

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 420

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-6
DATE FOR REVIEW 7-15
DATE DUE 7-20

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 7/5/83
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 6.30.83 Date

✓ Notice of Intent to Solicit Outside Opinion S.R. 3.14.83

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
4.4.83 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
4.11.83 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

? Notice of Submission to the Attorney General
Misstates Comment period - should be 8 days - not 14 days

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Clyde R. Ingle, Executieve Director

DATE: July 20, 1983

Attn: LAURA E. MATTSON
Special Assistant Attorney General

FROM : TED A. MARTINEZ TAM
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing Definitions for Higher Education Programs (5MCAR § 2.0100), State Scholarship and Grants-in-Aid (5MCAR § 2.2201-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR § 2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR § 2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR § 2.2501-2.2503), State Student Loans (5MCAR § 2.2601-2.2605), Private College Contracts (5MCAR § 2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR § 2.2801-2.2811). (see below)

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

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

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

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

Encs.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

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AG copy.

Minnesota Higher Education Coordinating Board

Adopted Rules Governing State Scholarships and Grants-In-Aid; Part-Time Student Grants; Work-Study Grants; Area Vocational-Technical Institute Tuition Subsidy; Assistance for Student Dependents of Minnesota Veterans; State Student Loans; Private College Contracts; and Private Institutions Registration and Approval of Degrees and Names

Rules as Adopted

5 MCAR S 2.0604 Terms of loans and grants.

A. ~~Conditions for conversion of loans.~~ Each eligible institution shall be authorized and be responsible for informing any foreign student who receives funds or ~~residency~~ residing status pursuant to the program that the funds are provided initially as a loan and will not be converted to a grant until the student submits ~~written, documentable~~ 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 a permanent resident.

~~B. Emergency scholarship funds. Prior to the annual report on which appears a loan cancellation involving emergency scholarship funds, the board must approve evidence submitted to the institution by the student. The board shall approve a loan cancellation when the evidence shows that the student has met the requirements in A. The evidence may be notarized statements by the student, notarized statements by persons who know the student, letters from the students with postmarks of the student's country, or similar writings.~~

B.-F. [~~Reletter as C.-G~~ Unchanged.]

except for this editorial correction, these sections are the existing rule - see comments + F of F

5 MCAR S 2.0606 Disbursement of funds.

A.-B. [Unchanged.]

C. ~~Accountability.~~ Each participating ~~school~~ institution shall be accountable for any funds disbursed to students under the provisions of these rules ~~as long as loan balances are~~

except for this word this section is the existing rule - see comments + F of F

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outstanding and regulations.

~~B.--Time-for-return-of-funds.--Any-emergency-scholarship-fund disbursement-plus-accrued-interest-which-is-outstanding-six years-after-the-documented-date-the-student-left-school-shall-be remitted-to-the-board-according-to-the-procedures-established-to implement-B.~~

deletion per comment + F of F

5 MCAR S 2.0100 Definitions for higher education programs.

A. Applicability. For the purposes of 5 MCAR SS 2.0100-2.2705 the terms defined in this rule have the meanings given them unless specifically provided otherwise.

B. Board. "Board" means the Higher Education Coordinating Board.

C. Educational costs. "Educational costs" means tuition, required fees, room and board, books, and miscellaneous expenses.

D. Eligible student. "Eligible student" means a student who meets, at a minimum, all of the following requirements:

1. has not earned a baccalaureate degree and has not entered a graduate school program as a full-time graduate student;

2. is a resident of Minnesota;

3. qualifies for resident tuition other than through a tuition reciprocity agreement;

4. is enrolled or is intending to enroll as a full-time student in an eligible school;

5. is in good standing and making satisfactory progress, as determined by the school; and

Where if not enrolled in school ?

6. is a permanent resident of the United States, if the student is not a United States citizen.

E. Executive director. "Executive director" means the executive director of the Higher Education Coordinating Board.

F. Financial need. "Financial need" means the amount of monetary assistance necessary for a student to meet educational costs after parental and student contributions, determined by the financial need analysis, are subtracted from the student's educational costs. "Financial need analysis" means a system for analyzing a family's financial strength to determine the

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expected parental and student contributions to educational costs. The system is a federally approved system or an equivalent need analysis system adopted each year by the board for the appropriate processing year.

G. Minnesota resident. "Minnesota resident" means, for a dependent student, a student whose parent or legal guardian resides in Minnesota on the date of application. "Dependent" student means a student who:

1. lives with the parent or legal guardian for at least six weeks; or

2. receives support from the parent or legal guardian; or

3. is claimed as a tax exemption by the parent or legal guardian in the calendar year prior to or during the calendar year in which the application is made.

"Minnesota resident" means, for an independent student, a student who has resided in Minnesota for other than educational purposes for at least 12 consecutive months prior to the date of application. "Independent" student means a student who is not a dependent student.

? over what period of time - a year ?
? in what proportion financial ?

State Scholarships and Grants-in-aid

5 MCAR S 2.2101 Scope.

Rules 5 MCAR SS 2.2101-2.2106 govern state scholarships and grants-in-aid.

5 MCAR S 2.2102 Eligible schools.

Annually by July 31, the board shall adopt by resolution a list of schools at which a state scholarship or grant-in-aid may be used. To be eligible a school must meet the following requirements:

1. is located in Minnesota; and

2. offers at least one program that:

   a. is vocational or academic in nature; and

   b. leads to a certificate or degree; and

   c. is ten weeks long; and

   d. involves at least 12 academic credits or 300 clock

hours; and

3. is one of the following:

a. accredited by a federally recognized accrediting agency or association; or

b. approved to offer degrees or use terms in its name according to 5 MCAR S 2.2805; or

c. is licensed by an appropriate state agency.

5 MCAR S 2.2103 Application dates and student eligibility.

A. Date. Annually the board shall adopt by resolution a date by which all applications must be filed to be given priority for an award. The date may not be before February 15.

B. Eligibility for initial scholarship. To be eligible for an initial scholarship a student must be an eligible student, as defined in 5 MCAR S 2.0100 D., and all of the following:

1. be a Minnesota resident on the priority application date;

2. will be a first-year student, without any previous post-secondary education; and

3. rank in the upper quarter of the class at the end of the junior year of senior high school, or the equivalent, based on the student's cumulative scholastic record in senior high school.

C. Eligibility for initial grant-in-aid. To be eligible for an initial grant-in-aid a student must be an eligible student, as defined in 5 MCAR S 2.0100 D., and all of the following:

1. is a Minnesota resident on the priority application date;

2. has not earned a baccalaureate degree and has not completed the number of semesters or quarters normally required to complete a baccalaureate degree;

3. demonstrates financial need;

4. if applying for a nursing grant, is enrolled or will be enrolled in a program leading to licensure as a registered nurse or a licensed practical nurse.

D. Renewal awards. A scholarship or grant-in-aid is renewable for a maximum of six semesters, nine quarters, or the

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equivalent. To be eligible to renew a scholarship or grant-in-aid a student must apply each year and continue to meet the requirements for an initial scholarship or grant-in-aid, except B.2. A student must have made satisfactory progress as determined by the school and have been enrolled in a post-secondary school as a full-time student for no more than four years or the equivalent.

5 MCAR S 2.2104 Ranking applicants.

A. Classification and ranking of applicants. Each applicant shall be placed in at least one of the following classifications: renewal scholarship, renewal grant-in-aid, initial scholarship, initial grant-in-aid. Grant-in-aid applicants are ranked according to parental contribution; applicants with the least parental contribution are awarded first. Scholarship applicants are ranked according to class rank as a junior in high school; applicants with the highest class rank are awarded first.

B. Priority of classes of applicants. Applicants renewing scholarships shall be given first priority. Applicants renewing grants-in-aid shall be given second priority. Applicants for initial scholarships shall be given third priority. Applicants for initial grants-in-aid shall be given fourth priority.

C. Awards based on need. Awards determined by financial need shall be assigned each applicant in descending order of rank until available funds are exhausted.

5 MCAR S 2.2105 Awards.

A. Monetary awards. Scholarship and grant-in-aid awards range from a minimum of $100 to a maximum of $1,400 but may not exceed one-half of financial need. If a federal Pell grant and a state scholarship or grant-in-aid exceeds 75 percent of financial need, the state scholarship or grant-in-aid must be reduced so that the combination of the two awards does not exceed 75 percent of financial need. The state scholarship or grant-in-aid must be further reduced if additional gift assistance, in combination with a federal Pell grant and a state

scholarship or grant-in-aid, exceeds 100 percent of financial need.

B. Adjustments to awards. If financial need decreases because a recipient chooses a different school after the scholarship or grant-in-aid award is offered, the award shall be reduced. If a change in schools causes financial need to increase, the award shall be increased only if funds are available.

C. Nonmonetary awards. Honorary scholarships, which are nonmonetary awards, shall be granted to all applicants who have no financial need or did not request financial aid and who rank equally with or above the last monetary scholarship recipient.

5 MCAR S 2.2106 Method of payment.

A. Payments to schools. After a scholarship and grant-in-aid award is determined, the award shall be sent by the executive director to the school chosen by the recipient. The school shall apply the award to the recipient's educational costs in the following order: tuition, fees, books, supplies, and other expenses. The costs must be prorated for each term of the academic year. The school shall notify each recipient that the award has been received by the school.

