

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

MINNESOTA STATE REGULATION

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Minnesota Higher Education Coordinating Commission
(Agency or Board)

Regulation No. HECC 701 thru 706 (new)

Subject: Minnesota Veterans Defendents Student Assistance Program

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

OCT 22 1974 3:35 pm

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 10-22-74

Rev. 9-72

MINNESOTA STATE REGULATION

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Minnesota Higher Education Coordinating Commission
(Agency or Board)

Regulation No. HECC 601 thru 607 (new)

Subject: Minnesota Foreign Student Assistance Program

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

OCT 22 1974 3:35 PM

BY Eda Staudenmaier
AUTH. SIGNATURE

Stamped and filed with the Secretary of State 10-22-74

Rev. 9-72

ADMIN. 1000
3

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Michael B. Miller
Special Assistant Attorney General
Administration Department
208 Administration Building

DATE: 9/26/74

FROM : Michael J. Bradley
Special Assistant

SUBJECT: Rules adopted by Minnesota Higher Education Coordinating Commission

I have made the changes to the attached rules and regulations as per your request. I sincerely hope that you will find those changes sufficient.

As I informed you in our telephone conversation, we encountered some problems with the Defendants of Veterans and Foreign Student program in that the rules were needed to clarify the enabling acts and to allow for the administration of the program. Therefore, the only discussions at the hearings surrounded questions of law and not fact and are not readily put into a findings of fact format. In the Dependants of Veterans program there was the further problem that no one at the hearing made any comments either pro or con.

MJB:mp

Attachment

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : **Michael J. Bradley**
Special Assistant Attorney General
State College System

DATE: **October 22, 1974**

FROM : Michael B. Miller
Special Assistant Attorney General

SUBJECT: Rules and Regulations

Enclosed directly following this memorandum are the rules and regulations you have submitted for approval. These rules and regulations have been approved by the Attorney General, filed with the Secretary of State and with the Department of Administration.

Upon receipt and before transmittal to your agency, it is IMPERATIVE that you recheck these rules and regulations as to:

1. Are the stamps of the Attorney General, Secretary of State and Department of Administration affixed to the last page of the rules and/or regulations;

2. Are all rules and/or regulations submitted covered by these stamps;

3. Are all pages of the rules and/or regulations included in the approved set?

Directly following the approved rules and/or regulations is a complete set of required documents and transcript which MUST be retained with the approved rules and/or regulations by you or your agency.

Also enclosed are additional documents and transcripts not retained by the Secretary of State; these should also be retained with the rules and/or regulations by you or your agency.

If you have any questions in this regard, please contact me.

MBM/sr

Enclosures

MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

Rules and Regulations Governing Administration
of Post-Secondary School Financial Assistance for Dependents of
Prisoners of War and Persons Missing in Action
as Defined in Minnesota Laws 1974, Chapter 496.

Chapter Seven: HECC 701-800

MINNESOTA VETERANS' DEPENDENTS STUDENT ASSISTANCE PROGRAM

HECC 701 - PURPOSE

The purpose of the Chapter is the augment Minnesota Laws, 1974, Chapter 496, section 2, subdivisions 2 and 3, establishing a state program of financial assistance for dependents of Prisoners of War and Persons Missing in Action by providing standards, criteria, rules and regulations therefor.

HECC 702 - DEFINITIONS

The following terms shall have the meaning hereinafter ascribed to them:

(a) "Minnesota Veterans' Dependents Student Assistance Program" is the state program of financial assistance for post-secondary students as defined in Laws, 1974, Chapter 496, section 2, subdivisions 2 and 3, hereinafter referred to as the Program.

(b) "Executive Director" is the Executive Director of the Minnesota Higher Education Coordinating Commission.

(c) "Minnesota state supported institution" shall be defined to include state colleges, state community colleges, the University of Minnesota, and public area vocational technical institutions.

(d) "Private Minnesota institution" shall be defined as any Minnesota institution of higher education or any Minnesota technical or vocational school which is eligible under the State Student Loan Program as defined in Minnesota Laws, 1973, Chapter 605, and which are not included under HECC 702 (c).

(e) "Prisoner of War" and "Persons Missing in Action", hereinafter referred to as P.O.W. or P.M.I.A., shall be defined as a person who has been declared to be a prisoner of war or a person missing in action as established by the Secretary of Defense after August 1, 1958, and who was a resident of Minnesota at the time of entrance into service of the United States Armed Forces, or who maintains official residence within the state at the time of designation as a prisoner of war or person missing in action.

(f) "Dependent" as defined in Laws, 1974, Chapter 496, shall be the spouse of a P.O.W. or P.M.I.A., or any child born before or during the period of time his parent served as a P.O.W. or was declared a P.M.I.A., or any child legally adopted or in the legal custody of the parent prior to or during the time the parent served at P.O.W. or was declared to be a P.M.I.A. Once a person qualifies as a dependent under the terms and provisions of Laws, 1974, Chapter 496, there shall be no situation such as the return of the father or the reported death of the father that will remove the dependent from provisions or benefits of this Law.

(g) "Tuition and fees" shall be defined as those charges which are assessed students for enrollment purposes by the post-secondary institution.

(h) "Undergraduate student" shall be defined as a person who is officially registered for an undergraduate program which leads to a bachelor's degree or a certificate of completion in an eligible institution as defined in HECC 702 (c) or (d).

HECC 703 - CRITERIA FOR APPROVING DEPENDENTS

(a) Each Minnesota state supported institution as defined in HECC 702 (c) and each private Minnesota institution as defined in HECC 702 (d) shall have the authority to certify dependent status as defined in HECC 702 (f) to a student according to procedures prescribed by the Executive Director for so long as that student is an undergraduate student as defined in HECC 702 (h).

HECC 704 - AMOUNT AND TERMS OF ASSISTANCE

(a) Each Minnesota state supported institution as defined in HECC 702 (c) shall have the authority to allow certified dependents as defined in HECC 702 (f) and HECC 703 (a) to attend such institution free of tuition and fee charge as defined in HECC 702 (g).

(b) Each private Minnesota institution as defined in HECC 702 (d) shall have the authority to certify to the Commission each eligible dependent as defined in HECC 702 (f) and 703 (a) so that the Commission may make the entitlement payment to same institutions the amount prescribed in 704 (c) on behalf of the same dependent.

(c) The amount of the entitlement payment shall be the lessor amount of the tuition and fees as defined in HECC 702 (g) assessed by the private Minnesota institution as defined in HECC 702 (d) or the maximum undergraduate tuition charge as defined in HECC 702 (g) at Minnesota state supported institutions as defined in HECC 702 (c).

(d) Each dependent as defined in HECC 702 (f) shall be entitled to the benefits as described in HECC 704 (a) or 704 (b) for so long as he is eligible to attend such institutions as defined in 702 (c) and (d) and for so long as he is working toward a bachelor's degree or certificate of completion.

HECC 705 - DISBURSEMENT OF FUNDS

(a) Payments as described in 704 (b) will be made to institutions as defined in 702 (d) according to procedures prescribed by the Executive Director.

