

State Board of Education
Department of Education
School Management Services Division

In the Matter of Proposed
Adoption of Rules of the State
Board of Education Governing
Educational Aids to Nonpublic
School Children

Statement of Need and
Reasonableness

Pursuant to Minnesota Statutes Section 123.931 et seq (1980), the Minnesota Department of Education administers Educational Aids to Nonpublic School Children, providing those students with non-sectarian educational materials, and health and guidance and counseling services. Since 1979 the State Board of Education has published and maintained rules for the administration of these aids by the Department, local school districts, and nonpublic schools.

Minnesota Laws 1980, Chapter 609, made several changes to the Educational Aids to Nonpublic School Children, requiring amendments to rules. The major changes were as follows:

1. Provision of individualized instructional materials to nonpublic school students, in addition to textbooks and standardized tests.

2. Revision of the formula for calculating the textbook, individualized instructional materials, and standardized tests allocation per pupil.

3. Maintenance of an inventory of materials purchased through the programs.

4. Establishment of a more strict enforcement procedure for misuse of program materials.

In addition, the Department reviewed existing rules and determined that four changes to those rules would assist school districts in program administration. Those four changes are:

1. Specifying procedures for completion of pupil request forms.

2. Merging rules governing nonpublic school file maintenance with rules governing pupil request forms.

3. Specifying the useful life of materials purchased in the program.

4. Specifying dates for consultations between school district and private school administrators.

Following the drafting of these proposed rules, they were adopted as temporary rules in October, 1980, and extended ninety (90) days in January, 1981. All interested persons have had eight months to analyze the proposed rules, review their impact on the administration of nonpublic aid during the 1980-81 school year, and recommend changes and improvements. No major problem areas have been uncovered during this process.

At this time the Department of Education and the State Board of Education propose that the above amendments to rules governing Educational Aids to Nonpublic School Children be approved and published pursuant to Minnesota Statutes Section 15.0412, Subd. 4h (1980). These statutes authorize approval and publication of "non-controversial" rules without a public hearing. It is the considered opinion of the Department and the Board that the proposed rules are non-controversial in nature, since they are largely procedural and have not encountered significant opposition as temporary rules during school year 1980-81. A paragraph by paragraph review of all proposed rules follows:

1. 5 MCAR Section 1.0821 definitions have been amended to include individualized instructional materials in the list of materials eligible for purchase under the program. Thereafter in the rules the term "textbooks and standardized tests" has been deleted and replaced with the term "eligible materials".

2. 5 MCAR Section 1.0822 has been amended to require Chapter 15 contested case procedures whenever it appears that program materials have been used improperly. This rule has also been amended to change the formula used by the Department in calculating per pupil allocations of funds for textbooks, individualized instructional materials, and standardized tests.

3. 5 MCAR Section 1.0823 has been amended to specify the processing and filing of pupil request forms, the maintenance of a materials inventory, the useful life of materials purchased, and nonpublic school file maintenance requirements.

4. 5 MCAR Section 1.0863 and 5 MCAR Section 1.0883 have been amended to specify dates for establishing pupil personnel services, and dates for processing and filing related forms.

The Department and the State Board have found that the proposed rules implement all of the changes to the nonpublic aid programs mandated by Minnesota Laws 1980, Chapter 609, and also implement those changes which the Department and the State Board have determined will improve overall administration of the program. The Department and the State Board have therefore concluded that the proposed rules are reasonable and necessary.

Prior to adopting the proposed rules, the Department and the State Board will carefully consider all comments and criticisms of the rules received pursuant to the rule-making process. Interested persons should, by June 4, 1981, submit comments and criticisms to:

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