

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

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 Higher Education Coordination Comm
(Agency or Board)

Regulation No. HECC 201-209 Chapter 2

Subject: Private College Contracts

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

NOV 28 1975

BY
AUTH. SIGNATURE
Eda Staudenmayer
1:45 pm

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

Stamped and filed with the Secretary of State November 28, 1975 1:25 PM

RULES

CHAPTER TWO: HECC 201-300
PRIVATE COLLEGE CONTRACTS

HECC 201 Purpose

The purpose of this chapter is to augment Minnesota Statutes, Sections 136A.18 to 136A.22 (1974), as amended by Minnesota Laws 1975, Chapter 390, establishing a state program of contracts with private colleges for educating Minnesota residents by providing standards, criteria, rules and regulations therefor.

HECC 202 Definitions

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

(a) "Minnesota residents" means:

(1) students who are dependent upon the financial support of parents or guardians who have resided in Minnesota for not less than twelve consecutive months;

(2) students who are adjudged to be independent of parental or guardian's financial support shall be considered as Minnesota residents for purposes of the Private College Contracts program provided that they have resided in the State of Minnesota for not less than twelve consecutive months for purposes other than that of obtaining an education.

(b) "Program of studies" as set forth in Section 136A.19, Subdivision 5, means:

(1) a program of at least one academic year in duration;

(2) a program which, although it may provide for the scholarly study of religion as a discipline of knowledge in a manner similar to that provided for any field of study, does not require a student

(a) to take courses based upon a particular set of religious beliefs,

(b) to receive instruction intended to propagate or promote any religious beliefs,

(c) to participate in religious activities,

(d) to maintain affiliation with a particular church or religious organization, or

(e) to attest to any particular religious beliefs.

(c) "Full-time student" as set forth in Section 136A.20, shall be a full-time student as defined by the institution and shall be enrolled during the fall term in an approved program of studies for at least 12 credit hours or its equivalent in associate, baccalaureate or first professional degree programs and in diploma programs of two or more years or for 9 credit hours or its equivalent in master's and/or specialist's degree programs.

HECC 203 Delegation of Authority

As required by Section 136A.21, Subdivision 4, the Executive Director of the Commission is hereby delegated the authority and responsibility for issuance of public information, designing of application forms, and prescribing of procedures for this program. The Executive Director shall at least annually advise and report to the Commission the status of the program.

HECC 204 Determination of Eligible Institutions

Institutional eligibility requirements as prescribed by Section 136A.19, Subdivision 4, shall be applied annually to all Minnesota non-profit private institutions of higher education. By resolution, the Commission shall adopt a list of such institutions so qualifying.

HECC 205 Execution and Administration of Contracts

The Executive Director shall offer contracts to all eligible institutions for all full-time Minnesota resident students in approved programs who are not state grant-in-aid recipients and all full-time Minnesota resident students in approved programs who are grant-in-aid recipients. Each contract shall be consistent with Sections 136A.18 to 136A.22 and shall specify the responsibilities of the institution, the services it is to provide, and the conditions and terms of receiving payment for these services.

HECC 206 Verification of Approved Programs

As a condition of the contract, the chief executive officer and an officer of the governing board of each eligible institution shall provide a notarized statement that programs proposed for inclusion under the provisions of Sections 136A.18 to 136A.22 meet the criteria established for approved programs under HECC 202(b) of the Rules and Regulations.

HECC 207 Certification of the Number of Eligible Students

The chief executive officer of each institution contracting with the Commission under the terms of Sections 136A.18 to 136A.22 shall certify as of the tenth class day of the fall term the exact number of Minnesota residents then enrolled in approved programs specifying which Minnesota residents are grant-in-aid recipients and which Minnesota residents are not grant-in-aid recipients. Each institution shall provide such accounting information used in determining eligible students as may from time to time be required by the Commission.

HECC 208 Amount of Payment

The Executive Director of the Commission is hereby delegated the authority and responsibility for establishing annually the amount of the payment per student to each participating college, up to the statutory limit set forth in Section 136A.20.

HECC 209 Method of Payment

The Executive Director of the Commission is hereby delegated the authority and responsibility for establishing the method of payment of monies, including the frequency of payment, the procedure for determining the number of eligible students and the conditions and procedures for refundment of monies paid, under the terms of Section 136A.21, Subdivision 5.