HECC 706 - DELEGATION OF AUTHORITY

The Executive Director is hereby delegated necessary authority and responsibility for administration of the Program in accordance with these rules, state law and applicable federal laws and regulations, including issuing public information, designing related forms, prescribing application procedures, prescribing terms and conditions and agreements with eligible institutions, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota Dependents of Veterans' Student Assistance Program.

HECC 707-800 - RESERVED FOR FUTURE USE

FILED
RICHARD [illegible]BACHER
Commissio[illegible]ation
OCT 22 1974 3:35 pm
BY Eda Standenmaier
AUTH. SIGNATURE

APPROVED AS TO FORM AND LEGALITY
October 22 19 74
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 22 1974 - 3:30 pm
Arlen I. Erdahl
Secretary of State


RECEIVED
SEP 18 1974

MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

Rules and Regulations Governing Administration
of Financial Assistance to Foreign Students as Defined in
Minnesota Laws 1974, Chapter 492.

Chapter Six: HECC 601-700

MINNESOTA FOREIGN STUDENT ASSISTANCE PROGRAM

HECC 601 - PURPOSE

The purpose of the chapter is to augment Minnesota Laws, 1974, Chapter 492, sections 1 through 5, establishing a state program of financial assistance to post-secondary students by providing standards, criteria, rules and regulations therefor.

HECC 602 - DEFINITIONS

The following terms shall have the meaning hereinafter ascribed to them:

(a) "Minnesota Foreign Student Assistance Program" is the state program of financial assistance to post-secondary foreign students as defined in Laws, 1974, Chapter 492, sections 1 through 5, hereinafter referred as the Program.

(b) "Executive Director" is the Executive Director of the Minnesota Higher Education Coordinating Commission.

(c) "Eligible institution" as defined in Laws, 1974, Chapter 492, shall be any public or private institution of higher education in Minnesota which is eligible for the state grant-in-aid program as defined in

Minnesota Statutes, Chapter 136A, and which has foreign students enrolled.

(d) "Foreign student" shall be defined as a person who possesses a student visa as established by the U.S. Immigration and Naturalization Service.

(e) "Resident status" shall be defined as that status assigned to a student by a public institution for the purpose paying in-state tuition fees.

(f) "Full-time equivalent fall term enrollment" shall be defined as that enrollment which is determined by the Commission in its annual enrollment survey in the year prior to the academic year for which Program funds are allocated.

(g) "Total cost of education" shall be defined as the institutional budget established for the state grant-in-aid program adjusted to include out-of-state tuition fee.

(h) "Total student resources" shall be defined as the sum of the family contribution, student income, other financial aid received, any and all other resources which are available to the student to pay for the cost of education.

(i) "Financial need" shall be defined as the difference between the total cost of education as defined in HECC 602 (g) which is paid by the student and the total resources as defined in HECC 602 (h) available to the student to meet that cost.

(j) "Unexpected financial needs" shall be defined as those needs which any reasonable person could not anticipate and plan for by reading standard printed cost quotations in various institutional publications or any

unanticipated loss of resources.

(k) "Student family" shall be defined as the student, the student's spouse, the student's dependents, the student's parents, the student's brothers and sisters, or any other legal relative of the student.

(l) "Participating institution" shall be defined as any eligible institution as defined in HECC 602 (c) which formally applies for funds in accordance with procedures prescribed by the Executive Director.

HECC 603 - CRITERIA FOR DETERMINING STUDENT RECIPIENTS

(a) Residents status may be authorized as defined in HECC 602 (e) by an eligible institution as defined in HECC 602 (c) for any foreign student as defined in HECC 602 (d) who has been domiciled in Minnesota for at least one year provided that the institution documents the financial need of the student as defined in HECC 602 (i) according to procedures prescribed by the Executive Director, provided that the total number of these residencies shall not exceed one-half of one percent of total full-time equivalent full term enrollment of the institution as defined in HECC 602 (f).

(b) Funds may be awarded by an eligible institution as defined in HECC 602 (c) for any foreign student as defined in HECC 602 (d) provided that the institution documents the unexpected financial need of the student as defined in HECC 602 (j) according to procedures prescribed by the Executive Director.

(c) Eligible institutions as defined in HECC 602 (c) shall have the authority to grant resident status as defined in HECC 602 (e) to any foreign student as defined in HECC 602 (d) who is a recipient of

scholarship or grant funds contributed by Minnesota individuals, organizations or corporations in sufficient amounts to cover such resident tuition fees provided that the institution documents that the scholarship or grant funds did not originate from the student or any member of the student's family as defined in HECC 602 (k).

HECC 604 - TERMS OF LOANS AND GRANTS

(a) Each eligible institution as defined in HECC 602 (c) shall be authorized to and be responsible for informing any foreign student who receives funds under any section of Laws, 1974, Chapter 492, that the funds are provided initially as a loan and will not be converted to a grant until the student submits evidence that the student has returned to his home country within one year of completion of the student's education and has not returned to the United States for five years as permanent resident.

(b) Each eligible institution as defined in HECC 602 (c) shall be responsible for establishing sound procedures for loan principle and interest collection including the execution of a promissory note and disclosure of finance charges at the time of making of each loan.

(c) Each loan shall be evidenced by a promissory note and shall bear interest at a rate of 8 percent simple from the time of the making of the loan.

(d) Each loan and accrued interest shall be payable to and upon demand of the institution as defined in HECC 602 (c) in the event that the student does not satisfy the requirements in HECC 604 (a).

(e) Any loan and interest amounts collected by any institution under the

provisions of Laws, 1974, Chapter 492, section 2, shall revert back to the Commission.

(f) The eligible institutions as defined in HECC 602 (c) shall provide reasonable reports as are requested by the Executive Director.

HECC 605 - ALLOCATION FORMULA

(a) Funds provided under Laws, 1974, Chapter 492, section 2, shall be allocated to individual participating institutions as defined in HECC 602 (l) as follows:

Full-time equivalent fall term enrollment as defined in HECC 602 (f) for each participating institution multiplied by the cost of education as defined in HECC 602 (g) divided by the sum of the products for all participating institutions times the appropriation as provided for by the Minnesota Legislature.

HECC 606 - DISBURSEMENT OF FUNDS

(a) Funds shall be disbursed to participating institutions according to procedures prescribed by the Executive Director.

(b) Any disbursed funds shall be for use only during the fiscal year of disbursement and any unused funds shall be remitted to the Commission according to procedures prescribed by the Executive Director.

(c) Each participating institution shall be accountable for any funds disbursed to students under the provisions of these rules and regulations.

HECC 607 - DELEGATION OF AUTHORITY

The Executive Director is hereby delegated necessary authority and responsibility for administration of the Program in accordance with these rules, state law and applicable federal laws and regulations, including issuing public information, designing related forms, prescribing application procedures, prescribing procedures and terms for collection and repayment of loans, prescribing terms and conditions for agreements with eligible institutions, approving and disapproving applications, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota Foreign Student Assistance Program.

HECC 608 - 700 - RESERVED FOR FUTURE USE

APPROVED AS TO FORM AND LEGALITY
October 22 1974
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 22 1974 - 3:30 pm
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
OCT 22 1974 3:35 pm
BY Eda Sundermann
AUTH. SIGNATURE

MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

Rules and Regulations Governing Administration
of Financial Assistance to Foreign Students as Defined in
Minnesota Laws 1974, Chapter 492.

