

970500

REVIEW AND REPEAL OF RULES

ANNUAL REPORT

submitted in fulfillment of M. S. 14.05, Subd. 5
by the
Department of Children, Families and Learning
for the Department of Education Rules Relating to Education
Chapters 3500 - 3550

December 1, 1997

ESTIMATED COST OF PREPARING THIS REPORT

This report provides information which is maintained and published as Minnesota Rules by the Office of Revisor of Statutes as a part of its normal business functions. Therefore, the cost information reported below does not include the cost of gathering the data but rather is limited to the estimated cost of actually analyzing the data, determining recommendations and preparing this report document.

Special funding was not appropriated for the costs of preparing this report.

The estimated cost incurred by the Minnesota Department of Children, Families and Learning in preparing this report is \$636.00.

Review of Rules

Minnesota Statutes, Chapter 14, the Administrative Procedure Act, which governs rulemaking in state agencies, requires under section 14.05 subd. 5 that:

By December 1 of each year, an agency shall submit a list of all the rules of the agency to the governor, the legislative commission to review administrative rules, and the revisor of statutes. The list must identify any rules that are obsolete and should be repealed. The list must also include an explanation of why the rule is obsolete and the agency's timetable for repeal.

In accordance with this requirement, the Department of Children Families and Learning has reviewed the Department of Education Rules Relating to Education, Chapters 3500, 3501, 3505, 3510, 3515, 3517, 3520, 3525, 3530, 3535, 3540, 3545 and 3550.

This report includes:

- 1) a listing of the Department of Education Rules Relating to Education, Chapters 3500 - 3550 that are currently in effect;
- 2) the effective date of repeal for any of those rules for which legislation has been enacted to repeal; and
- 3) the designation of obsolete for any of the rules that are identified as no longer needed and that are recommended for repeal.

This information is presented in column form so that it is useful at a glance.

Any rules identified as obsolete have the word "obsolete" noted in column (3) three.

In addition, an explanation of why a rule is designated as obsolete and the department's timetable for recommending repeal is included in narrative form following the listing.

Chapter 3500
State Board of Education
Public School Requirements

RULES RELATING TO EDUCATION (1)	Rule Repealed/ Effective Date (2)	Obsolete (3)
INCLUSIVITY 3500.0550 Inclusive Educational Program		
TEACHERS' LUNCH 3500.0600 Teachers' duty free lunch		
RULES EXEMPTIONS 3500.1000 Experimental and flexible school year programs		
PUPIL FEES 3500.1050 Definitions for pupil fees		
REQUIREMENTS FOR MIDDLE & SECONDARY SCHOOLS 3500.3100 Completion of secondary school requirements		
SCHOOL BUILDINGS AND SITES 3500.3900 Buildings and sites, compliance 3500.4000 Schoolhouse plans; submission and approval 3500.4100 Sites 3500.4200 Facilities 3500.4300 Construction		

Chapter 3501
State Board of Education

RULES RELATING TO GRADUATION RULE (1)	Rule Repealed/ Effective Date (2)	Obsolete (3)
RULES RELATING TO GRADUATION STANDARDS 3501.0010 Purpose (effective 4/1/96) 3501.0020 Scope (effective 4/1/96) 3501.0030 Definitions (effective 4/1/96) 3501.0040 Statewide graduation standards (effective 4/1/96) 3501.0050 Testing for statewide standards in basic requirements (effective 4/1/96) 3501.0060 State test options (effective 4/1/96) 3501.0070 Nationally normed, commercially published test option (effective 4/1/96) 3501.0080 Local test option (effective 4/1/96) 3501.0090 Students with individualized education plans or section 504 accommodation plans (effective 4/1/96) 3501.0100 Testing considerations for limited English proficiency (LEP) students (effective 4/1/96) 3501.1100 Opportunities to learn and remediation (effective 4/1/96) 3501.0120 Student recordkeeping (effective 4/1/96)		

3501.0130	Test security (effective 4/1/96)		
3501.1400	District reporting requirements (effective 4/1/96)		
3501.0160	Required documentation for program audit (effective 4/1/96)		
3501.0170	Passing scores for state tests of basic requirements (effective 4/1/96)		
3501.0180	Required notification to parents and students (effective 4/1/96)		