B. Return and refund. A scholarship and grant-in-aid is awarded for full-time attendance at a specified school for the academic year which commences with the fall term. If a recipient fails to enroll or ceases to be a full-time student, the school must return the unused portion of the award. A refunded award must be sent by the school to the board's scholarship or grant-in-aid account. Refunded awards are available for reassignment to other qualified applicants.

C. School accounting requirements. Schools shall maintain separate accounts for scholarship and grant-in-aid funds. Refunds to the board shall be made by separate checks for scholarships and grants-in-aid. Schools shall provide evidence, prepared according to generally accepted accounting principles, that all awards have either been distributed or returned to the board. Books and records relating to state scholarships and

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grants-in-aid must be made available for audit by representatives of the board or the State Auditor.

Part-time Student Grants

5 MCAR S 2.2201 Scope.

Rules 5 MCAR SS 2.2201-2.2206 govern state grants-in-aid for part-time students.

5 MCAR S 2.2202 Eligible schools.

Schools eligible for part-time student grants are the same schools eligible for state scholarships and grants-in-aid under 5 MCAR S 2.2102.

5 MCAR S 2.2203 Application and distribution of funds for grants.

A. Application by schools. A school desiring funds for part-time student grants must request funds by June 30 each year. The school must submit its estimate of the amount needed to meet eligible student needs for the school year.

B. Allocation formula.

1. Funds shall be allocated to each school according to the following formula:

a. part-time enrollment of each school, divided by the total part-time enrollment of all eligible participating schools;

b. multiplied by the current fiscal year's appropriation for part-time student grants; and

c. multiplied by the percent of funds for part-time student grants actually used by that school during the prior school year.

2. "Part-time enrollment" means the sum of all enrolled resident, extension, and unclassified part-time students reported as lower division, upper division, and vocational in the fall term of the school year prior to the fiscal year the funds are allocated and as published by the board in its annual enrollment survey.

C. Notification. The board shall notify each school of the amount allocated to it.

D. Accountability. Each participating school shall be

accountable for any funds disbursed to students for grants-in-aid for part-time students. Funds may be used only during the fiscal year of disbursement. When a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or return them to the board.

E. Unused funds. When requested by the board, each school shall report its use of funds and shall return unused funds. The board shall reallocate unused funds to schools desiring additional funds.

5 MCAR S 2.2204 Eligible students.

A. Determination of eligibility. A school shall determine if a student is eligible for a part-time student grant. To be eligible a student must be an eligible student as defined in 5 MCAR S 2.0100 D., except that the student need not be a full-time student, and all of the following:

1. is pursuing a program or course of study leading to a degree, diploma, or certificate; and

2. is not eligible for state or federal financial aid, other than a Pell grant; and

3. is not reimbursed for tuition and fees by any source other than a Pell grant; and

4. demonstrates financial need.

B. Family income. A student has financial need if the student's family income is no more than the income levels annually established by the board. Family income shall take into consideration the number of dependents in the student's family.

C. Income for year tax return filed and exceptions. Family income is determined according to the base year. The base year is the most recent tax year in which a tax return has been filed. In any of the following circumstances estimated income for the current year shall be used instead of the base year:

1. a parent or spouse who provided income in the base year has died during the base year or the current year;

2. a parent, spouse, or applicant who provided income in

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the base year experiences a complete loss of all employment for at least ten weeks in the current year;

3. a parent, spouse, or applicant who provided income in the base year is unable to pursue normal income-producing activities in the current year for at least ten weeks due to disability occurring in the base year or the current year or due to a natural disaster that occurred in the current year;

4. a parent or applicant became separated or divorced during the current year;

5. the applicant, who was employed for an average of 35 hours per week for at least 30 weeks in the base year, is no longer employed full-time in the current year; or

6. no tax return was filed for the most recent tax year.

5 MCAR S 2.2205 Amount and term of grants.

A school shall award a grant to each eligible student, to the extent institutional funds are available and the student shows need. The amount of the grant, when combined with a student's Pell grant, shall not exceed the lesser of the cost of resident tuition and fees at the school or the cost of resident tuition and fees for an equivalent program at the University of Minnesota. A grant is for one quarter, semester, or the equivalent at the school and is not automatically renewable. The recipient of an award may apply for a grant for subsequent terms.

5 MCAR S 2.2206 Reports of data.

To prepare summary data, each school must annually solicit demographic, educational, and financial data from eligible students requesting grants. Each school shall provide the summary data upon request by the board.

Work-Study Grants

5 MCAR S 2.2301 Scope.

Rules 5 MCAR SS 2.2301-2.2307 govern state work-study grants.

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5 MCAR S 2.2302 Eligible schools.

Schools eligible for work-study grants are the same schools eligible for state scholarships and grants-in-aid under 5 MCAR S 2.2102.

5 MCAR S 2.2303 Application and distribution of funds for grants.

A. Application by schools. A school desiring funds for work-study grants must request funds by June 30 each year. The school must submit its estimate of the amount needed to meet eligible student needs for the following school year.

B. Allocation formula.

1. Funds shall be allocated to each school according to the following formula:

a. full-time equivalent enrollment of each school, divided by the total full-time equivalent enrollment of all participating eligible schools;

b. multiplied by the current fiscal year's appropriation for work-study grants; and

c. multiplied by the percent of funds for work-study grants actually used by that school during the prior school year.

2. "Full-time equivalent enrollment" means the enrollment in the fall term determined by the board in its annual enrollment survey in the year prior to the academic year for which work-study funds are allocated.

C. Modification of allocations. The board shall allocate funds equal to a school's estimated need if the estimated need is less than the amount determined by the allocation formula.

D. Accountability. Each participating school shall be accountable for any funds disbursed to students for work-study grants. Funds may be used only during the fiscal year of disbursement. At schools where the proportion of grants to students employed by off-campus employers is significantly less than the proportion at other schools, the executive director may require the school to document its efforts to place students with off-campus employers. The percent of the school's allocation provided to graduate students shall not exceed the percent of graduate students in the total enrollment at the

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participating school.

E. Unused funds. When requested by the board, the school must immediately return funds which the school determines will not be used. The board shall reallocate the funds to other participating schools requesting additional funds.

5 MCAR S 2.2304 Eligible students.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must be an eligible student, as defined in 5 MCAR S 2.0100 D., except that the student may be a graduate student.

5 MCAR S 2.2305 Employment terms; amount of grants.

A. Eligible employers. A work-study grant recipient may be employed on-campus by the school or off-campus by any of the following:

1. a nonprofit, nonsectarian agency located in Minnesota;

2. a person who has a physical or mental impairment which substantially limits at least one life activity and who could benefit from student assistance in or about the home; or

3. a person over 65 years old who could benefit from student assistance in or about the home.

B. Amount. The maximum a student may earn through a work-study grant is the amount of the student's financial need. If a school finds it necessary to replace any portion of a student's family contribution with a work-study grant, the school must place written documentation supporting the decision in the student's file at the school.

C. Hourly wages. Not less than 20 percent of the amount earned by a student shall be paid by the employer, with the actual percentage determined by the school in consultation with the employer. A student shall be paid for hours actually worked at an hourly rate agreed to by the employer and the student, with the approval of the school. However, the student must be paid at least the state minimum wage, if the federal minimum wage is not applicable. Student earnings must be paid according to federal regulations governing payment of student earnings

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under the federal work-study program.

5 MCAR S 2.2306 Contracts with employers.

A. Off-campus employer contract. Before a student begins work, the school and off-campus employer shall sign a contract affirming the eligibility of the employer and agreeing to abide by applicable law and rules.

B. Contents of work contract. The student, school, and employer shall sign a contract setting forth the nature of the work, number of hours of employment, hourly rate of pay, percentage of earnings to be paid by the employer, maximum payment by the employer, pay and time records, payroll, and workers' compensation. Time records must be signed by the student and the employment supervisor.

C. Review and comment. All contracts signed by the school and employers are subject to review and comment by the executive director.

D. Supervision. The school, with the employer, must develop for each work-study assignment a program of supervision consistent with the nature of the assignment and the needs of the individual student. Upon request of the board, the school must submit the program of supervision to the executive director for review and comment.

5 MCAR S 2.2307. Report by school.

When requested by the board, each school shall report demographic information and program activity about work-study grants.

AVTI Tuition Subsidy

5 MCAR S 2.2401 Scope.

Rules 5 MCAR SS 2.2401-2.2405 govern the tuition subsidy program for students in area vocational-technical institutes.

5 MCAR S 2.2402 Eligible schools.

Schools eligible for tuition subsidies are area vocational-technical institutes (AVTI's) established pursuant to

Minnesota Statutes, section 121.21.

5 MCAR S 2.2403 Application and distribution of funds for tuition subsidies.

A. Application by AVTI. By June 30 an AVTI desiring funds for tuition subsidies must request funds on the participation request form supplied by the board. The AVTI must submit its estimate of the amount needed to meet eligible student needs for the following school year.

B. Allocation formula.

1. Funds shall be allocated to an AVTI according to the following formula:

a. average daily membership in the AVTI divided by the total average daily membership of all AVTI's;

b. multiplied by the current fiscal year's appropriation for tuition subsidies; and

c. multiplied by the percent of funds for tuition subsidies actually used by that AVTI during the prior school year.

2. "Average daily membership" means the average daily membership for an AVTI as approved by the Department of Education for the year prior to the fiscal year the funds are allocated.