Chapter Six: HECC 601-700

MINNESOTA FOREIGN STUDENT ASSISTANCE PROGRAM

HECC 601 - PURPOSE

The purpose of the chapter is to augment Minnesota Laws, 1974, Chapter 492, sections 1 through 5, establishing a state program of financial assistance to post-secondary students by providing standards, criteria, rules and regulations therefor.

HECC 602 - DEFINITIONS

The following terms shall have the meaning hereinafter ascribed to them:

(a) "Minnesota Foreign Student Assistance Program" is the state program of financial assistance to post-secondary foreign students as defined in Laws, 1974, Chapter 492, sections 1 through 5, hereinafter referred as the Program.

(b) "Executive Director" is the Executive Director of the Minnesota Higher Education Coordinating Commission.

(c) "Eligible institution" as defined in Laws, 1974, Chapter 492, shall be any public or private institution of higher education in Minnesota which is eligible for the state grant-in-aid program as defined in

Minnesota Statutes, Chapter 136A, and which has foreign students enrolled.

(d) "Foreign student" shall be defined as a person who possesses a student visa as established by the U.S. Immigration and Naturalization Service.

(e) "Resident status" shall be defined as that status assigned to a student by a public institution for the purpose paying in-state tuition fees.

(f) "Full-time equivalent fall term enrollment" shall be defined as that enrollment which is determined by the Commission in its annual enrollment survey in the year prior to the academic year for which Program funds are allocated.

(g) "Total cost of education" shall be defined as the institutional budget established for the state grant-in-aid program adjusted to include out-of-state tuition fee.

(h) "Total student resources" shall be defined as the sum of the family contribution, student income, other financial aid received, any and all other resources which are available to the student to pay for the cost of education.

(i) "Financial need" shall be defined as the difference between the total cost of education as defined in HECC 602 (g) which is paid by the student and the total resources as defined in HECC 602 (h) available to the student to meet that cost.

(j) "Unexpected financial needs" shall be defined as those needs which any reasonable person could not anticipate and plan for by reading standard printed cost quotations in various institutional publications or any

unanticipated loss of resources.

(k) "Student family" shall be defined as the student, the student's spouse, the student's dependents, the student's parents, the student's brothers and sisters, or any other legal relative of the student.

(l) "Participating institution" shall be defined as any eligible institution as defined in HECC 602 (c) which formally applies for funds in accordance with procedures prescribed by the Executive Director.

HECC 603 - CRITERIA FOR DETERMINING STUDENT RECIPIENTS

(a) Residents status may be authorized as defined in HECC 602 (e) by an eligible institution as defined in HECC 602 (c) for any foreign student as defined in HECC 602 (d) who has been domiciled in Minnesota for at least one year provided that the institution documents the financial need of the student as defined in HECC 602 (i) according to procedures prescribed by the Executive Director, provided that the total number of these residencies shall not exceed one-half of one percent of total full-time equivalent full term enrollment of the institution as defined in HECC 602 (f).

(b) Funds may be awarded by an eligible institution as defined in HECC 602 (c) for any foreign student as defined in HECC 602 (d) provided that the institution documents the unexpected financial need of the student as defined in HECC 602 (j) according to procedures prescribed by the Executive Director.

(c) Eligible institutions as defined in HECC 602 (c) shall have the authority to grant resident status as defined in HECC 602 (e) to any foreign student as defined in HECC 602 (d) who is a recipient of

scholarship or grant funds contributed by Minnesota individuals, organizations or corporations in sufficient amounts to cover such resident tuition fees provided that the institution documents that the scholarship or grant funds did not originate from the student or any member of the student's family as defined in HECC 602 (k).

HECC 604 - TERMS OF LOANS AND GRANTS

(a) Each eligible institution as defined in HECC 602 (c) shall be authorized to and be responsible for informing any foreign student who receives funds under any section of Laws, 1974, Chapter 492, that the funds are provided initially as a loan and will not be converted to a grant until the student submits evidence that the student has returned to his home country within one year of completion of the student's education and has not returned to the United States for five years as permanent resident.

(b) Each eligible institution as defined in HECC 602 (c) shall be responsible for establishing sound procedures for loan principle and interest collection including the execution of a promissory note and disclosure of finance charges at the time of making of each loan.

(c) Each loan shall be evidenced by a promissory note and shall bear interest at a rate of 8 percent simple from the time of the making of the loan.

(d) Each loan and accrued interest shall be payable to and upon demand of the institution as defined in HECC 602 (c) in the event that the student does not satisfy the requirements in HECC 604 (a).

(e) Any loan and interest amounts collected by any institution under the

provisions of Laws, 1974, Chapter 492, section 2, shall revert back to the Commission.

(f) The eligible institutions as defined in HECC 602 (c) shall provide reasonable reports as are requested by the Executive Director.

HECC 605 - ALLOCATION FORMULA

(a) Funds provided under Laws, 1974, Chapter 492, section 2, shall be allocated to individual participating institutions as defined in HECC 602 (l) as follows:

Full-time equivalent fall term enrollment as defined in HECC 602 (f) for each participating institution multiplied by the cost of education as defined in HECC 602 (g) divided by the sum of the products for all participating institutions times the appropriation as provided for by the Minnesota Legislature.

HECC 606 - DISBURSEMENT OF FUNDS

(a) Funds shall be disbursed to participating institutions according to procedures prescribed by the Executive Director.

(b) Any disbursed funds shall be for use only during the fiscal year of disbursement and any unused funds shall be remitted to the Commission according to procedures prescribed by the Executive Director.

(c) Each participating institution shall be accountable for any funds disbursed to students under the provisions of these rules and regulations.

HECC 607 - DELEGATION OF AUTHORITY

The Executive Director is hereby delegated necessary authority and responsibility for administration of the Program in accordance with these rules, state law and applicable federal laws and regulations, including issuing public information, designing related forms, prescribing application procedures, prescribing procedures and terms for collection and repayment of loans, prescribing terms and conditions for agreements with eligible institutions, approving and disapproving applications, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota Foreign Student Assistance Program.

HECC 608 - 700 - RESERVED FOR FUTURE USE

MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

Rules and Regulations Governing Administration
of Post-Secondary School Financial Assistance for Dependents of
Prisoners of War and Persons Missing in Action
as Defined in Minnesota Laws 1974, Chapter 496.

Chapter Seven: HECC 701-800

MINNESOTA VETERANS' DEPENDENTS STUDENT ASSISTANCE PROGRAM

HECC 701 - PURPOSE

The purpose of the Chapter is the augment Minnesota Laws, 1974, Chapter 496, section 2, subdivisions 2 and 3, establishing a state program of financial assistance for dependents of Prisoners of War and Persons Missing in Action by providing standards, criteria, rules and regulations therefor.

HECC 702 - DEFINITIONS

The following terms shall have the meaning hereinafter ascribed to them:

(a) "Minnesota Veterans' Dependents Student Assistance Program" is the state program of financial assistance for post-secondary students as defined in Laws, 1974, Chapter 496, section 2, subdivisions 2 and 3, hereinafter referred to as the Program.

(b) "Executive Director" is the Executive Director of the Minnesota Higher Education Coordinating Commission.