Chapter 3505

State Board of Education

Secondary Vocational Education

RULES RELATING TO VOCATIONAL EDUCATION

Rule Repealed/
Effective Date

Obsolete

(1)

(2)

(3)

RULES FOR VOCATIONAL TECHNICAL EDUCATION			
3505.1000	Definitions		
3505.1100	Standards for program approval		
3505.1200	Opportunity to appeal		
3505.1300	Evaluation by state board for vocational education		
3505.1400	Local advisory committee		
3505.1500	Center approval		
3505.1600	Local applications for aid		
3505.1700	Allotment availability of federal funds		
3505.1800	Annual reports		
3505.1900	Submission of write plans; use of matching funds		
3505.2000	Apportioning funds		
3505.2100	Property management standards		
3505.2200	Standards and procedures governing ownership		
3505.2300	Student eligibility for programs		
SECONDARY VOCATIONAL EDUCATION			
3505.2400	Scope		
3505.2500	Instructional program approval		
3505.2600	Program components and time standards		
3505.4300	Community based education		Obsolete
3505.4800	Administrative services		
3505.4900	Support services		
3505.5000	Staff for placement office		
3505.5200	Vocational aid		
3505.5300	Aid for salaries		
3505.5400	Eligible added cost categories		
3505.5500	Aid for equipment in handicapped programs		
3505.5600	Aid limitations		
3505.5700	Vocational aid application procedure		
3505.5800	Annual report		
3505.5900	Student eligibility		

Chapter 3510

State Board of Education

Licensure of School Personnel

RULES RELATING TO LICENSURE

Rule Repealed/
Effective Date

Obsolete

(1)

(2)

(3)

SUPERINTENDENTS AND PRINCIPALS			
3510.1700	<u>changed to:</u> 3512.1200 Continuing education programs for directors, principals, and superintendents (effective 12/31/96)		

3510.1800	<u>changed to:</u> 3512.1400 Suspension and revocation of licenses (effective 12/31/96)	repealed 12/31/96	
3510.1900	Human relations requirement		
3510.2000	<u>changed to:</u> 3510.1500 Issuance and renewal of licenses (effective 12/31/96)		
3510.2700	<u>changed to:</u> 3512.2000 Requirements for issuance and renewal of licenses (effective 12/31/96)		
3510.3100	<u>changed to:</u> 3512.2400 Suspension and revocation of licenses (effective 12/31/96)		
3510.3300	<u>changed to:</u> 3512.2500 Procedures for approval of licensure programs (effective 12/31/96)		
3510.3900	<u>changed to:</u> 3512.2600 Licensure for persons prepared in states other than Minnesota (effective 12/31/96)		
3510.4000	<u>changed to:</u> 3512.2700 Human relations requirement (effective 12/31/96)		

Chapter 3512

RULES RELATING TO LICENSURE (1)		Rule Repealed/ Effective Date (2)	Obsolete (3)
SUPERVISORY AND SUPPORT PERSONNEL			
3512.2100	Entrance license		
3512.2300	Continuing license		
HEAD COACHES			
3512.3000	License renewal of head varsity coaches of interscholastic sports in senior high schools		
3512.3100	Employment of head varsity coaches of interscholastic sports in senior high schools		
COMMUNITY EDUCATION			
3512.3500	Directors of community education		
SPECIAL EDUCATION DIRECTORS			
3512.4000	Directors of special education		
READING CONSULTANTS AND SUPERVISORY AND CONSULTATIVE PERSONNEL			
3512.5000	License renewal of reading consultants		
3512.5100	License renewal of supervisory and consultative personnel		

Chapter 3515

State Board of Technical Colleges
Technical College Personnel Licensure

RULES RELATING TO TECHNICAL COLLEGE (1)		Rules Repeated/ Effective Date (2)	Obsolete (3)
3515.0100	Definitions		
3515.0200	Scope		