C. Notification. The board shall notify each AVTI of the amount allocated to it.

D. Accountability. Each participating school shall be accountable for any funds disbursed to students for tuition subsidies. Funds may be used only during the fiscal year of disbursement. When a student does not use a subsidy because the student withdraws from the AVTI, the AVTI may use the funds for other eligible students or return the funds to the board.

E. Unused funds. When requested by the board, the AVTI must immediately return funds which the school determines will not be used. The board shall reallocate the funds to other participating AVTI's requesting additional funds.

F. Return of funds. Within 30 days of the end of the fiscal year each AVTI shall return unused funds to the board.

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5 MCAR S 2.2404 Eligible students.

A. Determination of eligibility. An AVTI shall determine if a student is eligible for a tuition subsidy. To be eligible a student must be an eligible student, as defined in 5 MCAR S 2.0100 D., and both of the following:

1. has not been awarded a state scholarship or grant-in-aid for the time period for which the tuition subsidy is awarded; and

2. demonstrates financial need.

B. Financial need. A student's financial need is that portion of educational costs which remain after subtracting the expected family contribution, the Pell grant, and other assistance the student is receiving or will receive.

C. Application. A student may apply for a tuition subsidy before or while attending an AVTI. A student may defer paying tuition during the application process.

5 MCAR S 2.2405 Tuition subsidy.

A. Amount of subsidy. The amount of a tuition subsidy is based on the student's financial need. A student whose financial need does not exceed five percent of the cost of tuition may not receive a tuition subsidy. A subsidy may not exceed 75 percent of the cost of tuition for the period of the tuition subsidy.

B. How subsidy is credited. An AVTI shall reduce the tuition charged to each recipient by the amount of the tuition subsidy.

C. Educational programs extending across fiscal years. A tuition subsidy is awarded for the fiscal year of disbursement only. For an educational program extending across fiscal years, a tuition subsidy is prorated to the end of the fiscal year. Reapplication is necessary to obtain a tuition subsidy for the remainder of the educational program. A subsequent subsidy is contingent upon availability of funds, continued demonstration of financial need, and continued eligibility.

D. When subsidy begins. For a recipient who applied before

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the first day of classes, tuition reduction shall begin on the first day of the recipient's classes. For a recipient who applied after the first day of classes, tuition reduction shall begin on the day the recipient applied for a subsidy.

E. Obligation for tuition when tuition payment deferred. If a student defers tuition payment during the application process, the student is responsible for tuition which accrued during the application process. However, if a student does not receive a subsidy and promptly withdraws from school, tuition for the period shall be forgiven. A student who does not receive a subsidy and does not promptly withdraw from school is responsible for tuition which accrued during the application process.

F. Scholarship or grant-in-aid awards. A recipient of a state scholarship or grant-in-aid is eligible for a tuition subsidy only for the period of an educational program which does not coincide or overlap with the period of a state scholarship or grant-in-aid.

G. Transfer to another AVTI. Tuition subsidies are not transferable to other AVTI's. A recipient may apply for another subsidy if the recipient transfers to another AVTI. A recipient must meet the eligibility requirements in 5 MCAR S 2.2404 A.

Assistance for Student Dependents of Minnesota Veterans

5 MCAR S 2.2501 Scope.

Rules 5 MCAR S 2.2501-2.2503 govern state financial assistance for students in postsecondary school who are dependents of prisoners of war and persons missing in action.

5 MCAR S 2.2502 Eligible students and verification.

A. Eligibility. To be eligible for financial assistance for dependents of prisoners of war and persons missing in action, all of the following requirements must be met:

1. The student must be registered for an undergraduate program leading to a bachelor's degree or certificate of

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completion.

2. The student must attend a school located in Minnesota. The school may be a state university, community college, public area vocational-technical institute, or the University of Minnesota. If the school is a private school it must be eligible to participate in the state student loan program according to 5 MCAR S 2.2602.

3. The student must be one of the following:

a. the spouse of a prisoner of war or person missing in action;

b. a child born before or during the time the parent served as a prisoner of war or was declared a person missing in action; or

c. a child legally adopted or in the legal custody of the parent before and during the time the parent served as a prisoner of war or was declared a person missing in action.

B. Verification of status. In cooperation with the Commissioner of Veterans' Affairs, a school must verify, on behalf of a student applying for assistance, that the student meets the requirements in A.3. A prisoner of war or person missing in action means a person who was a Minnesota resident at the time of entering service of the United States Armed Forces, or whose official residence is within Minnesota, and who, while serving in the United States Armed Forces, 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. Verification must include the determination of residency. A discharge form, notarized statement from the student's parent, or other documentation may be required to show residency. In addition, a student may be required to provide a copy of a birth certificate, marriage certificate, or other document showing the student meets the requirement of A.3. No situation, including return or reported death of the parent or spouse, can remove a person who qualifies as a dependent from the provisions or benefits provided by law.

? Unclear what circs. would these not be required

5 MCAR S 2.2503 Amount of assistance.

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A. State-supported school. A state-supported school shall waive full tuition and fees for an eligible student.

B. Private school. A private school shall request payment from the board for each eligible student. The payment to the private school for each student shall not exceed $250 per 12 months.

State Student Loans

5 MCAR S 2.2601 Scope.

Rules 5 MCAR SS 2.2601-2.2605 govern state loans to postsecondary students.

5 MCAR S 2.2602 Eligible schools.

Schools eligible for funds for student loans are public or private postsecondary schools in any state, approved by the United States Secretary of Education in accordance with requirements of the Higher Education Act of 1965, as amended.

5 MCAR S 2.2603 Eligible students.

A. General. To be eligible for a state student loan, a student must meet all of the following requirements:

1. is eligible for the guaranteed student loan program created by the Higher Education Act of 1965, as amended;

2. demonstrates financial need;

3. is enrolled at least half-time;

4. is in good standing, as determined by the school;

5. lives in Minnesota during the school period for which the loan is approved, for a student who is not a Minnesota resident;

6. has a loan refusal letter from a commercial lender when applying for a loan for the first time as an undergraduate student; and

7. is one of the following:

a. enrolled in an eligible school in Minnesota; or

b. a Minnesota resident enrolled in an eligible school in any other state.

B. Loans previously obtained in other states. A student who

is not a Minnesota resident and who has previously obtained a student loan from a lender in another state is required to submit evidence that a request for a further loan through that program was denied.

C. Students in default. A student is not eligible for a loan if the student is currently in default on a student loan or has a default claim filed with the guarantee agency at the time of application unless the student has made repayment arrangements satisfactory to the guarantee agency and the board.

5 MCAR S 2.2604 School agreements and student applications.

A. Origination agreement. Before approving loans to students at a school, the school and executive director shall execute a loan origination agreement. A school is considered to have originated a loan if the school determines who receives a loan and the loan amount or if the school, at the request of the lender, verifies the identity of the borrower or completes forms normally completed by the lender. The origination agreement must specify the school's responsibility for proper delivery of loans to students. It must also designate a school representative who is responsible for performance of the following activities:

1. complete and certify the school section of a loan application;

2. assist the board by providing loan counseling to students;

3. assist the board by counseling students about their obligations when accepting a loan;

4. deliver loan disbursements to students; and

5. promptly notify the board when a borrower does not attend school at least half-time.

B. Termination. The executive director may terminate an agreement with a school upon determining that continuation of the agreement is not in the best interests of the state student loan program.

C. Application, guarantee, and note. The student and school must complete appropriate parts of the application and send it

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the board for its review. The board must complete the lender's part of the application and send it to the guarantee agency. The guarantee agency must determine the loan amount it will guarantee. The board must send a promissory note to a student for a loan amount not to exceed the amount guaranteed. After the student signs and returns the promissory note, the board must send the loan amount to the school made payable to the student.

5 MCAR S 2.2605 Amount, terms, and payment.

A. Maximum and minimum amounts. The maximum loan for a loan period and the aggregate principal balance of loans shall be those prescribed in the Higher Education Act of 1965, as amended. The minimum amount of a loan shall be $250.

B. Duration. A loan shall not be approved for a loan period in excess of 12 months.

C. Repayment. The interest rate, terms, and conditions of repayment shall be that prescribed by the Higher Education Act of 1965, as amended.

D. Date of payments. No check shall be dated more than 30 days before the beginning of the loan period for which the loan is made. A school shall not deliver a check to a student until after the loan period has begun. No payment shall be made after the loan period expires.

E. Failure to enroll, transfer, or withdrawal. The school shall return checks for students who have not enrolled within 30 days of the date enrollment is determined. If a student transfers to another school or withdraws from school before a check is received, the loan is canceled. A student may reapply for a loan at another school. If a student who has received a check does not attend school for the intended loan period, the loan shall be immediately due and payable.

F. Refunds. Refunds from schools to the board are allocable in a percentage greater than or equal to the percentage of the total cost of education funded by state student loans.

Private College Contracts

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5 MCAR S 2.2701 Scope.

Rules 5 MCAR SS 2.2701-2.2705 govern the state program of contracts with private colleges for education of Minnesota residents.

