



Minnesota Department of Education

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MEMORANDUM

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DATE: September 29, 1989

TO: Maryanne Hruby, Director
Legislative Commission to Review
Administrative Rules

FROM: John W. Allen, State Supervisor
Veterans' Education Unit *John W. Allen*

SUBJECT: Statements of Need and Reasonableness

As requested in your recent correspondence, please find attached the statements of need and reasonableness with regard to repealing certain veterans' education requirements.

If you have any questions, please contact me.

JWA

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Attachments

RATIONALE FOR WITHDRAWING
THE STATE BOARD OF EDUCATION RULE #3530.6400
TITLED "EMPLOYABILITY REQUIREMENT"

The Minnesota State Board of Education adopted EDU #642 (now coded 3530.6400) in 1972. That rule, titled "Employability Requirement," mandates that non-college degree courses approved for veterans' education meet a specific placement requirement. The rule states that approved institutions offering non-college degree courses " . . . demonstrate that at least 51 percent of the graduates . . . over the preceding two-year period were employed in bonafide positions in the occupation for which they were trained . . . " EDU #642 further describes methodology used in calculating the percentage of graduates placed from a given program of study.

Subsequent to the implementation of EDU #642, the United States Congress enacted Public Law 93-508 (effective date of December 3, 1974). That legislation dictated that approved courses with a vocational objective must demonstrate a 51 percent placement rate. In effect, the federal law mirrored the requirements of the 1972 Minnesota State Board of Education rule.

Both the state rule and federal law remained in effect until 1984, when Congress repealed the placement provisions of Public Law 93-508. The reason behind the rescission action was the expanded placement requirements placed on schools by other state, regional, and federal regulatory agencies.

For the same reason, it is my judgement that EDU #642 is no longer needed and, in fact, creates a dual (and often confusing) standard for approved institutions offering non-college degree programs to veterans.

To illustrate that point, I submit the following examples: 1) the Minnesota State Board of Vocational Technical Education requires all state technical institutes to demonstrate a placement rate of at least 50 percent for each of its approved programs; 2) the Private Vocational Schools Unit in the Minnesota Department of Education requires licensed private schools having placement services to publish placement statistics (though no minimum percentage rate is required); and 3) nationally recognized accrediting bodies for vocational schools (i.e., National Association of Trade and Technical Schools) require the maintenance and submission of placement data.

The overlapping and often divergent placement requirements have created an unnecessary burden for many approved schools offering non-college degree programs for veterans. I, therefore, recommend that the Minnesota State Board of Education rescind State Board Rule 3530.6400 at its earliest convenience.

RATIONALE FOR WITHDRAWING
THE STATE BOARD OF EDUCATION RULE #3530.6300
TITLED "TEACHER CERTIFICATION"

Minnesota State Board of Education Rule #640 (currently codified 3530.6300) titled "Teacher Certification" was adopted in 1972. The rule states that "Teachers of courses approved on an accredited basis under the provisions of United States Code, Title 38, Chapter 36, Section 1775 must be certified by the Minnesota State Department of Education." This included vocational or academic certification. A "grandfather" clause exemption for teachers employed prior to December 28, 1971 is also included in the rule.

The intent of the original rule was to equalize the treatment accorded public and private vocational schools approved on an accredited basis for purposes of participation in the veterans' education program. Minnesota's 30 state technical institutes required all teachers of approved programs to be properly certified by the Department of Education. EDU #640 made the requirement no less at an approved private vocational institution.

Inasmuch as each private vocational institution operating in Minnesota must have its teachers approved by the Private Vocational Schools Unit in the Department of Education, EDU #640 has created a dual standard for some schools approved for veterans' education.

In addition, our State Approving Agency for Veterans' Education has received numerous applications for approval of vocational programs at collegiate institutions in Minnesota. Strict enforcement of EDU #640 would preclude approval of such programs because college and university faculty are rarely, if ever, required to be licensed by the State Department of Education. Again, an obstacle to veterans' approval has been created for some schools.

Because of the dual requirement placed on private vocational schools and the exclusion from veterans' approval of vocational programs at collegiate institutions brought about by EDU #640 (3530.6300), I recommend its rescission at the earliest possible date.