PROCEDURE			
3515.0500	Licensure procedure for initial entrance vocational license		
3515.0600	Renewed initial entrance vocational license		
3515.0700	Initial regular five-year vocational license		
OCCUPATIONAL EXPERIENCE			
3515.1200	Occupational experience		
3515.1300	Alternate forms of occupational experience		
3515.1400	Vocational teacher education sequence		
3515.1500	Initial two-year entrance vocational license		
3515.1600	Renewed initial entrance vocational license		
3515.1700	Initial regular five-year vocational license		
3515.1800	Endorsements		
3515.1900	Substitution for the teaching and methods courses		
3515.2000	Alternative substitution for the teaching course		
3515.2100	Human relations		
CONTINUING EDUCATION			
3515.2200	Renewed regular five-year vocational license		
3515.2300	Local vocational relicensure committee formation		
3515.2400	Local vocational relicensure committee options		
3515.2500	Local vocational relicensure committee jurisdiction		
3515.2600	Local vocational relicensure committee affiliation		
3515.2700	Local vocational relicensure committee duties		
UPDATING ACTIVITIES FOR LICENSE RENEWAL			
3515.2800	Local vocational relicensure committee preapproval		
3515.2900	Types of activities necessary for license renewal		
3515.3000	Reevaluation procedure		
3515.3100	Application for multiple relicensure		
3515.3200	Reactivation of regular licenses		
3515.3210	Adult supplementary license; nonapplicability		
3515.4100	Committee review		
3515.4200	Petitioner demonstration		
3515.4300	Reexamination by committee review		
3515.4400	Appeal procedure		
POSTSECONDARY VOCATIONAL INSTRUCTORS			
3515.4900	Qualification for licensure		
3515.5000	Personnel who shall be licensed		
SPECIAL NEEDS VOCATIONAL INSTRUCTIONAL AND SUPPORTIVE PERSONNEL			
3515.5400	Qualification for licensure		
3515.5500	Personnel who shall be licensed		

Chapter 3515

RULES RELATING TO TECHNICAL COLLEGE		Rules Repeated/ Effective Date	Obsolete
(1)		(2)	(3)
SPECIALIZED PERSONNEL			
3515.5700	Qualification for licensure		
3515.5900	Consultants		
3515.6005	Postsecondary related subjects instructor		
3515.6200	Childhood education aide		
3515.6700	Student personnel services specialist		

PROCEDURE TO LICENSE ADMINISTRATORS & SUPERVISORS			
3515.7300	Qualification for licensure		
3515.7400	Initial entrance vocational license		
3515.7500	Initial regular five-year vocational license		
3515.7600	Renewed regular five-year vocational license		
CONTINUING EDUCATION; ADMINISTRATORS AND SUPERVISORS			
3515.7700	Renewed five year vocational license		
3515.7800	Reactivation of lapsed regular license		
CONTINUING EDUCATION PROGRAMS; ADMINISTRATORS AND SUPERVISORS			
3515.7900	Approval by the state board of technical colleges		
3515.8000	Approval procedure		
3515.8100	Continuing education program initiator		
3515.8200	Admission to approved programs		
ADMINISTRATIVE PERSONNEL			
3515.9100	Supervisory personnel		
3515.9200	Local program supervisors		
3515.9300	Supervisor in specialized program area		
3515.9400	Supervisor of special needs		
3515.9500	Supervisor of bilingual-bicultural special needs		
3515.9600	Student personnel services supervisor		
3515.9921	Distributive, health, service, hospitality, home economics, industrial, technical		
3515.9930	Adult; Agriculture, distributive, home economics		
3515.9940	Special needs, support service, and evaluation		
3515.9941	Special needs, work experience, remedial		

These rules and recommendations concerning them are under the authority of the Board of Trustees of Minnesota State Colleges and Universities defined in Minnesota Statute Chapter 136F.

Chapter 3517

State Board of Education

Secondary Vocational Licenses

RULES RELATING TO VOCATIONAL LICENSES		Rules Repealed/ Effective Date	Obsolete
(1)		(2)	(3)
3517.0010	Definitions		
WHO MUST BE LICENSED			
3517.0020	How this chapter applies		
3517.0080	Secondary administrative and supervisory personnel		
FORMS AND APPLICATIONS			
3517.0082	Forms; fees; evaluation; and validity		
3517.0085	Required signatures		
3517.0090	Different expiration dates in different subjects		

CATEGORIES OF PRACTICE: ADMINISTRATORS AND SUPERVISORS			
3517.3000	Qualification for licensure		
OCCUPATIONAL EXPERIENCE			
3517.4000	Occupational experience		
3517.4100	Self-employment experience		
3517.4200	Alternative forms of occupational experience		