(c) "Minnesota state supported institution" shall be defined to include state colleges, state community colleges, the University of Minnesota, and public area vocational technical institutions.

(d) "Private Minnesota institution" shall be defined as any Minnesota institution of higher education or any Minnesota technical or vocational school which is eligible under the State Student Loan Program as defined in Minnesota Laws, 1973, Chapter 605, and which are not included under HECC 702 (c).

(e) "Prisoner of War" and "Persons Missing in Action", hereinafter referred to as P.O.W. or P.M.I.A., shall be defined as a person who has been declared to be a prisoner of war or a person missing in action as established by the Secretary of Defense after August 1, 1958, and who was a resident of Minnesota at the time of entrance into service of the United States Armed Forces, or who maintains official residence within the state at the time of designation as a prisoner of war or person missing in action.

(f) "Dependent" as defined in Laws, 1974, Chapter 496, shall be the spouse of a P.O.W. or P.M.I.A., or any child born before or during the period of time his parent served as a P.O.W. or was declared a P.M.I.A., or any child legally adopted or in the legal custody of the parent prior to or during the time the parent served at P.O.W. or was declared to be a P.M.I.A. Once a person qualifies as a dependent under the terms and provisions of Laws, 1974, Chapter 496, there shall be no situation such as the return of the father or the reported death of the father that will remove the dependent from provisions or benefits of this Law.

(g) "Tuition and fees" shall be defined as those charges which are assessed students for enrollment purposes by the post-secondary institution.

(h) "Undergraduate student" shall be defined as a person who is officially registered for an undergraduate program which leads to a bachelor's degree or a certificate of completion in an eligible institution as defined in HECC 702 (c) or (d).

HECC 703 - CRITERIA FOR APPROVING DEPENDENTS

(a) Each Minnesota state supported institution as defined in HECC 702 (c) and each private Minnesota institution as defined in HECC 702 (d) shall have the authority to certify dependent status as defined in HECC 702 (f) to a student according to procedures prescribed by the Executive Director for so long as that student is an undergraduate student as defined in HECC 702 (h).

HECC 704 - AMOUNT AND TERMS OF ASSISTANCE

(a) Each Minnesota state supported institution as defined in HECC 702 (c) shall have the authority to allow certified dependents as defined in HECC 702 (f) and HECC 703 (a) to attend such institution free of tuition and fee charge as defined in HECC 702 (g).

(b) Each private Minnesota institution as defined in HECC 702 (d) shall have the authority to certify to the Commission each eligible dependent as defined in HECC 702 (f) and 703 (a) so that the Commission may make the entitlement payment to same institutions the amount prescribed in 704 (c) on behalf of the same dependent.

(c) The amount of the entitlement payment shall be the lessor amount of the tuition and fees as defined in HECC 702 (g) assessed by the private Minnesota institution as defined in HECC 702 (d) or the maximum undergraduate tuition charge as defined in HECC 702 (g) at Minnesota state supported institutions as defined in HECC 702 (c).

(d) Each dependent as defined in HECC 702 (f) shall be entitled to the benefits as described in HECC 704 (a) or 704 (b) for so long as he is eligible to attend such institutions as defined in 702 (c) and (d) and for so long as he is working toward a bachelor's degree or certificate of completion.

HECC 705 - DISBURSEMENT OF FUNDS

(a) Payments as described in 704 (b) will be made to institutions as defined in 702 (d) according to procedures prescribed by the Executive Director.

HECC 706 - DELEGATION OF AUTHORITY

The Executive Director is hereby delegated necessary authority and responsibility for administration of the Program in accordance with these rules, state law and applicable federal laws and regulations, including issuing public information, designing related forms, prescribing application procedures, prescribing terms and conditions and agreements with eligible institutions, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota Dependents of Veterans' Student Assistance Program.

HECC 707-800 - RESERVED FOR FUTURE USE


RECEIVED
SEP 18 1974
STATE COLLEGE
BOARD

TRANSCRIPT OF A PUBLIC HEARING

Held Thursday, May 30, 1974

in the Commons Conference Room
of Normandy Community College
Bloomington, Minnesota

In the matter of proposed adoption of rules and regulations of the Minnesota Higher Education Coordinating Commission governing post-secondary student financial assistance programs for foreign students, H.F. 2125 and for dependents of prisoners of war and persons missing in action, H.F. 2323.

PRESIDENT GOLDFINE: State of Minnesota, County of Ramsey, in the matter of proposed adoption of rules and regulations of the Minnesota Higher Education Coordinating Commission governing post-secondary student financial assistance programs for foreign students, H. F. 2125 and for dependents of prisoners of war and persons missing in action, H. F. 2323 before Richard C. Hawk, Executive Director, Minnesota Higher Education Coordinating Commission. Notice of Hearing: Notice is hereby given that a public hearing pursuant to M.S. 1971, Section 15.0412, Subdivision 4 on the above entitled matter at Normandale Community College, 9700 France Avenue South, Bloomington, Minnesota, Thursday, May 30, 1974 commencing at 9:00 a.m. and continuing until all representatives of post-secondary educational institutions and other interested groups have had the opportunity to be heard concerning the adoption of rules and regulations captioned above by submitting either oral or written statements or arguments. Statements or briefs may be submitted to the Commission prior to the hearing without appearing at the hearing. A copy of the proposed rules and regulations captioned above may be obtained from the Commission at least ten days prior to the date of hearing. State of Minnesota, Minnesota Higher Education Coordinating Commission, Richard C. Hawk, Executive Director. We have both proposals here if anybody hasn't got them, they're available. We would like to hear first from Dr. Banning Hanscom, State Board for Community Colleges. He is assistant to the Chancellor for Student Affairs.

BANNING HANSCOM, STATE BOARD FOR COMMUNITY COLLEGES: Mr. President and members of the Commission, I would like to start out by saying that I really don't know what decision our board is going to take regarding the granting of resident status to foreign students because there are a lot of financial implications and it has not been funded by the legislature so there is a problem of coming up with the difference in the money which could amount to $20 - $30 thousand depending on how these rules and regulations were finally written. In the event that our Board feels that residency can be funded or in the event that in future years the legislature does fund

the residency portions of this act and also in the light of provisions in Section 2 of this act, I would like to suggest three changes in the way the rules and regulations are tentatively written. The first is in regard to its label here HECC 602 Definitions and definition C, which refers to the number and the fact that the number of residencies may not exceed one-half of one percent. As it is written in the rules and regulations, this is written on the first page and it is right at the very bottom of the first page. The act itself, the wording of the act says that provided that the total number of these residencies shall not exceed one-half of one percent of total full-time equivalent fall term enrollment of these institutions, and it seems to me that the wording here is flexible enough so that this could be interpreted in the writing of the rules and regulations to be either on a college basis or on a system basis. On a system basis where you have really one board that governs all institutions and makes decisions whether or not this policy is going to go into effect. Now, in the writing of the rules and regulations at the bottom of the first page of the rules and regulations, it is written in such a way that this determination must be made in college by college. So, my request at this time would be that inasmuch as our board is the authorizing group, that this one-half of one percent maximum number be applied to the system as a whole rather than to each institution. The reasons really for this act as they've been given and as they've been discussed when we've been talking about them are twofold. One is to help the foreign students come to our colleges and second, is to encourage a cultural mix on our campuses. And it seems to me we will have more students' help if we can go on a system basis. Right now this year is a fall quarter this year if we were to take the students that were qualified by being in Minnesota for one year. If we went on a system basis, we would have 92 students that would qualify which would be that one-half of one percent of our total FTE for fall quarter. If we went on an institution to institution basis, we would only have 57 students who would qualify, and they might not all qualify. They would still have to show me what it would reduce by considerable number the students that