APPROVED AS TO FORM AND LEGALITY
NOV 26 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
/s/ Michael B. Miller
ATTORNEY GENERAL

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
NOV 28 1975
BY Eda Staudenmaier R.S.
AUTH. SIGNATURE 1:45 PM

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 28 1975 1:25 PM
Secretary of State

HECC 201-300 Reserved for Future Use.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE RICHARD C. HAWK
Executive Director
MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

In the matter of the Proposed
Adoption of Rules of the Minnesota
Higher Education Coordinating
Commission Governing the Private
College Contracts Program

ORDER FOR HEARING

To effectively implement Minn. Laws 1975, ch. 390, which law amends the Private College Contracts Program, the Minnesota Higher Education Coordinating Commission deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Commission by Minn. Laws 1975, ch. 380.

NOW, THEREFORE, IT IS ORDERED this 19th day of August 1975, that a public hearing on the proposed rules captioned above be held at North Campus, Suburban Hennepin County Area Vocational Technical Centers, 9000 North 77th Avenue, Brooklyn Park, Minnesota 55445, on September 25, 1975, commencing at 10:00 a.m. and continuing until all representatives of associations or 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 groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING
COMMISSION

By _____
RICHARD C. HAWK
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE RICHARD C. HAWK
Executive Director
MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

In the matter of the Proposed Adoption of Rules of the Minnesota Higher Education Coordinating Commission Governing the Private College Contracts Program

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minn. Laws 1975, ch. 380 § 2, in the above-entitled matter at North Campus, Suburban Hennepin County Area Vocational Technical Centers, 9000 North 77th Avenue, Brooklyn Park, Minnesota 55445, on September 25, 1975, commencing at 10:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

Under Minnesota Statutes § 10A.01, subdivision 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

The Commission proposes to adopt rules relating to the following matters:

Private College Contracts Program

The definition of "program of studies" at eligible institutions, the kinds of students for which eligible institutions may be offered contracts, institutional certification of programs, and institutional certification of the number of eligible students.

Copies of the proposed rules are now available and may be obtained by writing to the Minnesota Higher Education Coordinating Commission, Suite 400, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING
COMMISSION

By Richard C. Hawk

RICHARD C. HAWK
Executive Director

AFFIDAVIT

Karen Buehre, being duly sworn on oath deposes and says:

1) That She is an employee of the Higher Education Coordinating Commission of the State of Minnesota.

2) That on the 20th day of August 1975, She went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Laws 1975, ch. 380 § 2.

3) That on the 20th day of August 1975, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Karen Buehre

Subscribed and sworn to before me this 20th day of August 1975.

Kathrine A. Fisch

KATHRINE A. FISCH
Notary Public, Ramsey Co., Minn
My Commission Expires
Nov. 21, 1981

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed
Adoption of Rules of the Minnesota
Higher Education Coordinating
Commission Governing the Private
College Contracts Program

I hereby certify that the attached 436 labels constitute the complete list of persons, associations, and other interested groups who as of 1:45 o'clock pm this 20th day of August, 1975, have requested pursuant to Minn. Laws 1975, ch. 380 § 2, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Ceil Dorn

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the Minnesota Higher Education Coordinating Commission Governing the Private College Contracts Program

AFFIDAVIT OF MAILING

Karen Buckre, being first duly sworn, deposes and says:

That on the 22nd day of August 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, She served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Karen Buckre

Subscribed and sworn to before me this 22nd day of August 1975.

Kathrine A. Fisch

KATHRINE A. FISCH
Notary Public, Ramsey Co., Minn
My Commission Expires
Nov. 21, 1981

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

In the matter of Proposed Rules
Relating to the Private College
Contract Program.

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Minnesota Higher Education Coordinating Commission. The last time the above captioned rules were amended was November 15, 1971.

The need to adopt these rules arises because of statutory amendments (Minnesota Laws 1975, Chapter 390) which alter the formula for payment under the contract program. The new formula authorizes the Commission to make payments based upon: (1) the total Minnesota residents enrolled in private institutions who are not state grant-in-aid recipients and (2) the total Minnesota resident grant-in-aid recipients. Since this change in formula necessitates a change in both the data required from eligible institutions and the basis on which contract payments are made, the rules associated with these procedures must also be altered.

