because it provides guidance for local districts on what will be approved before the districts submit a request.

Subitems D and E also address the five-year work plan giving increased guidance as to the accomplishments, timelines and the fact that the plan must be approved by the local program advisory committee. These items are also needed and reasonable in order to make the five-year plan a productive instructional plan.

Subp. 5 Specialized Vocational Instructional Supplies.

This section is new as provided by Section 124.573. It defines what types of specialized instructional supplies are available and eligible for aid. It also defines the UFARS object dimension course number which can be used for reporting purposes and it references the UFARS manual for further guidance in what is acceptable.

3505.5500 Aid for Equipment in Handicapped Programs.

The words "50 percent" were deleted in this section and the addition of the words "the percentage rate set by the legislature" were added. This is needed and reasonable because the old law reflected a 50 percent rate for reimbursement, while the new law says its percentage rate will be set by the legislature.

We have added the words "for handicapped students" to reflect the current law, which is to allow equipment expenditures only for handicapped students. This is needed and reasonable for clarity.

3505.5600 Aid Limitations.

This section contained two sentences about work experience handicapped and ineligible students that have been deleted. This was needed and reasonable because these two categories no longer reflect current law. With the addition of the eligible added cost categories in Section 3505.5400 it is necessary to clarify how excess revenue from the sale of products or services may be used to ensure that the total amount of state aid when added to this source of revenue does not exceed 100 percent of the amount of expenditures for the vocational program. It is reasonable to allow districts or cooperative centers to use the excess revenue in any approved vocational program because it reduces the cost to the state in funding the added cost categories and ensures that a program will not receive more than 100 percent of the amount of expenditures.

3505.5700 Vocational Aid Application Procedure.

Subp. 1. Submission of annual program budget.
The word "the" was added for grammatical clarity.

Subp. 2. Eligibility for Vocational Aid.
The word "the" was added in two places for grammatical clarity.

The dates in this section were changed from "February 1" to "March 1" and "from April 30" to "May 30." It was necessary and reasonable to change the date to prevent confusion at the local district level with the February 25 enrollment reporting date and to give the districts one additional month so that they could more accurately estimate courses and enrollment for the following year.

The notification process, including the estimated rate of vocational aid is no longer relevant. The new funding formula has changed and this information is based on the variables in the funding formula, so therefore it is needed and reasonable to delete this portion of this subpart.

Changing the submittal date of the budget made it necessary to change the dates for hearing of districts or centers whose budgets have been disapproved.

The word "its" was changed from "their" to reflect grammatical clarity.

Subp. 3. Amendments or Late Program Budgets

The approval or disapproval process is done by the program specialist within the various subject matter areas, therefore, it is needed and reasonable to delete from this section of eligibility for aid the reference of approval by the commissioner of education.

The late program budget submission date was changed to March 1 to prevent confusion at the local district level with the February 25 enrollment reporting date. This later date also gave local districts an additional month to submit amendments or late program budgets.

This entire section was rewritten to reflect current operating policy. This was needed and reasonable so that school districts and centers will be aware that their requests would be retained and funded at the end of the year pending the availability of sufficient aid.

It was necessary to rewrite the section on amendments to budget requests because aid is paid currently and schools may receive an overpayment or underpayment when budgets are not amended. In order for the Department to be accountable to the Legislature, it is reasonable and necessary for districts and centers to provide accurate and current fiscal reports.

Amendments to budget requests are deemed necessary when the budget amount varies by more than, plus or minus, ten percent.

When a district or center receives an overpayment based on inaccurate information and funds are short, then other districts or centers who have provided current updated information are prorated and may receive less funding. Therefore, it is needed and reasonable for all districts and centers to provide accurate reports in order to receive correct payments.

3505.6000 Contracts With Public or Private Agencies for Vocational Programs.

This entire section is repealed, but has been rewritten and moved to 3505.5400 Eligible Added Cost Categories, Subp. 2., Contracted Services. This was needed and reasonable because contracted services became eligible in the added cost category of the new funding formula.

REPEALER. Minnesota Rules, parts 3505.0200; 3505.0300; 3505.0400; 3505.0500; 3505.0600; 3505.0700; 3505.0800; 3505.0900; 3505.1000, subparts 2, 18, 27, 42, and 44; 3505.6000; 3505.6100; 3505.6200; 3505.6300; 3505.6400; 3505.6410; 3505.6500; 3505.6600; 3505.6700; 3505.6800; 3505.6900; 3505.7000; 3505.7100; 3505.7200; 3505.7300; 3505.7400; 3505.7500; 3505.7600; 3505.7700; 3505.7800; 3505.7900; 3505.8000; 3505.8100; 3505.8200; 3505.8300; 3505.8400; 3505.8410; 3505.8500;

3505.8600; 3505.8700; 3505.8800; 3505.8900; 3505.9000; 3505.9100;
3505.9200; 3505.9300; 3505.9400; 3505.9500; 3505.9600; 3505.9700;
3505.9800; and 3505.9900, are repealed. See page 2, General
Changes, paragraph 2.