might be eligible to receive this residency status. Because of the programs that our colleges have and the locations of them and the college sizes, cultural mix, which is one of the reasons for this act, would be much easier to encourage in some colleges than in others. It would be really difficult to encourage a meaningful cultural mix, for instance, in some of our colleges where the maximum number of students that could be helped was not quite 2. I don't think it would be to the benefit of either the foreign students or to the college that is trying to get the foreign students to have this kind of cultural mix where such a small number of persons would be encouraged to go and would be almost by themselves. I think that it is much more beneficial for foreign students where there can be larger numbers of them and they can have meaningful groupings and they can get together and feel not quite so alone. So, I really feel that in this point that it would be better if we could let the system determine the best way to encourage this cultural mix within the maximum of one-half of one percent. I feel there is enough flexibility in the wording that this could be the interpretation in the rules and regulations that are written.
The second change I would like to suggest is in regard to rules and regulations HECC Definitions - definition d - the next definition is on the second page. And this refers to the definition of a foreign student. When it talks about and attempts to define foreign student in the act, and that's in Sections 1 and 2 and 3, it just referred to foreign students or it refers to bona fide students. The interpretation here would just mean that we're talking about they must be genuine foreign students. Now in the rules and regulations as they are written in "d", they define the foreign student "as a person who possesses a student visa as established by the U. S. Immigration.." The request here would be that this not be limited to student visa or foreign students because we have other genuine foreign students who do not visas. They don't need a visa because they commute daily, and these are the Canadian genuine foreign students who commute to Rainy River Community College. This was not part of the act that there should be a visa. This is just part of the rules and regulations, and if it remains

written this way, it will make almost all of our Canadian foreign students at Rainy River ineligible for all sections. Just a few are eligible for the residency, but we have 18 potentially eligible students that would be eligible under Section2, and we have 18 that would be potentially eligible under Section 3, and these are bona fide genuine foreign students. They're this way in all classifications as foreign students. The third change I would suggest is HECC 603 (a) Criteria for Determining Student Recipients, and it refers to a requirement for residency, and I believe this just refers to Section 1, Dr. Smith, is that right? The act, again in lines 9 and 10 of the act, it talks about students after their first year in Minnesota and that's the only reference it makes. It doesn't refer to what they would have to be in Minnesota. Now in the act itself then, under 603 (a) it puts in the stipulation "who has been domiciled in Minnesota for at least one year.." My request here would be that this after the first year to be interpreted to mean after their first year in a college, as well as after their first year of having been domiciled. The reason again is that it is not part of the act that they be required to be domiciled. This again is just in the rules and regulations, and this again would make almost all of our Canadian students ineligible because they might well not be domiciled in Minnesota even though they have spent a year in Minnesota and are here for the purpose of obtainin an education which is the only reason they are coming here and the only reason other foreign students are coming here that aren't able to commute daily. So these are the three suggestions that I would make and feel it would be more beneficial for foreign students in our community colleges if these were to be put into effect. With all the other rules and regulations that have been written, I have no quarrel. I am in agreement with them. I think they have been done very well. And I think they would set up the situation as needed. So it is these three areas.

PRESIDENT GOLDFINE: Are there any questions?

MARY SCHERTLER: I would say, Mr. Chairman, Banning, as I sat through the hearings

on H. F. 2125, what was discussed in the legislature was not only domiciled but having been in the college from September 1972 through June 1973 and the foreign student can be eligible then for this $80 thousand would be both in need. So, even though it is not spelled out specifically it was in the bill and it was in discussion in the legislature.

PRESIDENT GOLDFINE: Any other questions? I just have one and I don't understand how you get the mathematics of it. You say if you do it the system you get 92 students, if you do it individually you only get 57 students. I don't understand that.

BANNING HANSCOM: Well, we have more students in some of our colleges than in others. They tend to come in in groupings into certain of the colleges. So, for instance the college where we have the largest number is the Metropolitan, and we have 43 foreign students that have been there one year at the present year. And we have some colleges where there are none, where they just not tend to go and they don't have the programs, locations and the other surrounding situations that are to their benefit to that extent.

CARL KROENING: Well, wouldn't the reverse be true. Wouldn't you want to get those students in other colleges rather than put them in one place and serve their needs. I can't see - I think these are cross purposes perhaps there.

BANNING HANSCOM: Well, this might be true and I'm just saying that if this were true, then our board should work to achieve that situation. But we would have more flexibility if the wording were such that it could go either direction, and if it were decided that it's to the benefit of the foreign students to have groupings more than spreading out to where we can only encourage up to 2 in some of the small colleges. As a result, it would be more advantageous to the whole situation to go the other direction. I guess I would just like that flexibility for our board.

And with the flexibility there is more chance of being right than if we have only the one possible situation.

CARL KROENING: Which objective do you think is more important?

BANNING HANSCOM: I think the objective most important is the benefit of the foreign students. And I think we would be better off having cultural mix in some colleges and not all of them if we're reallyagoing to think about the foreign student and not just think about having one or two persons on exhibit in some of the colleges.

PRESIDENT GOLDFINE: All right, any other questions?

EDGAR CARLSON: It would be possible then, under your proposal, to have all 97 at Metropolitan?

BANNING HANSCOM: It would be possible. I don't think it would be very probable.

CARL KROENING: It looks like it might be, though, if you've got 47 in one.

BANNING HANSCOM: We have actually 95 students there at the present time. They're fall quarter, but they're not all eligible. But I don't think there would be a tendency for all of them to want to go to Metropolitan because they still have the options of going to the other colleges, but there would be no less opportunity for them in any of the other colleges than there is now. But there would be more opportunity to have a cultural mix in groupings if that were determined to be the most desirable.

PRESIDENT GOLDFINE: Thank you very much. Next person I have is Robert Fox, who is the Dean of Students at Metropolitan Community College. He is not here. Martin Smoke is with the University, Assistant Vice President for Student Affairs. Would you like to make a presentation?

MARTIN SMOKE, UNIVERSITY OF MINNESOTA: I have _____ here representing the foreign student advisory. Dr. Moore and Dr. Mestenhauser know much more about the details of our foreign student program than I do, although I have some overall notions.