Two further rule changes are necessary to reflect actual procedures used in administering the contract program. The definition of "program" which forms the basis of an affidavit submitted by all participating institutions to determine eligibility and enrollment statistics has been changed. The language of this rule change is derived from the statute. The amendment requiring a notarized signature of an officer of the governing board is a procedure to insure institutional integrity in reporting status and data and to establish institutional liability for these reports.

STATE OF MINNESOTA

HIGHER EDUCATION COORDINATING COMMISSION

BY 

Richard C. Hawk
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE RICHARD C. HAWK
Executive Director of
MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

In the matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Commission Governing the Private College Contract Program.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Executive Director of the Minnesota Higher Education Coordinating Commission on September 25, 1975 at 10:00 a.m. at 9000 North 77th Avenue, Brooklyn Park, Minnesota, after proper notice required by Minnesota Statutes 1974, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

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, I find the following:

Findings of Fact
Amendments to Private College Contract Regulations

1. HECC 201, Purpose - Change in statutory citation.	1. The new statutory citation includes amendment adopted by 1975 Legislature, Minnesota Laws 1975, Chapter 390.
2. HECC 202, Definitions - Change in statutory citations (a, b, c) and change in "program of studies" b(2).	2. The new statutory citation includes consistent references to amended statute. The proposed substitution for b(2) is intended to provide additional detail on the specific criteria used in the determination of eligible institutions in the administration of the program. The wording of the criteria is drawn from Minnesota Statutes 136A.19 (1974).
3. HECC 203, Delegation of Authority - Change in statutory citation.	3. The new statutory citation includes consistent references to the amended statute.
4. HECC 204, Determination of Eligible Institutions - Change in statutory citation.	4. The new statutory citation includes references to the amended statute.

5. HECC 205, Execution and Administration of Contracts - Change in formula for contract payments and in statutory citation.	5. The change in formula is statutorily mandated and the language for the rule is drawn from Minnesota Laws 1975, Chapter 390, Section 7. The new statutory citation includes references to the amended statute.
6. HECC 206, Verification of Approved Programs - Addition of "and an officer of the governing board" and "provide a notarized statement". Change in statutory citation.	6. The additions are proposed to add additional legal safeguards to the specific procedures and requirements used in administration of the program. The new statutory citation includes references to the amended statute.
7. HECC 207, Certification of Number of Eligible Students - Change in statutory citation and reference to data used in establishing institutional payments.	7. The new statutory citation includes references to the amended statute. The change in data reference is mandated by Minnesota Laws 1975, Chapter 390, Section 7, amending Minnesota Statutes 136A.20 (1974).
8. HECC 208, Amount of Payment - Change in statutory citation.	8. The new statutory citation includes reference to the amended statute.
9. HECC 209, Method of Payment - Change in statutory citation.	9. The new statutory citation includes reference to the amended statute.
10. HECC 210-300 - Reserved for Future Use.	10. Typographical error in proposed rules transposed 210 to 201.

All hearing testimony was supportive of the proposed changes as presented.

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

By _____
RICHARD C. HAWK
Executive Director

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Mary Schertler, do hereby certify that I am secretary of the Minnesota Higher Education Coordinating Commission, a board 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 the Minnesota Higher Education Coordinating Commission duly and properly called and held on the 30th day of October, 1975; that a quorum was present at said meeting; (that a majority of those present voted for the resolution); that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to the Private College Contract Program be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 136A.18 to 136A.22 and that Richard C. Hawk, Executive Director of the Minnesota Higher Education Coordinating Commission, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 30th day of October, 1975.

Mary Schertler
Secretary

Donald O. Somerhuse
Attest by one other Officer

ADOPTION OF RULES RESOLUTION

"RESOLVED, that the rules relating to the Private College Contract Program be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 136A.18 to 136A.22 and that Richard C. Hawk, Executive Director of the Minnesota Higher Education Coordinating Commission, be and hereby is authorized to sign an order adopting those rules."