5 MCAR S 2.2702 Eligible schools.

Annually the board shall adopt by resolution a list of schools eligible for a contract. To be eligible a school must meet all of the following requirements:

1. be a private institution of higher education;
2. be located in Minnesota;
3. not be operated for profit;
4. not be an institution or department or branch of an institution whose program is specifically to prepare students to become ministers of religion, to enter upon some other religious vocation, or to prepare to teach theological subjects;
5. grant an associate degree or higher degree; and
6. be either of the following:
   a. fully accredited or making satisfactory progress toward full accreditation by the North Central Association of Secondary Schools and Colleges; or
   b. determined by the board to maintain programs and standards substantially equivalent to the institutions in Minnesota which are fully accredited.

5 MCAR S 2.2703 Contracts.

A. Content. The executive director shall offer contracts to all eligible schools. The contract must specify the responsibilities of the school, the services it is to provide, and the terms and conditions of receiving payment for the services.

B. Students eligible. The contract must be for students who meet all the following requirements:

1. are enrolled full-time in the fall term according to the standards of the school, but for not less than 12 credits or the equivalent;
2. are enrolled in an eligible program; and

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3. are either one of the following:

a. dependent upon the financial support of parents or guardians who have resided in Minnesota for not less than 12 months prior to admission at the school; or

b. independent of parental or guardian's financial support and have resided in Minnesota, for purposes other than obtaining an education, for not less than 12 consecutive months prior to admission at the school.

C. Eligible programs notarized. As a condition of the contract, the chief executive officer and an officer of the governing board of each school must provide a notarized statement that programs included in the contract meet the following criteria:

1. must lead to an associate or bachelor degree or to a prebaccalaureate diploma;

2. must be at least one academic year in duration;

3. 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, but it may not require a student to:

a. take courses based upon a particular set of religious beliefs;

b. receive instruction intended to propagate or promote any religious beliefs;

c. participate in religious activities;

d. maintain affiliation with a particular church or religious organization; or

e. attest to any particular religious beliefs.

5 MCAR S 2.2704 Certification of the number of eligible students.

The chief executive officer of each school must certify as of the tenth class day of the fall term the exact number of Minnesota residents who are enrolled in programs meeting the criteria in 5 MCAR S 2.2703 C. Each school must maintain adequate records demonstrating the method of calculating the number of students. The records and underlying documents must be available to the board for inspection.

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5 MCAR S 2.2705 Payment.

A. Amount of payment. The executive director shall pay, for each eligible student who is not a state grant-in-aid recipient, $120 per student in a school granting an associate degree but not a bachelor's degree and $150 per student in a school granting a bachelor's degree. In addition, the executive director shall pay, for each eligible student who is a state grant-in-aid recipient, $400 per student in a school which grants an associate degree but not a bachelor's degree and $500 per student in a school which grants a bachelor's degree. However, if the appropriation is insufficient to pay the full amount, the executive director shall reduce the payments in a manner which maintains the ratios among the four categories of students.

B. Time of payment. Ninety percent of the payment shall be made in the winter. It shall be calculated by using the number of eligible students, certified by the school and verified by the executive director, and the preliminary number of fall grant-in-aid recipients. The final payment shall be made in the spring. It shall be based on the final number of fall grant-in-aid recipients and shall include any required adjustments.

what does this mean? - MN. winters last 6mths

? what spring - we don't have any!

Private Institutions Registration and Approval of Degrees and Names

5 MCAR S 2.2801 Scope.

Rules 5 MCAR SS 2.2801-2.2811 govern a state program for registration of private and non-Minnesota public postsecondary institutions and approval of degrees granted and names used.

5 MCAR S 2.2802 Definitions.

A. Applicability. For the purposes of 5 MCAR SS 2.2801-2.2811 the terms defined in this rule have the meanings given them.

B. Degree. "Degree" means any award given by a school which signifies or is generally taken to signify completion of a

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program or course and which is designated by the terms degree, associate, bachelor, baccalaureate, master, doctor, or education specialist.

C. School.

1. "School" means an individual, partnership, company, firm, society, trust, association, corporation, or any combination thereof operating or doing business in Minnesota which:

a. is, owns, or operates a private, nonprofit postsecondary education institution;

b. provides a postsecondary instructional program or course leading to a degree whether or not for profit;

c. is, owns, or operates a private postsecondary educational institution which uses the term "academy," "college," "institute," or "university" in its name or advertising; or

d. operates for profit and provides programs or courses which are intended to allow an individual to fulfill in part or totally the requirements necessary to maintain a license to practice an occupation.

2. "School" also means, except in 5 MCAR S 2.2804 B., a public or private postsecondary educational institution located outside Minnesota which offers programs, courses, or educational activities to residents of Minnesota and which does not require the student to leave the state for the major portion of the program, course, or activities.

5 MCAR S 2.2803 Who must register.

All schools shall register annually with the Higher Education Coordinating Board. Annually the board shall adopt by resolution and publish a list of registered schools. A school need not be approved to be registered.

5 MCAR S 2.2804 Requirements for registration.

A. Fees. The initial registration fee is $200 and the annual renewal fee is $150. Neither fee is refundable.

B. Plan to preserve permanent records. Each school located in Minnesota shall maintain permanent records for all students

enrolled at any time. Records include school transcripts, documents, and files containing student data relating to academic credits earned, courses completed, grades awarded, degrees awarded, and periods of attendance. To preserve permanent records, a school shall submit a plan which meets all of the following:

1. at least one copy of the records held in a secure depository;

2. an appropriate official designated to provide a student with copies of records or a transcript upon request;

3. a method of complying with 1. and 2. should the school cease to exist; and

4. if the school has no binding agreement for preserving student records, a continuous surety bond in an amount not to exceed $20,000 or a trust arrangement should the school cease to exist.

C. Information. Each school shall submit the following information accompanied by an affidavit attesting to its accuracy and truthfulness:

1. articles of incorporation, constitution, bylaws, or other operating documents;

2. a duly adopted statement of the school's mission and goals;

3. evidence of current school or program licenses granted by departments or agencies of any state;

4. a fiscal balance sheet on an accrual basis, or a certified audit of the immediate past fiscal year or, if the school is a public institution outside Minnesota, an income statement for the immediate past fiscal year;

5. all promotional and recruitment materials and advertisements;

6. the current school catalog and, if not contained in the catalog:

a. the members of the board of trustees or directors, if any;

b. the current institutional officers;

c. current full-time and part-time faculty with degrees held or applicable experience;

d. a description of all school facilities;

e. a description of all current course offerings;

f. all requirements for satisfactory completion of courses, programs, and degrees;

g. the school's policy about freedom or limitation of expression and inquiry;

h. a current schedule of fees, charges for tuition, required supplies, student activities, housing, and all other standard charges;

i. the school's policy about refunds and adjustments;

j. the school's policy about granting credit for prior education, training, and experience; and

k. the school's policy about student admission, evaluation, suspension, and dismissal.

D. Additional information. If the board is unable to determine the nature and activities of a school on the basis of the information in C., the board shall notify the school of additional information needed.

E. Verification of information. The board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary.

F. Public information. All information submitted to the board is public information except financial records and information. The board may disclose financial records or information to defend its decision to approve or disapprove granting of degrees or the use of a name or its decisions to revoke such approval at a hearing under Minnesota Statutes, chapter 14, or other legal proceedings.

statute, 136A.64 says "appeal"

G. Unauthorized representations. No school or any of its officials or employees shall advertise or represent in any manner that a school is approved or accredited by the board or the state of Minnesota. A school may represent that it is registered with the board by using the following language: "(Name of school) is registered with the Minnesota Higher

Education Coordinating Board. Registration is not an endorsement of the institution. Registration does not mean that credits earned at the institution can be transferred to other institutions or that the quality of the educational programs would meet the standards of every student, educational institution, or employer."

5 MCAR S 2.2805 Approval of names and degrees.

A. In General. A school must be registered if it uses the term "academy," "institute," "college," or "university" in its name or if it grants a degree to a student in Minnesota, where the student has not left Minnesota for the major portion of the program or course leading to the degree. It also must substantially meet the criteria in B. In addition, it must meet the requirements in D. and E., as applicable. Annually the board shall adopt, by resolution, and publish a list of the schools approved to use regulated terms in their names and a list of schools approved to grant degrees with a list of the approved specified degrees.

B. Criteria for approval. The information submitted for registration is used to determine whether the following criteria are substantially met:

1. The school has an organizational framework with administrative and teaching personnel to provide the educational programs it purports to offer.

2. The school has financial resources sufficient to meet the school's financial obligations including refunding tuition and other charges consistent with its stated policy if the institution is dissolved or if claims for refunds are made, to provide service to the students as purported, and to provide educational programs leading to degrees as purported.

3. The school operates in conformity with generally accepted budgeting and accounting procedures, such as the standards adopted by the National Association of College and University Business Officers.

4. The school provides an educational program leading to the degree it purports to offer.

5. The school provides appropriate and accessible library, laboratory, and other physical facilities to support the educational program offered.

6. The school has a policy on freedom or limitation of expression and inquiry for faculty and students which is published or available on request.

7. The school uses for promotion and student recruitment only publications and advertisements which are truthful and do not give any false, fraudulent, deceptive, inaccurate, or misleading impressions about the school, its personnel, programs, services, or occupational opportunities for its graduates.

8. The school's compensated recruiting agents who are operating in Minnesota identify themselves as agents of the school when talking to or corresponding with students and prospective students.