In consultation with them I have several recommendations. Some of them are the same sections Mr. Hanscom was talking about. The first one is Section (d) of 602 which deals with definition of foreign student, and I would propose that it read as follows: That a foreign student shall be defined as a person who possesses a student visa F1 or J1 prescribed in a code of federal regulations 41.5 and ___CF.165 or by the Department of State." I think the reason for this recommendation is that this is a more precise definition of what a foreign student is and that is the basis for that recommendation. I suppose I should also indicate the general roster of the University in this connection as some of you have been involved with the _____ throughout the legislative year have known. No funds were appropriated, actually, to provide for the cost of this program except insofar as emergency aid parts are concerned. The second section I will call your attention to is 603 (a) and I will read it: "Residents status may be authorized as defined in HECC 602 (e) by an eligible institution as defined in HECC 602 (c) for any foreign student as defined in HECC 602 (d) who has been enrolled as a student in an eligible Minnesota educational institution as defined further in HECC 602 (c) full-time student status as defined by immigration service." This is again the intention to make it a more precise definition of the foreign student and his relationship with the education institution. I think those are the major suggestions I would make

MARY SCHERTLER: I am just wondering under your foreign student definition you first change under (a) foreign immigration laws F1 J1, would this since you defined this as students having a visa ____?

MARTIN SMOKE: Yes, my worry was and I'm concerned with _____ and you're operating independently and I assume that you would perhaps include both of them in your definition if you want to accomplish this purpose.

EMIL ERICKSON: Sir, I understand this - you say your definition your more specific definition of what constitutes a foreign student would include Canadian students

commuting to the International Falls junior college.

BARBARA CLARK: It would not.

EMIL ERICKSON: I thought you said it would.

MARTIN SMOKE: No, my definition would not. It is my concern that these students be taken into account. I assume the reason we haven't taken into account - we don't have _____ for students from Canada.

EMIL ERICKSON: Except for the Canadian students, would your more specific definition of foreign students include any that this definition did not include.

MARTIN SMOKE: I'm not sure whether it would include or exclude any more, but it does tie a little more precisely.

RICHARD HAWK: It seems to me your suggestion is one of clarification rather than change

MARY SCHERTLER: If we use your definition and approve Canadian going to community colleges I'm kind of see if we're other kinds of gates or if that would make an all inclusive definition or if that would violate the federal _____.

MARTIN SMOKE: I don't think that you necessarily have to be limited wanting commuting students from Canada, or that should be included. All I was trying to do in this statement was define the forms as they are defined in the federal regulations and in terms of ____ that are given to _____. There are other foreign students in the country with different kinds of _____.

PRESIDENT GOLDFINE: Are there any other questions?

EDGAR CARLSON: What proportion of foreign students comes from Canada - Is it a small proportion?

?: I can't comment very much on the numbers. One additional

comment that I would have that relates to the inclusion of the non-collegiate Canadian students is that on the Minneapolis-campus St. Paul campus we have usually encouraged. The Canadians do have one other program available to them that no other student that I am aware of _____ have available to them. So I think that information is at least relevant and that they do have resources that other foreign students do not have.for studying in the United States.

PRESIDENT GOLDFINE: Could we have an identification for the record, please?

?? Orlo Austin, Assistant Director of Financial Aid, University of Minn., Mpls.

EDGAR CARLSON: If these Canadian students come in under some special provision that the government might then _____want that be referred to in the way that Martin Smoke has referred to the _____. And I assume there is some kind of per mit which allows Canadian students to do that.

RICHARD HAWK: As I understand the situation, they simply drive across the border to the institution

PRESIDENT GOLDFINE: Dr. Smoke, you evidently have a comment on that.

MARTIN SMOKE: _____the fact that there might be some other source of funds for the Canadians. That might be true for any foreign student, and, of course, the act is written in such a way that if they don't have need they won't get it any way. So, if they've got other sources of funds they wouldn't be eligible.

ORLO AUSTIN: I do have one additional comment to make although it is not reflected in any particular wording change and that, however, is that I would like to see it understood that the period of time that is included in the student's stay here also includes not only the time he is actually enrolled in an institution but on that basis that he have a _____ following the actual classroom activity. I believe that should be included as part of their educational experience.

PRESIDENT GOLDFINE: How many students would qualify under the program at the University? Under the one-half of one percent?

ORLO AUSTIN: It would be about 235.

PRESIDENT GOLDFINE: The thing that I question about this program is that the bill originally was thought up by the University, and then I heard previous and from you that you are not going to utilize the bill and that's because of the fact that it hasn't been funded properly. Am I correct in assuming that no matter what the rules and regulations of the University probably won't be implemented anyhow. Or am I speaking out of turn?

ORLO AUSIN: I am not sure I understand exactly what your question is.

PRESIDENT GOLDFINE: Well, you have 235 students under this bill if the rules are acceptable under the funding that has been provided by the Legislature.

ORLO AUSTIN: _____and that we have no means for carrying it out.

EDGAR CARLSON: Mr. Chairman, may I ask what the additional funds would be necessary for.

ORLO AUSTIN: _____it would be the cost of carrying out that program.

PRESIDENT GOLDFINE: Are there any further questions? Is there anybody who would like to comment further?

EMIL ERICKSON: Are the several institutions free to grant resident tuition to foreign students or to refuse it as the law is written. I just got thinking about that now.

RICHARD HAWK: The law permits.

EMIL ERICKSON: So that ff the Community College System choose not to grant resident status tuition to a foreign it may under the law do so.

PRESIDENT GOLDFINE: As I understand it, yes. That's the position the University can or can't do.

RICHARD HAWK: As a matter of fact, the way in which the law is written, it seems to me that no one would anticipate that resident tuition status will be granted to every foreign student. And they put in a maximum and they made it permissive that an institution may grant resident students status to foreign students for long as they did not choose to do so for more than a mcertain percentage.

MARY SCHERTLER: In looking over my notes that I took when Dr. Wenberg and Dr. Cashman addressed this bill and the question was asked in regard to the money to the difference between the resident and the non-resident rate and a number of 200 was quoted instead of 235. It was said then that the $200 thousand difference would be gotten from a general revenue fu nd. So that the UNIversity in order to implement the program for the extra 235 students would not be students having to come up with the difference themselves. Is this still the case that the money difference would be available from a general revenue fund? I think you were there, Mr. Hawk.

PRESIDENT GOLDFINE: We don't have any jurisdiction over the general revenue.

MARY SCHERTLER: Well, I'm just saying that was the rationale used when the question came up so the University would not be subject to having to put out the difference themselves that the funds would be available there _____ you know, for the 235 students that it would involve, involving the one-half of one percent of resident and non-resident tuition there. I think that should be looked into.

RICHARD HAWK: The legislature did not make any appropriation for that purpose. I suppose the only course of action would be, I guess the system could go to the LAC and request that kind of an emergency assistance.

PRESIDENT GOLDFINE: All right - are there any further questions?

CARL KROENING: Mr. Chairman, Mr. Hawk, one of the objectives of the Commission is to provide access to post-secondary education for Minnesota citizens, and we have never secured all the funds that we requested in this matter. My question is in promoting legislation or rules or regulations and financial assistance to say foreign students. How seriously would we affect the provision of providing access to Minnesota students with respect to loans and grants.

RICHARD HAWK: It doesn't seem to me that it would have very serious impact at least at the present level of funding. You know, the amount of money which has been appropriated for this bill is so small.

EDGAR CARLSON: Mr. Chairman, how many undergraduate foreign students do you have at the University?

ORLO AUSTIN: I am not certain I know the exact number of undergraduate students _____.