Chapter 3520
State Board of Education
Student Transportation

RULES RELATING TO STUDENT TRANSPORTATION		Rules Repealed/ Effective Date	Obsolete
(1)		(2)	(3)
STANDARDS FOR AID			
3520.0400	Transportation data reporting requirements		<u>Obsolete</u>
3520.1400	Regulations relating to equal transportation		
3520.1500	Free and equal transport to district boundary		

Chapter 3525
State Board of Education
Children with a Disability

RULES RELATING TO CHILDREN WITH A DISABILITY		Rules Repealed/ Effective Date	Obsolete
(1)		(2)	(3)
STANDARDS AND PROCEDURES			
3525.0200	Definitions for special education		
POLICIES			
3525.0300	Provision of full services		
3525.0400	Least restrictive alternative		
3525.0550	Pupil IEP manager		
3525.0700	Parental involvement		
3525.0750	Identification of children with disabilities		
3525.0800	Ensuring provision of instruction and services		
3525.0850	Behavior interventions		
APPLICATIONS			
3525.1100	Responsibility; total special education system (TSES)		
3525.1150	Providing special education to shared-time pupils (as amended - October 1997)		
3525.1310	State aid for special education personnel		
ENTRANCE AND EXIT CRITERIA			
3525.1325	Autism		
3525.1327	Deaf-blindness		
3525.1329	Emotional or behavioral disorders		
3525.1331	Hearing Impairment		
3525.1333	Mentally impaired: Mild-moderate/moderate-severe		

3525.1335	Other health impaired		
3525.1337	Physically impaired		
3525.1339	Severely multiply impaired		
3525.1341	Specific learning disability		
3525.1343	Speech or language impairments		
3525.1345	Visually impaired		
3525.1348	Traumatic brain injury (TBI) definition and entrance criteria		
3525.1350	Early childhood: Special education		
3525.1352	Developmental adapted physical education: Special education		
3525.1354	Team override on eligibility decisions		
3525.1356	Exit procedures		
FACILITIES AND STAFF			
3525.1400	Facilities		
3525.1510	Personnel variances		
3525.1550	Contracted services		
TREATMENT PROGRAMS AND LEVELS OF SERVICE			
3525.2325	Education for students in centers for care and treatment		
3525.2335	Early childhood; eligibility and program alternatives		
3525.2340	Educational service alternatives		
3525.2350	Multidisability team teaching models		
3525.2380	Considerations when determining ratios		
SUPERVISION			
3525.2405	Directors		
3525.2420	Variance		

Chapter 3525

RULES RELATING TO CHILDREN WITH A DISABILITY		Rules Repealed/ Effective Date	Obsolete
(1)		(2)	(3)
SURROGATE PARENTS			
3525.2435	Effort to locate parent		
3525.2440	Surrogate parent appointment		
3525.2445	Consultation with county social services		
3525.2450	Removal of surrogate parent		
3525.2455	Surrogate parent knowledge and skills		
STUDENT DISCIPLINARY PROCEEDINGS			
3525.2470	Suspension, exclusion, and expulsion		
ASSESSMENT, NOTICE, AND HEARING			
3525.2500	Identification of children with a disability		
3525.2650	Notice before assessment		
3525.2750	Educational assessment		
3525.2900	Individual education program plan		
3525.3000	Periodic reviews		
3525.3100	Follow-up review requirements		
3525.3150	Requirements for a high school diploma		
3525.3200	Formal notice to parents		
3525.3300	Contents of notice		
3525.3400	To resident school district		
3525.3500	Notice of performance or refusal to perform assessment		

3525.3600	Notice of change or refusal to change placement		
3525.3700	Conciliation conference		
3525.3800	When a hearing must be held		
3525.3900	Notice of a hearing		
3525.4000	Hearing officers		
3525.4100	Prehearing review by the hearing officer		
3525.4200	Hearing rights of respective parties		
3525.4300	Hearing procedures		
3525.4400	Decisions of hearing officer		
3525.4500	Filing and mailing the decision		
3525.4600	Effective date of action and appeals		
3525.4700	Final decision		