9. The school provides information to students and prospective students concerning:

a. comprehensive and accurate policies relating to student admission, evaluation, suspension, and dismissal;

b. clear and accurate policies relating to granting credit for prior education, training, and experience and for courses offered by the school;

c. current schedules of fees, charges for tuition, required supplies, student activities, housing, and all other standard charges;

d. policies regarding refunds and adjustments for withdrawal or modification of enrollment status; and

e. procedures and standards used for selection of recipients and the terms of payment and repayment for any financial aid program.

C. Failure to meet criteria. Failure to meet any one of these criteria does not necessarily prevent a school from being approved. Rather, a judgment shall be made on the basis of a pattern which in the whole supports a legitimate educational program, sufficient finances, and sound institutional policies

and practices.

D. Requirements for degree approval. The following additional requirements must be met by a school for each degree it offers to a student, where the student does not leave Minnesota for the major portion of the program or course leading to the degree:

1. qualified teaching personnel to provide the educational programs for each degree for which approval is sought;

2. appropriate educational programs leading to each degree for which approval is sought;

3. appropriate and accessible library, laboratory, and other physical facilities to support the educational program for each degree for which approval is sought; and

4. a rationale showing that degree programs are consistent with the school's mission and goals.

E. Requirements for name approval.

1. A school may use the term "academy" or "institute" in its name without meeting any additional requirements.

2. A school may use the term "college" in its name if it offers at least one program leading to an associate degree.

3. A school may use the term "university" in its name if it offers at least one program leading to a baccalaureate, master's, or doctorate degree.

4. A school, organized, operating, and using the term "academy," "institute," "college," or "university" in its name on or before August 1, 1975, may continue using such term whether or not it offers a program leading to a degree.

F. Conditional approval. The board may grant conditional approval for a degree or use of a term in its name for a period of less than one year if doing so would be in the best interests of currently enrolled students or prospective students.

G. Special advisory committee. The executive director may appoint a special advisory committee to review staff recommendations prior to board action upon the request of the school applying for board approval.

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5 MCAR S 2.2806 Disapproval and appeal.

If a school's degree or use of a term in its name is disapproved by the board, the school may request a hearing under Minnesota Statutes, chapter 14. The request must be in writing and made to the board within 30 days of the date the school is notified of the disapproval.

5 MCAR S 2.2807 Withdrawal of approval.

A. Notice and hearing. The board may refuse to renew, revoke, or suspend approval of a school's degree or use of a regulated term in its name by giving written notice and reasons to the school. The school may request a hearing under Minnesota Statutes, chapter 14. If a hearing is requested, no disapproval shall take effect until after the hearing.

B. Reasons for withdrawal. Withdrawal of approval may be for one or more of the following reasons:

1. violating the provisions of Minnesota Statutes, sections 136A.61 to 136A.71 or 5 MCAR S 2.2801-2.2811;

2. providing false, misleading, or incomplete information to the board;

3. presenting to prospective students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect;

4. refusing to allow reasonable inspection or to supply reasonable information after a written request by the board has been received.

5 MCAR S 2.2808 Information, forms, and procedures.

The executive director may issue public information, design application forms, review applications, secure information, make recommendations, set guidelines, and approve uses pursuant to 5 MCAR S 2.2805 E.4., and establish visitation teams.

5 MCAR S 2.2809 Schools licensed by another agency or department.

The board shall accept as final and not inquire into the substantive basis for a license granted to a school by any agency or department of the state or any other state.

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5 MCAR S 2.2810 Schools licensed by commissioner of education.

A school required to be licensed by the commissioner of education is exempt from registration and approval unless it grants degrees.

5 MCAR S 2.2811 Voluntary compliance.

A school or educational program which is exempt under Minnesota Statutes, section 136A.653 is exempt from 5 MCAR SS 2.2801-2.2810 but may voluntarily waive its exemption by registering. Upon registration the school or educational program is subject to all applicable requirements of Minnesota Statutes, sections 136A.61 to 136A.71 and 5 MCAR SS 2.2801-2.2810.

Repealer. Rules 5 MCAR SS 2.0101-2.0108; 2.0201-2.0209; 2.0301-2.0310; 2.0501-2.0507; 2.0701-2.0706; 2.0801-2.0806; 2.0901-2.0918; 2.0990; 2.1001-2.1008 are repealed.

APPROVED AS TO LEGALITY

July 20 19 83

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Ted A. Mortensen
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 21 1983

10:45 A.M.

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing Definitions for Higher Education Programs (5MCAR §2.0100), State Scholarship and Grants-in-Aid (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501-2.2503), State Student Loans (5MCAR §2.2601-2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811).

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on April 11, 1983, and was sent by State of Minnesota Central Mail System for first class mailing, and by inter-office mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on April 4, 1983. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as State Scholarships and Grants-in-Aid, Part-Time Student Grants, Work-Study Grants, Area Vocational-Technical Institute Tuition Subsidy, Assistance for Student Dependents of Minnesota Veterans, State Student Loans, Private College Contracts, and Private Institutions Registration and Approval of Degrees and Names are adopted this 30th day of June, 1983 pursuant to authority vested in the Board by Minnesota Statutes section 136A.111, subdivision 2.

State of Minnesota

Executive Director
Minnesota Higher Education
Coordinating Board

Minnesota Higher Education Coordinating Board

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing State Scholarships and Grants-in-Aid; Part-Time Student Grants; Work-Study Grants; Area Vocational-Technical Institute Tuition Subsidy; Assistance for Student Dependents of Minnesota Veterans; State Student Loans; Private College Contracts; and Private Institutions Registration and Approval of Degrees and Names

Notice is hereby given that the Minnesota Higher Education Coordinating Board is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing the Scholarships and Grants-in-Aid Program, Part-Time Student Grants Program, Work-Study Grants Program, Area Vocational-Technical Institute Tuition Subsidy Program, Assistance for Student Dependents of Minnesota Veterans Program, State Student Loans Program, Private College Contracts Program, and Private Institutions Registration Program and Approval of Degrees and Names.

The promulgation of these rules is authorized by Minnesota Statutes §§ 136A.111, 136A.121, 136A.132, 136A.233, 136A.236, 136A.141, 136A.20, 136A.70 (1980).

The Minnesota Higher Education Coordinating Board requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comments orally or in writing. Written statements should be addressed to:

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at 612/296-7963 and in person at the above address.

All statements of information and comment shall be accepted until March 31, 1983. Any written material received by the Minnesota Higher Education Coordinating Board shall become part of the record in the event that the rules are promulgated.

Clyde R. Ingle, Executive Director
Minnesota Higher Education Coordinating Board

Department of Revenue
Property Equalization Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies (Utility Companies)

Notice is hereby given that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to promulgate revised rules governing the valuation and assessment of utility companies. The promulgation of these rules is authorized by Minnesota Statutes section 270.06 (14), which permits the agency to make rules and regulations for the administration and enforcement of the property tax law.

The State Department of Revenue requests information and comments concerning the subject matter of these revised rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Ronald Cook
Property Equalization Division
Minnesota Department of Revenue
Centennial Office Building
St. Paul, Minnesota 55145

Oral statements will be received during regular business hours over the telephone at 612-296-5137 and in person at the above address.

STATE OF MINNESOTA

DEPARTMENT OF HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarships and Grants-In-Aid; Part-Time Student Grants; Work-Study Grants; Area Vocational-Technical Institute Tuition Subsidy; Assistance for Student Dependents of Minnesota Veterans; State Student Loans; Private College Contracts; and Private Institutions Registration and Approval of Degrees and Names.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 21st day of March, 1983, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Higher Education Coordinating Board for that purpose and be published in the State Register.

STATE OF MINNESOTA

Executive Director
Minnesota Higher Education Coordinating Board

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, James W. Krause, do hereby certify that I am a member and the President of the Minnesota Higher Eduaation Coordinating Board, 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 Board duly and properly called and held on the 25th day of March, 1982, 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 Clyde R. Ingle, Executive Director, be and he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing the Scholarships and Grants-in-Aid, Work Study Grants, Minnesota State Student Loan Program, Minnesota Foreign Student Assistance, Part-Time Student Grants, Private Institutions Registration, and the Area Vocational-Technical Institute Tuition Subsidy Programs, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including, but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of March, 1982.

JAMES W. KRAUSE, President

Attest by one other Board member

3/22/83

Minnesota Higher Education Coordinating Board

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarships and Grants-In-Aid; Part-Time Student Grants; Work-Study Grants; Area Vocational-Technical Institute Tuition Subsidy; Assistance for Student Dependents of Minnesota Veterans; State Student Loans; Private College Contracts; and Private Institutions Registration and Approval of Degrees and Names.

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Higher Education Coordinating Board proposes to adopt the above-entitled rules without a public hearing. The Executive Director has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 14.13-14.15 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Rose Herrera Hamerlinck
Minnesota Higher Education
Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
612/296-7963

Authority for the adoption of these rules is contained in Minnesota Statutes sections 136A.111, 136A.121, 136A.132, 136A.233, 136A.236, 136A.141, 136A.20, 136A.70 (1982). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Rose Herrera Hamerlinck, Higher Education Coordinating Board, upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Rose Herrera Hamerlinck, Higher Education Coordinating Board.

A copy of the proposed rules is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Rose Herrera Hamerlinck at the above address.