CERTIFICATE OF COMMISSION'S
AUTHORIZING RESOLUTION

I, Harding Noblitt, 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 the Commission duly and properly called and held on the 31st day of July, 1975, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that Richard C. Hawk, the Executive Director of the Minnesota Higher Education Coordinating Commission, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating and amending the rules of the Minnesota Higher Education Coordinating Commission governing the Private College Contracts Program, as authorized by Minnesota Laws 1971, Chapter 850, as amended, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as presiding officer at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 31st day of July, 1975.

Harding Noblitt
Secretary

Donald E. Hamerlinck
Vice-President

AUTHORIZING RESOLUTION

"RESOLVED, that Richard C. Hawk, the Executive Director of the Minnesota Higher Education Coordinating Commission, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating and amending the rules of the Minnesota Higher Education Coordinating Commission governing the Private College Contracts Program, as authorized by Minnesota Laws 1971, Chapter 850, as amended, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as presiding officer at all hearings."

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE RICHARD C. HAWK
Executive Director of
MINNESOTA HIGHER EDUCATION
COORDINATING COMMISSION

In the matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Commission Governing the Private College Contract Program.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Executive Director of the Minnesota Higher Education Coordinating Commission on the 25th day of September, 1975, at 10:00 a.m. at 9000 North 77th Avenue, Brooklyn Park, Minnesota, after proper notice required by Minnesota Statutes 1974, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

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 or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as the Private College Contract Program are adopted this 30th day of October, 1975, pursuant to authority vested in me by the Minnesota Higher Education Coordinating Commission.

STATE OF MINNESOTA
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 Mark B. Levinger, do hereby declare that I have examined the proposed rules (HECC 201-300) 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.

Mark B. Levinger

Special Assistant Attorney General

Dated: November 3, 1975

PUBLIC HEARING ON PROPOSED RULES OF THE HIGHER EDUCATION COORDINATING COMMISSION PERTAINING TO THE ADMINISTRATION OF THE PRIVATE COLLEGE CONTRACT PROGRAM
SEPTEMBER 25, 1975

RICHARD HAWK: It is the requirement of Minnesota Law to provide a forum for discussion in consideration of a proposed set of rules and regulations of the Minnesota Higher Education Coordinating Commission. These proposed rules deal with the Private College Contract Program. Notice of this hearing was duly mailed to all required individuals on August 22, 1975. Should any of you need copies of the proposed rules, those are available at this table in front of me here. Please step up and take a copy if you desire. The procedure which we will follow today is as follows: I will call upon a representative of the Attorney General's Office, Mr. Levinger, to introduce several required documents as exhibits in these proceedings. Thereafter, I will call upon Dr. Laird and I will ask him to discuss the proposed rules and state why the agency feels that these rules are needed at this time. Thereafter, the floor will be open to any of you who may wish to comment. After a person's initial comments, should he desire to make rebuttal remarks at a later time, these rebuttal remarks will be permitted. Are there any questions as to the procedure which we will follow? If not, I will now call upon Mr. Levinger to introduce the exhibits on behalf of the Commission. Mr. Levinger.

MARK LEVINGER: Good morning, Mr. Chairman. My name is Mark Levinger. I am a member of the office of the Attorney General of the State of Minnesota and I have a number of documents which I would like to introduce into the record. These documents are necessitated by the rule-making procedures of the State of Minnesota which are contained in Chapter 15, of Minnesota Statutes. The first document that I have is entitled "Certificate of Commission's authorizing resolution." It is signed by Harding Noblitt, secretary of the Minnesota Higher Education Coordinating Commission. This certificate states that at a duly held meeting of this Commission on July 31, 1975, a resolution was approved that Mr. Richard Hawk, as executive director of that Commission was entitled to call to make an order for this hearing. The second document is the actual resolution passed by the Commission on that date, that Richard C. Hawk has the authority to call this hearing. The third document is entitled "Order for Hearing" It is signed by Mr. Richard C. Hawk, as executive director of this Commission, and orders that as of the 19th day of August 1975, that a public hearing will be held at this place which is 9000 North 77th Avenue, Brooklyn Park, Minnesota on September 25, 1975, commencing at 10:00 a.m. Further contained in that order is that notice of this hearing should be given to all persons or organizations that have registered their name with the Secretary of State for the purpose of receiving these notices. The next document I have is Notice of Hearing. This also is signed by Mr. Richard C. Hawk, as executive director of this Commission. Essentially, this document states that notice was given that a public hearing will be held at this place, 9000 North 77th Avenue, Brooklyn Park, Minnesota at 10:00 a.m., on September 25, 1975 in the matter of the proposed adoption of rules of the Minnesota Higher Education Coordinating Commission governing the Private College Contract Program. This notice of hearing contains a brief description of what matters will be contained, what matters are in the proposed rules. This notice for hearing also contains that, also states that copies of the proposed rules are available and can be obtained in writing to the Minnesota Higher Edcation Coordinating Commission. It also states that additional copies