EDGAR CARLSON: Does it apply also to graduate students? The allocation is on the basis of undergraduate enrollment

MARY SCHERTLER: No. When that was discussed in Section 2_____it was discussed in the legislature that what we would be talking about is 85% of graduate students at the U.

PRESIDENT GOLDFINE: Are there any further questions?

TOM CAREY, COUNSELOR, FOREIGN STUDENT ADV. NORTH HENNEPIN COMMUNITY COLLEGE: I would just like to say a couple of things in regards to the - well, number one, I guess I feel sorry that the legislature was unable to appropriate sufficient funds. And yet I feel if we in the colleges and so forth feel the need for the international students in the concept of the cultural mix, I am hoping that the various boards are able to appropriate some amount of money to take care of this, because I think the

cultural mix is really significant, particularly at the community college level. Like for example, about 90% of our students come from within a 25-mile radius of the opportunity for them to meet with some students from other countries and so provide them a great opportunity. We have students who have been able to live with families in our area. We have an active international club in our area where our students meet and mix with some of the citizens in this area, and so forth. And I think this is really a significant thing and I really feel the cultural mix is great both for the international students and for our students who live so close to our colleges and have a chance to mix and meet with other people. So, I guess I would encourage the Commission to take a look at it in terms of the best way that this could be done, and if you do have any opportunity to have input to the boards to have them at least appropriate a certain amount of money so that that can be done.

PRESIDENT GOLDFINE: I believe one thing - that the University wrote the bill and perhaps got a half a loaf this time and will probably get the other half of the loaf the next time. That's the kind of a bill I believe it is. And if you're at all honest and in sincerity I don't think that they did too bad in what they got and probably that they went along, and I'm sure that the president of the University doesn't need my advice on how to run his institution or any of the vice presidents. But it seems to me if they run off with half a loaf this time, they'll probably get the full loaf next time and get the students in. I would recommend to Dr. Smith, in writing the rules, it might be request that Dr. Hanscom has raised, it seems a logical request, the one on the sy stems, I don't understand if they are prepared to handle the financing of it and would like more students, then I don't see anything wrong with that. I would also hope that Dr. Smith would address in some way into the rules the Rainy River problem because I know that coming from that area, I know that they would like that mix.

Those items raised by the University seem to be some that we can attack with some degree, and I would hope that they might become part of these rules. Are there any questions?

EDGAR CARLSON: I was wondering about the system. I can see the interest the community colleges have in it. If the community colleges were put on a system basis would the other systems also be on the same basis - the University and the state colleges, and then I am wondering what implications it would have for the private colleges. Might we, for instance, also allocate these on some other principle than the institutional enrollment. I would hate to try to administer that, but on the other hand, if there is this kind of flexibility in shifting funds around among institutions in the public system, I guess I would wonder if we shouldn't try to take advantage of it in the private system.

RICHARD HAWK: I think that one-half of one percent limitation applies only to the granting of resident tuition status. It wouldn't affect the other provisions.

EDGAR CARLSON: Isn't there the allocation of funds institution?

RICHARD HAWK: But that's not subject to that limitation. That's done by formula. It would, of course, have implications if there were to be an appropriation specifically for this purpose. It would have implications for the total cost to the state. Banning Hanscom's proposal would increase the number of people, and if the system needs appropriated funds for the purpose, it could increase that.

PRESIDENT GOLDFINE: Are there any further questions? All right. As you know, at a public hearing we have 20 days to submittany additional written testimony. Is there any testimony with reference to the prisoners of war and persons missing in action? Hearing none,then, we declare the hearing ended

We thank you for coming.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules and Regulations of the Minnesota Higher Education Coordinating Commission governing the post-secondary student financial assistance programs for Foreign Students (H.F. 2125) and for Dependents of Prisoners of War and Persons Missing in Action (H.F. 2323).

BEFORE Richard C. Hawk
Executive Director
Minnesota Higher Education
Coordinating Commission

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Minnesota Higher Education Coordinating Commission on the 30th day of May, 1974, at 9:00 a.m., in the Commons Conference Room, Normandale Community College, 9700 France Avenue South, Bloomington, Minnesota, after proper notice required by M. S. 1973, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose, representatives of Minnesota post-secondary educational institutions and all persons who are presently members of the Minnesota Legislature.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above captioned rules and regulations,

NOW, THEREFORE, IT IS ORDERED that the rules and regulations identified as Chapter Six: HECC 601-700 and Chapter Seven: HECC 701-800 are adopted this 28th day of June, 1974, pursuant to authority vested in me by a resolution of the Minnesota Higher Education Coordinating Commission at its meeting of June 27th, 1974.

MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

by _____
Richard C. Hawk, Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE OF COMMISSION'S
ADOPTION OF RULES RESOLUTION

I, Barbara Clark, do hereby certify that I am Secretary of the Minnesota Higher Education Coordinating Commission, a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of said commission duly and properly called and held on the 27th day of June, 1974; that a quorum was present at said meeting; that said resolution is set forth in the minutes of said meeting and has not been modified or rescinded.

> RESOLVED, that the rules and regulations relating to (a) the Minnesota Foreign Student Assistance Program, identified as Chapter Six: HECC 601-700, and to (b) the Minnesota Veterans' Dependents Student Assistance Program, identified as Chapter Seven: HECC 701-800, be and they hereby are approved and adopted, pursuant to authority vested in the Commission by Laws of Minnesota, 1974, Chapter 492 and Chapter 496, respectively, and that Richard C. Hawk, Executive Director of the Minnesota Higher Education Coordinating Commission, be and hereby is authorized to sign an order adopting such rules and regulations.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of June, 1974.

Erwin L. Goldfine

Erwin L. Goldfine, President

Barbara Clark

Barbara Clark, Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE OF COMMISSION'S
AUTHORIZING RESOLUTION

I, Barbara Clark, do hereby certify that I am Secretary of the Minnesota Higher Education Coordinating Commission, a commission duly authorized under laws of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of said commission duly and properly called and held on Thursday the 25th day of April, 1974, and that the same has not been modified or rescinded:

> RESOLVED, that Richard C. Hawk, Executive Director of the Minnesota Higher Education Coordinating Commission, be and hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules and regulations of the Minnesota Higher Education Coordinating Commission relating to (a) the Minnesota Foreign Student Assistance Program, as authorized by Laws of Minnesota, 1974, Chapter 492 and (b) the Minnesota Veterans' Dependents Student Assistance Program, as authorized by Laws of Minnesota, 1974, Chapter 496, as well as perform any and all acts incidental thereto, including without being limited thereto, signing an order for hearing, notice of hearing, statement of need and findings of fact, as well as acting as presiding officer at such hearing, and that such public hearing be conducted in connection with the May meeting of the Commission.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of April, 1974.

Erwin L. Goldfine

Erwin L. Goldfine, President

Barbara Clark

Barbara Clark, Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules and Regulations of the Minnesota Higher Education Coordinating Commission governing the post-secondary student financial assistance programs for Foreign Students (H.F. 2125) and for Dependents of Prisoners of War and Persons Missing in Action (H.F. 2323).