State of Minnesota

Clyde R. Ingle
Executive Director
Minnesota Higher Education
Coordinating Board

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid, Part-Time Student Grants, Work-Study Grants, Area Vocational-Technical Institute Tuition Subsidy, Assistance for Student Dependents of Minnesota Veterans, State Student Loans, Private College Contracts, and Private Institutions Registration and Approval of Degrees and Names.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

That on the 4th day of April, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Higher Education Coordinating Board for the purpose of receiving notice of the proposed adoption of rules by this agency.

Karen Buehre

Subscribed and sworn to before me
this 4th day of April, 1983.

Lori A. Witte

LORI A. WITTE
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires June 15, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid, Part-Time Student Grants, Work-Study Grants, Area Vocational-Technical Institute Tuition Subsidy, Assistance for Student Dependents of Minnesota Veterans, State Student Loans, Private College Contracts, and Private Institutions Registration and Approval of Degrees and Names.

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minn. Stat. §15.0412, subd. 4, that their names be placed on file with and maintained by the State Higher Education Coordinating Board for the purpose of receiving notice of the proposed adoption of rules by this agency is accurate and complete as of 4:00 p.m., this 1st day of April, 1983.

Rosemary Herrera Hamerlinck

LORI A. WITTE
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires June 15, 1987

Lori A. Witte
4/6/83

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Minnesota Higher Education Coordinating Board

Proposed Rules Governing State Scholarships and Grants-In-Aid; Part-Time Student Grants; Work-Study Grants; Area Vocational-Technical Institute Tuition Subsidy; Assistance for Student Dependents of Minnesota Veterans; State Student Loans; Private College Contracts; and Private Institutions Registration and Approval of Degrees and Names

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Higher Education Coordinating Board proposes to adopt the above-entitled rules without a public hearing. The Executive Director has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 14.13-14.15 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
400 Capitol Square building
550 Cedar Street
St. Paul, Minnesota 55101
612/296-7963

Authority for the adoption of these rules is contained in Minnesota Statutes sections 136A.111, 136A.121, 136A.132, 136A.233, 136A.236, 136A.141, 136A.20, 136A.70 (1982). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Rose Herrera Hamerlinck, Higher Education Coordinating Board, upon request.

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Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Rose Herrera Hamerlinck, Higher Education Coordinating Board.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Herrera Hamerlinck at the above address.

Clyde R. Ingle, Executive Director
Minnesota Higher Education Coordinating Board

Rules as Proposed

5 MCAR § 2.0604 Terms of loans and grants.

A. Conditions for conversion of loans. Each eligible institution shall be authorized and be responsible for informing any foreign students who receives funds or ~~residing~~ residency status pursuant to the program that the funds are provided initially as a loan and will not be converted to a grant until the student submits written, documentable 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 a permanent resident.

B. Emergency scholarship funds. Prior to the annual report on which appears a loan cancellation involving emergency scholarship funds, the board must approve evidence submitted to the institution by the student. The board shall approve a loan cancellation when the evidence shows that the student has met the requirements in A. The evidence may be notarized statements by the student, notarized statements by persons who know the student, letters from the students with postmarks of the student's country, or similar writings.

B.-F. [Reletter as C.-G.]

5 MCAR § 2.0606 Disbursement of funds.

A.-B. [Unchanged.]

C. Accountability. Each participating ~~institution~~ school shall be accountable for any funds disbursed to students under the provisions of these rules ~~and regulations~~ as long as loan balances are outstanding.

D. Time for return of funds. Any emergency scholarship fund disbursement plus accrued interest which is outstanding six years after the documented date the student left school shall be remitted to the board according to the procedures established to implement B.

Rules as Proposed (all new material)

5 MCAR § 2.0100 Definitions for higher education programs.

A. Applicability. For the purposes of 5 MCAR §§ 2.0100-2.2705 the terms defined in this rule have the meanings given them unless specifically provided otherwise.

B. Board. "Board" means the Higher Education Coordinating Board.

C. Educational costs. "Educational costs" means tuition, required fees, room and board, books, and miscellaneous expenses.

D. Eligible student. "Eligible student" means a student who meets, at a minimum, all of the following requirements:

1. has not earned a baccalaureate degree and has not entered a graduate school program as a full-time graduate student;
2. is a resident of Minnesota;
3. qualifies for resident tuition other than through a tuition reciprocity agreement;
4. is enrolled or is intending to enroll as a full-time student in an eligible school;
5. is in good standing and making satisfactory progress, as determined by the school; and
6. is a permanent resident of the United States, if the student is not a United States citizen.

E. Executive director. "Executive director" means the executive director of the Higher Education Coordinating Board.

F. Financial need. "Financial need" means the amount of monetary assistance necessary for a student to meet educational

costs after parental and student contributions, determined by the financial need analysis, are subtracted from the student's educational costs. "Financial need analysis" means a system for analyzing a family's financial strength to determine the expected parental and student contributions to educational costs. The system is a federally approved system or an equivalent need analysis system adopted each year by the board for the appropriate processing year.

G. Minnesota resident. "Minnesota resident" means, for a dependent student, a student whose parent or legal guardian resides in Minnesota on the date of application. "Dependent" student means a student who:

1. lives with the parent or legal guardian for at least six weeks; or

2. receives support from the parent or legal guardian; or

3. is claimed as a tax exemption by the parent or legal guardian in the calendar year prior to or during the calendar year in which the application is made.

"Minnesota resident" means, for an independent student, a student who has resided in Minnesota for other than educational purposes for at least 12 consecutive months prior to the date of application. "Independent" student means a student who is not a dependent student.

State Scholarships and Grants-in-aid

5 MCAR § 2.2101 Scope.

Rules 5 MCAR §§ 2.2101-2.2106 govern state scholarships and grants-in-aid.

5 MCAR § 2.2102 Eligible schools.

Annually by July 31, the board shall adopt by resolution a list of schools at which a state scholarship or grant-in-aid may be used. To be eligible a school must meet the following requirements:

1. is located in Minnesota; and

2. offers at least one program that:

   a. is vocational or academic in nature; and

   b. leads to a certificate or degree; and

   c. is ten weeks long; and

   d. involves at least 12 academic credits or 300 clock hours; and

3. is one of the following:

   a. accredited by a federally recognized accrediting agency or association; or

   b. approved to offer degrees or use terms in its name according to 5 MCAR § 2.2805; or

   c. is licensed by an appropriate state agency.

5 MCAR § 2.2103 Application dates and student eligibility.

A. Date. Annually the board shall adopt by resolution a date by which all applications must be filed to be given priority for an award. The date may not be before February 15.

B. Eligibility for initial scholarship. To be eligible for an initial scholarship a student must be an eligible student, as defined in 5 MCAR § 2.0100 D., and all of the following:

1. be a Minnesota resident on the priority application date;

2. will be a first-year student, without any previous post-secondary education; and

3. rank in the upper quarter of the class at the end of the junior year of senior high school, or the equivalent, based on the student's cumulative scholastic record in senior high school.

C. Eligibility for initial grant-in-aid. To be eligible for an initial grant-in-aid a student must be an eligible student, as defined in 5 MCAR § 2.0100 D., and all of the following:

1. is a Minnesota resident on the priority application date;

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2. has not earned a baccalaureate degree and has not completed the number of semesters or quarters normally required to complete a baccalaureate degree;

3. demonstrates financial need;

4. if applying for a nursing grant, is enrolled or will be enrolled in a program leading to licensure as a registered nurse or a licensed practical nurse.

D. Renewal awards. A scholarship or grant-in-aid is renewable for a maximum of six semesters, nine quarters, or the equivalent. To be eligible to renew a scholarship or grant-in-aid a student must apply each year and continue to meet the requirements for an initial scholarship or grant-in-aid, except B.2. A student must have made satisfactory progress as determined by the school and have been enrolled in a post-secondary school as a full-time student for no more than four years or the equivalent.

5 MCAR § 2.2104 Ranking applicants.

A. Classification and ranking of applicants. Each applicant shall be placed in at least one of the following classifications: renewal scholarship, renewal grant-in-aid, initial scholarship, initial grant-in-aid. Grant-in-aid applicants are ranked according to parental contribution; applicants with the least parental contribution are awarded first. Scholarship applicants are ranked according to class rank as a junior in high school; applicants with the highest class rank are awarded first.

B. Priority of classes of applicants. Applicants renewing scholarships shall be given first priority. Applicants renewing grants-in-aid shall be given second priority. Applicants for initial scholarships shall be given third priority. Applicants for initial grants-in-aid shall be given fourth priority.

C. Awards based on need. Awards determined by financial need shall be assigned each applicant in descending order of rank until available funds are exhausted.

5 MCAR § 2.2105 Awards.

A. Monetary awards. Scholarship and grant-in-aid awards range from a minimum of $100 to a maximum of $1,400 but may not exceed one-half of financial need. If a federal Pell grant and a state scholarship or grant-in-aid exceeds 75 percent of financial need, the state scholarship or grant-in-aid must be reduced so that the combination of the two awards does not exceed 75 percent of financial need. The state scholarship or grant-in-aid must be further reduced if additional gift assistance, in combination with a federal Pell grant and a state scholarship or grant-in-aid, exceeds 100 percent of financial need.

B. Adjustments to awards. If financial need decreases because a recipient chooses a different school after the scholarship or grant-in-aid award is offered, the award shall be reduced. If a change in schools causes financial need to increase, the award shall be increased only if funds are available.