of the proposed rules will be available at the door on the date of the hearing. The next document is a certificate signed by Joan Growe, Secretary of State, State Of Minnesota, stating that attached to this certificate are 436 mailing labels which constituted the complete list of persons associations and other interested groups who as of 1:45 p.m. August 20, 1975, had put their name on file with the Secretary of State's office to receive notices of hearings of the Minnesota Higher Education Coordinating Commission. The next document is an affidavit of Karen Buehre, an employee of this Commission, who states that on August 20, 1975, she went to the Secretary of State's office and was provided by the Secretary of State a list of those mailing labels. Next document is an affidavit for mailing, also signed and sworn by Karen Buehre, an employee of the Commission, stating that on August 22, 1975, she mailed the notice of hearing to all persons whose names had been listed with the Secretary of State and whom Karen Buehre had picked up two days previously. The last document is a statement of need, signed by Richard C. Hawk, executive director of the Higher Education Coordinating Commission, stating why these proposed rules have been made for the Private College Contract Program. The exact need for the rules will be gone over later in the meeting, so I will not go into this at this time. These are the documents that need to be read into the record at this point. There will be further documents which will become part of the record during this meeting and at further meetings if the board adopts these proposed rules or rules as amended after this meeting.

RICHARD C. HAWK: These documents are hereby accepted into evidence and will be made a part of the record of this hearing. Thank you, Mr. Levinger. Dr. Laird will you speak to the need for the rules?

DAVID LAIRD: Mr. Chairman, my name is David Laird, I'm the assistant executive director for interinstitutional program planning with the Commission. We have before us a copy of the proposed rules for the Private College Contract Program. In this copy, the proposed changes are those which are underlined and those words which have a strike through them are to be eliminated, the underlined words are to be added. Most of the changes in this document, Mr. Chairman, are caused by the need to bring up to date the statutory references in the rules and regulations and I would like to refer to three other changes which are substantive and describe their need. The first of those changes begin on Page 1, Section 202 2B2. The last paragraph on the first page, beginning with "A program which, although it may provide for the scholarly study of religion as a discipline..." That section has been added, is proposed to be added to these rules to bring our rules and regulations in parallel with the procedure which we have been following with the administration of the program, the wording for that section is derived almost exactly from the statute. Second change which I should like to refer to begins at the top of Page 3 - Section 205 and Section 207 at the bottom of the page are caused..the need for the change are caused by the amendment to the statute by the 1975 Legislature, which altered the formula mechanism by which payments are made under this contract program. As you may recall, in the previous language in the statute, payments were made to eligible institutions based upon the increased number of Minnesota resident students enrolled in approved programs as well as the number of grant-in- aid recipients enrolled at that institution each year. A change which has been brought about by amendment is to alter the first part of that formula so that we will now be paying on the number of full time Minnesota resident students in approved programs who are not grant-in-aid recipients and a continuation of payment for the number of grant-in-aid recipients enrolled each year. That formula is then represented in both Section 205 and 207. The last change is in Section 206. The first, second and third lines in which we are adding, proposing to add, that in addition to signature of the chief executive

officer of the governing board of each eligible institution, shall provide a notarized statement which represents the assessment of the institution of their eligibility and the nature of the program for which they wish to have participation in the Private College Contract Program. I would be happy to answer any questions .....cne other change, excuse me. On page 4, last line. It was intended that that last line should read HECC-210 through 300 reserved for future use. That would be appropriate for us to make that change. I would be happy to answer any questions if there are such.

RICHARD C. HAWK: Thank you, Dr. Laird. For the record...Mrs. Schertler.