Chapter 3530

State Board of Education

Educational and Community Services

RULES RELATING TO COMMUNITY SERVICES		Rules Repealed/ Effective date	Obsolete
(1)		(2)	(3)
LIBRARIES			
3530.0200	Grant application		
3530.0400	Notification, review, and request for additional information		
3530.0500	Grant awards		
3530.0900	Regional library basic system support grants		
3530.1000	Criteria for eligibility		
3530.1200	Audit		
3530.1500	<u>Service for the blind and physically handicapped and institutions</u>		<u>Obsolete</u>
3530.2200	Multicounty multitype cooperation		
3530.2300	Office of public libraries and interlibrary cooperation review		
3530.2400	Criteria for eligibility		
3530.2500	Calculation of operating grant amounts		
3530.2600	Audit		
PUBLIC LIBRARY CONSTRUCTION GRANTS			
3530.2610	Definitions		
3530.2612	Applications for construction grants		
3530.2614	Application contents		
3530.2616	Application dates		
3530.2618	Notice of intent		
3530.2620	Regional library system assistance		
3530.2622	Regional review		
3530.2624	Minimum project sizes		
3530.2626	Recent construction ineligible		
3530.2628	Maximum grant		
3530.2630	Project criteria		
3530.2632	Application rating		
3530.2634	Project priorities		
3530.2636	Construction grants review committee		
3530.2638	Approval of projects		
3530.2640	Hearings		
3530.2642	Grant agreements		
3530.2644	Return of grant funds		
SCHOOL LUNCH, USDA DONATED FOOD & MILK PROGRAMS			
3530.2700	School lunch program		

EARLY CHILDHOOD HEALTH & DEVELOPMENTAL SCREENING			
3530.3000	Definitions		
3530.3100	Participation in program and delivery of services		
3530.3200	School district plan and program report		
3530.3300	Screening program staff		
3530.3400	Screening procedures		
3530.3700	Private data		
3530.3800	Inclusion in school records		
3530.4200	Services prohibited		
3530.4300	Special education		
3530.4310	Fees		

Chapter 3530

RULES RELATING TO COMMUNITY SERVICES (1)

**Rules Repealed/
Effective date**
(2)

Obsolete
(3)

CIVIL DEFENSE			
3530.4400	Disaster plan		
3530.4500	Planning coordinator		
3530.4700	Civil defense school building construction		
COMMUNITY SERVICES			
3530.5600	Community services defined		
3530.5800	Financing		
3530.5900	The district advisory council		
3530.6000	Community school directors		
3530.6200	Annual Report		

Chapter 3535

State Board of Education
Equal Opportunity in Schools

RULES RELATING TO EQUAL OPPORTUNITY (1)

**Rules Repealed/
Effective Date**
(2)

Obsolete
(3)

EQUALITY OF EDUCATIONAL OPPORTUNITY, SCHOOL DESEGREGATION			
3535.0200	Definitions		
3535.0300	Policy		
3535.0400	Duties of local boards, penalty for failure to comply		
3535.0500	Submission of data		
3535.0600	Submission of plan		
3535.0700	Standards for developing the plan		
3535.0900	Contents of the comprehensive plan		
3535.1100	Desegregation considerations for new school sites		
3535.1200	Consideration of equity in developing the plan		
3535.1300	No use of pupil grouping or classification		
3535.1500	Review of the plan by the commissioner		
3535.1700	Notification of failure to comply		
3535.2000	Appearance before the state board		

PROHIBITION OF DISCRIMINATORY PRACTICES IN EDUCATION			
3535.2300	Policy		
3535.2400	Duties of local boards, penalty for failure to comply		
3535.2500	Compliance reports and submission of data		
3535.2700	Appeal of commissioner's determination		
3535.2800	Duties of the commissioner		
PROHIBITION OF DISCRIMINATORY PRACTICES IN ATHLETIC PROGRAMS			
3535.3000	Definitions		
3535.3200	Separation by teams		
3535.3300	Biennial determination of student interest		
3535.3400	Creating equal opportunity for two teams		
3535.3600	Compliance reports and submission of data		
3535.3700	Duties of the commissioner of education		
3535.9910	Statement of compliance		
3535.9920	Form for school board assurance statement		