C. Nonmonetary awards. Honorary scholarships, which are nonmonetary awards, shall be granted to all applicants who have no financial need or did not request financial aid and who rank equally with or above the last monetary scholarship recipient.

5 MCAR § 2.2106 Method of payment.

A. Payments to schools. After a scholarship and grant-in-aid award is determined, the award shall be sent by the executive director to the school chosen by the recipient. The school shall apply the award to the recipient's educational costs in the following order: tuition, fees, books, supplies, and other expenses. The costs must be prorated for each term of the academic year. The school shall notify each recipient that the award has been received by the school.

B. Return and refund. A scholarship and grant-in-aid is awarded for full-time attendance at a specified school for the academic year which commences with the fall term. If a recipient fails to enroll or ceases to be a full-time student, the school must return the unused portion of the award. A refunded award must be sent by the school to the board's scholarship or grant-in-aid account. Refunded awards are available for reassignment to other qualified applicants.

C. School accounting requirements. Schools shall maintain separate accounts for scholarship and grant-in-aid funds. Refunds to the board shall be made by separate checks for scholarships and grants-in-aid. Schools shall provide evidence, prepared according to generally accepted accounting principles, that all awards have either been distributed or returned to the board. Books and records relating to state scholarships and grants-in-aid must be made available for audit by representatives of the board or the State Auditor.

Part-time Student Grants

5 MCAR § 2.2201 Scope.

Rules 5 MCAR §§ 2.2201-2.2206 govern state grants-in-aid for part-time students.

5 MCAR § 2.2202 Eligible schools.

Schools eligible for part-time student grants are the same schools eligible for state scholarships and grants-in-aid under 5 MCAR § 2.2102.

5 MCAR § 2.2203 Application and distribution of funds for grants.

A. Application by schools. A school desiring funds for part-time student grants must request funds by June 30 each year. The school must submit its estimate of the amount needed to meet eligible student needs for the school year.

B. Allocation formula.

1. Funds shall be allocated to each school according to the following formula:

a. part-time enrollment of each school, divided by the total part-time enrollment of all eligible participating schools;

b. multiplied by the current fiscal year's appropriation for part-time student grants; and

c. multiplied by the percent of funds for part-time student grants actually used by that school during the prior school year.

2. "Part-time enrollment" means the sum of all enrolled resident, extension, and unclassified part-time students reported as lower division, upper division, and vocational in the fall term of the school year prior to the fiscal year the funds are allocated and as published by the board in its annual enrollment survey.

C. Notification. The board shall notify each school of the amount allocated to it.

D. Accountability. Each participating school shall be accountable for any funds disbursed to students for grants-in-aid for part-time students. Funds may be used only during the fiscal year of disbursement. When a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or return them to the board.

E. Unused funds. When requested by the board, each school shall report its use of funds and shall return unused funds. The board shall reallocate unused funds to schools desiring additional funds.

5 MCAR § 2.2204 Eligible students.

A. Determination of eligibility. A school shall determine if a student is eligible for a part-time student grant. To be eligible a student must be an eligible student as defined in 5 MCAR § 2.0100 D., except that the student need not be a full-time student, and all of the following:

1. is pursuing a program or course of study leading to a degree, diploma, or certificate; and

2. is not eligible for state or federal financial aid, other than a Pell grant; and

3. is not reimbursed for tuition and fees by any source other than a Pell grant; and

4. demonstrates financial need.

B. Family income. A student has financial need if the student's family income is no more than the income levels annually established by the board. Family income shall take into consideration the number of dependents in the student's family.

C. Income for year tax return filed and exceptions. Family income is determined according to the base year. The base year is the most recent tax year in which a tax return has been filed. In any of the following circumstances estimated income for the current year shall be used instead of the base year:

1. a parent or spouse who provided income in the base year has died during the base year or the current year;

2. a parent, spouse, or applicant who provided income in the base year experiences a complete loss of all employment for at least ten weeks in the current year;

3. a parent, spouse, or applicant who provided income in the base year is unable to pursue normal income-producing activities in the current year for at least ten weeks due to disability occurring in the base year or the current year or due to a natural disaster that occurred in the current year;

4. a parent or applicant became separated or divorced during the current year;

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5. the applicant, who was employed for an average of 35 hours per week for at least 30 weeks in the base year, is no longer employed full-time in the current year; or

6. no tax return was filed for the most recent tax year.

5 MCAR § 2.2205 Amount and term of grants.

A school shall award a grant to each eligible student, to the extent institutional funds are available and the student shows need. The amount of the grant, when combined with a student's Pell grant, shall not exceed the lesser of the cost of resident tuition and fees at the school or the cost of resident tuition and fees for an equivalent program at the University of Minnesota. A grant is for one quarter, semester, or the equivalent at the school and is not automatically renewable. The recipient of an award may apply for a grant for subsequent terms.

5 MCAR § 2.2206 Reports of data.

To prepare summary data, each school must annually solicit demographic, educational, and financial data from eligible students requesting grants. Each school shall provide the summary data upon request by the board.

Work-Study Grants

5 MCAR § 2.2301 Scope.

Rules 5 MCAR §§ 2.2301-2.2307 govern state work-study grants.

5 MCAR § 2.2302 Eligible schools.

Schools eligible for work-study grants are the same schools eligible for state scholarships and grants-in-aid under 5 MCAR § 2.2102.

5 MCAR § 2.2303 Application and distribution of funds for grants.

A. Application by schools. A school desiring funds for work-study grants must request funds by June 30 each year. The school must submit its estimate of the amount needed to meet eligible student needs for the following school year.

B. Allocation formula.

1. Funds shall be allocated to each school according to the following formula:

a. full-time equivalent enrollment of each school, divided by the total full-time equivalent enrollment of all participating eligible schools;

b. multiplied by the current fiscal year's appropriation for work-study grants; and

c. multiplied by the percent of funds for work-study grants actually used by that school during the prior school year.

2. "Full-time equivalent enrollment" means the enrollment in the fall term determined by the board in its annual enrollment survey in the year prior to the academic year for which work-study funds are allocated.

C. Modification of allocations. The board shall allocate funds equal to a school's estimated need if the estimated need is less than the amount determined by the allocation formula.

D. Accountability. Each participating school shall be accountable for any funds disbursed to students for work-study grants. Funds may be used only during the fiscal year of disbursement. At schools where the proportion of grants to students employed by off-campus employers is significantly less than the proportion at other schools, the executive director may require the school to document its efforts to place students with off-campus employers. The percent of the school's allocation provided to graduate students shall not exceed the percent of graduate students in the total enrollment at the participating school.

E. Unused funds. When requested by the board, the school must immediately return funds which the school determines will not be used. The board shall reallocate the funds to other participating schools requesting additional funds.

5 MCAR § 2.2304 Eligible students.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must be an eligible student, as defined in 5 MCAR § 2.0100 D., except that the student may be a graduate student.

5 MCAR § 2.2305 Employment terms; amount of grants.

A. Eligible employers. A work-study grant recipient may be employed on-campus by the school or off-campus by any of the following:

1. a nonprofit, nonsectarian agency located in Minnesota;

2. a person who has a physical or mental impairment which substantially limits at least one life activity and who could benefit from student assistance in or about the home; or

3. a person over 65 years old who could benefit from student assistance in or about the home.

B. Amount. The maximum a student may earn through a work-study grant is the amount of the student's financial need. If a school finds it necessary to replace any portion of a student's family contribution with a work-study grant, the school must place written documentation supporting the decision in the student's file at the school.

C. Hourly wages. Not less than 20 percent of the amount earned by a student shall be paid by the employer, with the actual percentage determined by the school in consultation with the employer. A student shall be paid for hours actually worked at an hourly rate agreed to by the employer and the student, with the approval of the school. However, the student must be paid at least the state minimum wage, if the federal minimum wage is not applicable. Student earnings must be paid according to federal regulations governing payment of student earnings under the federal work-study program.

5 MCAR § 2.2306 Contracts with employers.

A. Off-campus employer contract. Before a student begins work, the school and off-campus employer shall sign a contract affirming the eligibility of the employer and agreeing to abide by applicable law and rules.

B. Contents of work contract. The student, school, and employer shall sign a contract setting forth the nature of the work, number of hours of employment, hourly rate of pay, percentage of earnings to be paid by the employer, maximum payment by the employer, pay and time records, payroll, and workers' compensation. Time records must be signed by the student and the employment supervisor.

C. Review and comment. All contracts signed by the school and employers are subject to review and comment by the executive director.

D. Supervision. The school, with the employer, must develop for each work-study assignment a program of supervision consistent with the nature of the assignment and the needs of the individual student. Upon request of the board, the school must submit the program of supervision to the executive director for review and comment.

5 MCAR § 2.2307. Report by school.

When requested by the board, each school shall report demographic information and program activity about work-study grants.

AVTI Tuition Subsidy

5 MCAR § 2.2401 Scope.

Rules 5 MCAR §§ 2.2401-2.2405 govern the tuition subsidy program for students in area vocational-technical institutes.

5 MCAR § 2.2402 Eligible schools.

Schools eligible for tuition subsidies are area vocational-technical institutes (AVTI's) established pursuant to Minnesota Statutes, section 121.21.

5 MCAR § 2.2403 Application and distribution of funds for tuition subsidies.

A. Application by AVTI. By June 30 an AVTI desiring funds for tuition subsidies must request funds on the participation request form supplied by the board. The AVTI must submit its estimate of the amount needed to meet eligible student needs for the following school year.