MARY SCHERTLER: I just have one question. With the amendments to the statute by our legislature in regard to HECC-205 at the top of Page 3. Can you project what the changes in that language relating that full time students...with the new language what it means in terms of grants to students to private colleges colleges.

DAVID LAIRD: I believe there is no direct connection between the two, Mrs. Schertler Or else, I don't understand your question.

MARY SCHERTLER: I'm wondering if in the number amount, we will have a considerable change with the new language.

DAVID LAIRD: You mean in the yield to each institution. There will be some changes reflected by the change in formula. Some institutions will receive more money than they had in the past, some institutions will receive slightly less. A second cause of change will be because of the increased appropriation that's available for this program.

MARY SCHERTLER: Okay, you don't have anything at the moment any more definitive than some will receive more, and some will receive less..

DAVID LAIRD: We don't even have tentative enrollment reports from those institutons so it's impossible for me to estimate what those payments will likely be, Mrs. Schertler.

RICHARD C. HAWK: I think we should point out that the total amount of payment to be made by a private institution is determined by the legislative appropriation. And for the program, the formula addresses the way in which that appropriation gets allocated among institutions. The legislative requirement remains the same with respect to payments to grant-in-aid recipients as there has been since the beginning of the program. The substance of the change was to move from a payment for each student enrolled over and above the number enrolled in the fall of 1970, to each student enrolled without regard to the number of enrolled in the fall of 1970. Thank you, Dr. Laird. For the record, I would like to have note of the fact that a significant number of the members of the Commission and the Higher Education Advisory Council are present. Since their names appear in front of them, I won't read them, but it will be made note of in the record. The floor is now open for anyone who wishes to comment with respect to these proposed rules and regulations. If you do wish to comment, I would request that you, upon assuming the chair, state your name, also state who it is you represent, if you are a representative of an organization or an agency, I'd like for you to keep your comments to the point of the rules and regulations and thirdly, we would request that you leave your name and address with the secretary prior to your departure so that we will have your address for the record. Is there anyone who wishes to comment with respect to these proposed rules and regulations?

HARVEY STEGEMOELLER: Mr. Chairman, my name is Harvey Stegemoeller. I'm representing the Minnesota Private College Council. The Private College Council heartily endorses the Minnesota state program of contracts with private colleges for educating Minnesota residents, as amended by the Legislature in 1975. The members of the Council understand the purpose for these proposed rules and the Council understands the definitions as presented. At this time, the Minnesota Private College Council does not have any recommendations to make to the Higher Education Coordinating Commission as to changes in proposed rules. We trust that experience with implementation will maintain that point of view in the future. So, I would simply like for the record to say that the Minnesota Private College Council pledges itself to co-operate with the Commission in its responsible officer, the executive director, for accurate and prompt implementation of these rules. Thank you.

RICHARD C. HAWK: Thank you very much. This is the first opportunity for us to see the new executive director of the Private College Council in an official capacity and we do appreciate that testimony. You're welcome to all Commission activities. Anyone else wish to comment with respect to the proposed rules and regulations? Is there anyone else who wishes to comment with respect to the proposed rules and regulations of the Minnesota Private College Contract Program? At the conclusion of this hearing there will remain the opportunity for a period of 20 days for any interested parties to submit written comments with respect to these rules to the Commission. And any suggestions or comments which come in in written form during the period not to exceed 20 days from today will be taken into account in the adoption of rules by the Commission. I'll ask once again, is there anyone who wishes to comment with respect to these proposed rules and regulations? Seeing no interest expressed and additional testimony with respect to the matter under consideration at this hearing, I hereby declare the hearing adjourned.

#173

Minnesota Higher Education Coordinating

Received 11/7/75

Due 11/26/75

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MICHAEL B. MILLER
Special Assistant Attorney General
Administration Department

DATE: Nov. 6, 1975

FROM : MARK B. LEVINGER ML
Special Assistant Attorney General
303 Capitol Square Building

PHONE: 296-7980

SUBJECT: Adoption of Rules - HECC 201-300

Enclosed are the materials relating to adoption of the set of rules by the Minnesota Higher Education Coordinating Commission for: Private College Contracts Program.

If you have any questions, please call me.

MBL:mp

Enclosures