Chapter 3540

State Board of Education

Nonpublic Schools

RULES RELATING TO NONPUBLIC SCHOOLS (1)		Rules Repealed Effective Date (2)	Obsolete (3)
TEXTBOOKS, INDIVIDUALIZED INSTRUCTION MATERIALS, STANDARDIZED TESTS			
3540.0200	Definitions		
3540.0300	Policy		
3540.0400	State administration of funds		
3540.0500	Termination of eligibility		
HEALTH SERVICES FOR PUPILS ATTENDING NONPUBLIC SCHOOLS			
3540.1400	Policy		
3540.1500	Health services		
3540.1600	State administration of funds		
GUIDANCE AND COUNSELING SERVICES			
3540.2500	Policy		
3540.2600	Services offered		
3540.2700	State administration of funds		

Chapter 3545
State Board of Education
School Financing

RULES RELATING TO SCHOOL FINANCING (1)	Rules Repealed/ Effective Date (2)	Obsolete (3)
FINANCIAL ACCOUNTING REPORTING REQUIREMENTS 3545.0600 <u>Applicability of rules</u> 3545.0700 <u>Financial reporting standards</u> 3545.0800 <u>Modified accrual accounting and other accounting requirements</u> 3545.0900 <u>Fund accounting</u>		<u>Obsolete</u> <u>Obsolete</u> <u>Obsolete</u> <u>Obsolete</u>
CAPITAL LOAN PROGRAM 3545.2100 Preapplication requirement 3545.2200 Review and comment by commissioner 3545.2400 Approval recommendation by state board 3545.2500 Information required by state board 3545.2600 Denial recommendation by state board		
COOPERATIVE SECONDARY FACILITIES GRANTS 3545.3008 Receipt of application 3545.3010 Maximum grant 3545.3018 Approval of pilot projects 3545.3020 Referendum; Bond issue		

Chapter 3550
State Board of Education
Training and Experience Index

RULES RELATING TO TRAINING AND EXPERIENCE INDEX (1)	Rules Repealed/ Effective Date (2)	Obsolete (3)
FINANCIAL ACCOUNTING REPORTING REQUIREMENTS 3550.0100 <u>Method of determining the training and experience index component of the school foundation aid formula</u>		<u>Obsolete</u>

Obsolete Rules Explanations

The rules marked "obsolete" in column (3) are listed below with the explanation of why the rule is obsolete and the recommended repeal date.

3505.4300 Community based education

The requirements in this rule refer to 3500.3500 (repealed 1993), 3505.4400 (to be repealed 8/1/96), and 3505.4700 (to be repealed 8/1/96). It also states in MN Law Ch. 224, Art 12, Sec. 36 that program standards are to replace rules in chapter 3505 including community-based cooperative vocational programs.

Recommended date of repeal: July 1, 1998

3545.0600 Applicability of rules

3545.0900 Financial reporting standards

3545.0800 Modified accrual accounting and other accounting requirements

3545.0900 Fund accounting

Rules 3545.0600 through 3545.0900, Financial Accounting Reporting Requirements, should be repealed. This is due to the change in responsibility determined by 1993 Laws, Ch. 224, Article 12, Sec. 13, which assigned the guidelines for UFARS to the Department of Education. Also, the present rules have been made inaccurate by legislation, and there is nothing in the present rules which is not contained in statute or the UFARS Manual.

Recommended date of repeal: July 1, 1998

3550.0100 Method of determining the training and experience index component of the school foundation aid formula

Rules of Chapter 3550, Training and Experience Index, should be repealed. 1995 Special Session Laws, Ch. 3, Article 1, Sections 29, 30, 40 and 44 eliminate the Training and Experience component of General Education Revenue beginning in FY 1997. Also, the present formula in Rule is not accurate due to subsequent legislation. The formula is specified in statute.

Recommended date of repeal: July 1, 1998

3520.0400 Transportation Data Reporting Requirements

The transportation funding law M.S. 124.A.22 was changed so that the funding is based on average daily membership (as part of the General Education Formula). The formula is no longer based on the number of students transported. Most of the data that was collected in the past was used to develop the separate transportation budget. Because there is no separate funding formula and budget, there is no need to collect data as we have in the past. In addition, all laws currently cited in this rule have been repealed.

- Recommended date of repeal: July 1, 1998

3530.1200. Service For the Blind and Physically Handicapped and Institutions.

This rule is no longer needed. The federal Library Services and Construction Act no longer exists for which this rule was necessary.

Recommended date of repeal: July 1, 1998