BEFORE Richard C. Hawk
Executive Director
Minnesota Higher Education
Coordinating Commission

ORDER FOR HEARING

To effectively implement (a) the Minnesota Foreign Student Assistance Program as provided by Laws of Minnesota, 1974, Chapter 492 and (b) the Minnesota Veterans' Dependents Student Assistance Program as provided by Laws of Minnesota, 1974, Chapter 496, the Minnesota Higher Education Coordinating Commission deems it necessary to consider adoption of the proposed rules and regulations captioned above pursuant to the authority vested in said Commission by Laws of Minnesota, 1974, Chapter 492 and Chapter 496, respectively.

NOW, THEREFORE, IT IS ORDERED this 26th day of April, 1974, that a public hearing on the proposed rules and regulations captioned above be held at Normandale Community College, 9700 France Avenue South, Bloomington, Minnesota, on Thursday, May 30, 1974, commencing at 9:00 a.m., and continuing until all representatives of post-secondary educational institutions, associations and other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested persons or groups who have registered their names with the Secretary of State for that purpose, to representatives of Minnesota post-secondary educational institutions and to all persons who are presently members of the Minnesota Legislature.

MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

by _____
Richard C. Hawk, Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules and Regulations of the Minnesota Higher Education Coordinating Commission governing the post-secondary student financial assistance programs for Foreign Students (H.F. 2125) and for Dependents of Prisoners of War and Persons Missing in Action (H.F. 2323).

BEFORE Richard C. Hawk
Executive Director
Minnesota Higher Education
Coordinating Commission

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1971, Section 15.0412, Subdivision 4, on the above-entitled matter at Normandale Community College, 9700 France Ave. South, Bloomington, Minnesota, Thursday, May 30, 1974, commencing at 9:00 AM, and continuing until all representatives of post-secondary educational institutions and other interested groups or persons have had an opportunity to be heard concerning adoption of rules and regulations captioned above by submitting either oral or written statements or arguments. Statements or briefs may be submitted to the Commission prior to the hearing without appearing at the hearing.

A copy of the proposed changes to the rules and regulations captioned above may be obtained from the Commission at least 10 days prior to the date of the hearing.

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

Richard C. Hawk
EXECUTIVE DIRECTOR

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules and Regulations of the Minnesota Higher Education Coordinating Commission governing the post-secondary student financial assistance programs for Foreign Students (H.F. 2125) and for Dependents of Prisoners of War and Persons Missing in Action (H.F. 2323).

AFFIDAVIT OF MAILING

Shirley N. Bailey, being first duly sworn, deposes

That on the 1st day of May 1974, at the City of St. County of Ramsey, State of Minnesota, she served the attached Noti Hearing by depositing in the United States mail at said City of S true and correct copy thereof, properly enveloped, with postage all persons and associations who have registered their names and addresses with the Secretary of State for that purpose, to all persons who are presently members of the Minnesota Legislature, and to all Student Aid Officers and Presidents of post-secondary educational institutions in Minnesota eligible to participate in the above captioned program of student aid.

Subscribed and sworn to before me
this 1st day of May 1974.

Myrtle A. Benson

MYRTLE A. BENSON
Notary Public, Ramsey County, Minnesota
My Commission Expires June 14, 1977.

Shirley N. Bailey
Signature of Affiant

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules and Regulations of the Minnesota Higher Education Coordinating Commission governing the post-secondary student financial assistance programs for Foreign Students (H.F. 2125) and for Dependents of Prisoners of War and Persons Missing in Action (H.F. 2323).

CERTIFICATE

I hereby certify that the attached 351 labels constitute the complete list of persons, associations, and other interested groups who as of 2:00 o'clock P .m, this 1st day of May 1974, have requested pursuant to M.S. 1971, Section 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed change in the rules and regulations on the subject captioned above.

SECRETARY OF STATE

Arlen I. Erdahl

By Gail Dion

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules and Regulations of the Minnesota Higher Education Coordinating Commission governing the Minnesota Foreign Student Assistance Program and the Minnesota Veterans' Dependents Student Assistance Program.

BEFORE Richard C. Hawk
Executive Director
Minnesota Higher Education
Coordinating Commission

FINDINGS OF FACT

Minnesota Laws, 1974, Chapter 492, Sections 1 through 5, and Minnesota Laws, 1974, Chapter 496, Section 2, Subdivisions 2 and 3, direct the Minnesota Higher Education Coordinating Commission to establish and administer post-secondary student financial assistance programs for foreign students and dependents of persons declared to Prisoners-of-War or Missing-in-Action.

The Minnesota Higher Education Coordinating Commission held hearings on the proposed rules and regulations for the programs on the 30th day of May, 1974, at 9:00 a.m., on the campus of Normandale State Community College, Bloomington, Minnesota, after proper notice required by Minn. Stat. 1973, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

Based upon testimony and staff recommendations (no testimony was presented either in support of or opposition to the Veteran's Dependents Student Assistance Program) I hereby make the following:

FINDINGS OF FACT

1. While Minn. Laws 1974, ch. 496, Subds. 2 and 3, establish a program for assistance to dependents of prisoners of war or of persons missing in action, the act does not sufficiently:

(a) define the terms contained in the act;

(b) provide for the administration of the act.

2. The proposed regulations for the Veteran's Dependents Student Assistance Program contains both:

(a) definitions of terms used in the act; and

(b) provision for the administration of the act.

3. While Minn. Laws 1974, ch. 492, Sections 1 through 5, establish a program for granting foreign students resident tuition, the act does not:

(a) define the terms contained in the act; and

(b) provide for the administration of the act.

4. The proposed regulations for the Minnesota Foreign Student Assistance Program contains both:

(a) definitional statements; and

(b) provisions for the administration of the act.

5. Based upon the experiences of the Minnesota Higher Education Coordinating Committee, the proposed rules will allow for the effective administration of the two above-stated enabling acts.

6. Based upon the legislative purpose of above-stated acts, the proposed rules properly define the terms and implement the purposes of the enabling acts.

CONCLUSION

1. The proposed regulations for the Veteran's Dependents Student Assistance Program should be adopted as proposed.

2. The proposed regulations for the Minnesota Foreign Student Assistance Program should be adopted as proposed.

MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

by _____
Richard C. Hawk, Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules and Regulations of the Minnesota Higher Education Coordinating Commission governing the post-secondary student financial assistance programs for Foreign Students (H.F. 2125) and for Dependents of Prisoners of War and Persons Missing in Action (H.F. 2323).

BEFORE Richard C. Hawk
Executive Director
Minnesota Higher Education
Coordinating Commission

STATEMENT OF NEED

The above captioned rules and regulations are not amendments to existing rules and regulations of the Minnesota Higher Education Coordinating Commission.

Minn. Laws 1974, ch. 492, establishes the Minnesota Foreign Student Assistance Program, and Minn. Laws 1974, ch. 496, establishes the Minnesota Veterans' Dependents Student Assistance Program. However, those provisions do not adequately define the terms used, nor do they provide those administrative procedures necessary for the operation of the programs. Therefore, the proposed rules and regulations fulfill a definite need by defining terms necessary for the operation of the act, and by setting forth the administrative procedures to be followed in implementing the acts.

MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

by _____
Richard C. Hawk, Executive Director

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Michael J. Bradley, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Michael J. Bradley
Special Assistant Attorney General

Dated: August 27, 1974