B. Allocation formula.

1. Funds shall be allocated to an AVTI according to the following formula:

   a. average daily membership in the AVTI divided by the total average daily membership of all AVTI's;

   b. multiplied by the current fiscal year's appropriation for tuition subsidies; and

   c. multiplied by the percent of funds for tuition subsidies actually used by that AVTI during the prior school year.

2. "Average daily membership" means the average daily membership for an AVTI as approved by the Department of Education for the year prior to the fiscal year the funds are allocated.

C. Notification. The board shall notify each AVTI of the amount allocated to it.

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D. Accountability. Each participating school shall be accountable for any funds disbursed to students for tuition subsidies. Funds may be used only during the fiscal year of disbursement. When a student does not use a subsidy because the student withdraws from the AVTI, the AVTI may use the funds for other eligible students or return the funds to the board.

E. Unused funds. When requested by the board, the AVTI must immediately return funds which the school determines will not be used. The board shall reallocate the funds to other participating AVTI's requesting additional funds.

F. Return of funds. Within 30 days of the end of the fiscal year each AVTI shall return unused funds to the board.

5 MCAR § 2.2404 Eligible students.

A. Determination of eligibility. An AVTI shall determine if a student is eligible for a tuition subsidy. To be eligible a student must be an eligible student, as defined in 5 MCAR § 2.0100 D., and both of the following:

1. has not been awarded a state scholarship or grant-in-aid for the time period for which the tuition subsidy is awarded; and

2. demonstrates financial need.

B. Financial need. A student's financial need is that portion of educational costs which remain after subtracting the expected family contribution, the Pell grant, and other assistance the student is receiving or will receive.

C. Application. A student may apply for a tuition subsidy before or while attending an AVTI. A student may defer paying tuition during the application process.

5 MCAR § 2.2405 Tuition subsidy.

A. Amount of subsidy. The amount of a tuition subsidy is based on the student's financial need. A student whose financial need does not exceed five percent of the cost of tuition may not receive a tuition subsidy. A subsidy may not exceed 75 percent of the cost of tuition for the period of the tuition subsidy.

B. How subsidy is credited. An AVTI shall reduce the tuition charged to each recipient by the amount of the tuition subsidy.

C. Educational programs extending across fiscal years. A tuition subsidy is awarded for the fiscal year of disbursement only. For an educational program extending across fiscal years, a tuition subsidy is prorated to the end of the fiscal year. Reapplication is necessary to obtain a tuition subsidy for the remainder of the educational program. A subsequent subsidy is contingent upon availability of funds, continued demonstration of financial need, and continued eligibility.

D. When subsidy begins. For a recipient who applied before the first day of classes, tuition reduction shall begin on the first day of the recipient's classes. For a recipient who applied after the first day of classes, tuition reduction shall begin on the day the recipient applied for a subsidy.

E. Obligation for tuition when tuition payment deferred. If a student defers tuition payment during the application process, the student is responsible for tuition which accrued during the application process. However, if a student does not receive a subsidy and promptly withdraws from school, tuition for the period shall be forgiven. A student who does not receive a subsidy and does not promptly withdraw from school is responsible for tuition which accrued during the application process.

F. Scholarship or grant-in-aid awards. A recipient of a state scholarship or grant-in-aid is eligible for a tuition subsidy only for the period of an educational program which does not coincide or overlap with the period of a state scholarship or grant-in-aid.

G. Transfer to another AVTI. Tuition subsidies are not transferable to other AVTI's. A recipient may apply for another subsidy if the recipient transfers to another AVTI. A recipient must meet the eligibility requirements in 5 MCAR § 2.2404 A.

Assistance for Student Dependents of Minnesota Veterans

5 MCAR § 2.2501 Scope.

Rules 5 MCAR § 2.2501-2.2503 govern state financial assistance for students in postsecondary school who are dependents of prisoners of war and persons missing in action.

5 MCAR § 2.2502 Eligible students and verification.

A. Eligibility. To be eligible for financial assistance for dependents of prisoners of war and persons missing in action, all of the following requirements must be met:

1. The student must be registered for an undergraduate program leading to a bachelor's degree or certificate of completion.

2. The student must attend a school located in Minnesota. The school may be a state university, community college, public area vocational-technical institute, or the University of Minnesota. If the school is a private school it must be eligible to participate in the state student loan program according to 5 MCAR § 2.2602.

3. The student must be one of the following:

a. the spouse of a prisoner of war or person missing in action;

b. a child born before or during the time the parent served as a prisoner of war or was declared a person missing in action; or

c. a child legally adopted or in the legal custody of the parent before and during the time the parent served as a prisoner of war or was declared a person missing in action.

B. Verification of status. In cooperation with the Commissioner of Veterans' Affairs, a school must verify, on behalf of a student applying for assistance, that the student meets the requirements in A.3. A prisoner of war or person missing in action means a person who was a Minnesota resident at the time of entering service of the United States Armed Forces, or whose official residence is within Minnesota, and who, while serving in the United States Armed Forces, 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. Verification must include the determination of residency. A discharge form, notarized statement from the student's parent, or other documentation may be required to show residency. In addition, a student may be required to provide a copy of a birth certificate, marriage certificate, or other document showing the student meets the requirement of A.3. No situation, including return or reported death of the parent or spouse, can remove a person who qualifies as a dependent from the provisions or benefits provided by law.

5 MCAR § 2.2503 Amount of assistance.

A. State-supported school. A state-supported school shall waive full tuition and fees for an eligible student.

B. Private school. A private school shall request payment from the board for each eligible student. The payment to the private school for each student shall not exceed $250 per 12 months.

State Student Loans

5 MCAR § 2.2601 Scope.

Rules 5 MCAR §§ 2.2601-2.2605 govern state loans to postsecondary students.

5 MCAR § 2.2602 Eligible schools.

Schools eligible for funds for student loans are public or private postsecondary schools in any state, approved by the United States Secretary of Education in accordance with requirements of the Higher Education Act of 1965, as amended.

5 MCAR § 2.2603 Eligible students.

A. General. To be eligible for a state student loan, a student must meet all of the following requirements:

1. is eligible for the guaranteed student loan program created by the Higher Education Act of 1965, as amended;

2. demonstrates financial need;

3. is enrolled at least half-time;

4. is in good standing, as determined by the school;

5. lives in Minnesota during the school period for which the loan is approved, for a student who is not a Minnesota resident;

6. has a loan refusal letter from a commercial lender when applying for a loan for the first time as an undergraduate student; and

7. is one of the following:

a. enrolled in an eligible school in Minnesota; or

b. a Minnesota resident enrolled in an eligible school in any other state.

B. Loans previously obtained in other states. A student who is not a Minnesota resident and who has previously obtained a student loan from a lender in another state is required to submit evidence that a request for a further loan through that program was denied.

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C. Students in default. A student is not eligible for a loan if the student is currently in default on a student loan or has a defaul claim filed with the guarantee agency at the time of application unless the student has made repayment arrangement satisfactory to the guarantee agency and the board.

5 MCAR § 2.2604 School agreements and student applications.

A. Origination agreement. Before approving loans to students at a school, the school and executive director shall execute a loan origination agreement. A school is considered to have originated a loan if the school determines who receives a loan anc the amount or if the school, at the request of the lender, verifies the identity of the borrower or completes forms normally completed by the lender. The origination agreement must specify the school's responsibility for proper delivery of loans tc students. It must also designate a school representative who is responsible for performance of the following activities:

1. complete and certify the school section of a loan application;
2. assist the board by providing loan counseling to students;
3. assist the board by counseling students about their obligations when accepting a loan;
4. deliver loan disbursements to students; and
5. promptly notify the board when a borrower does not attend school at least half-time.

B. Termination. The executive director may terminate an agreement with a school upon determining that continuation of th agreement is not in the best interests of the state student loan program.

C. Application, guarantee, and note. The student and school must complete appropriate parts of the application and send it t the board for its review. The board must complete the lender's part of the application and send it to the guarantee agency. Th guarantee agency must determine the loan amount it will guarantee. The board must send a promissory note to a student for loan amount not to exceed the amount guaranteed. After the student signs and returns the promissory note, the board must sen the loan amount to the school made payable to the student.

5 MCAR § 2.2605 Amount, terms, and payment.

A. Maximum and minimum amounts. The maximum loan for a loan period and the aggregate principal balance of loans shal be those prescribed in the Higher Education Act of 1965, as amended. The minimum amount of a loan shall be $250.

B. Duration. A loan shall not be approved for a loan period in excess of 12 months.

C. Repayment. The interest rate, terms, and conditions of repayment shall be that prescribed by the Higher Education Ac of 1965, as amended.

D. Date of payments. No check shall be dated more than 30 days before the beginning of the loan period for which the loan i made. A school shall not deliver a check to a student until after the loan period has begun. No payment shall be made after th loan period expires.

E. Failure to enroll, transfer, or withdrawal. The school shall return checks for students who have not enrolled within 3 days of the date enrollment is determined. If a student transfers to another school or withdraws from school before a check received, the loan is cancelled. A student may reapply for a loan at another school. If a student who has received a check doe not attend school for the intended loan period, the loan shall be immediately due and payable.

F. Refunds. Refunds from schools to the board are allocable in a percentage greater than or equal to the percentage of th total cost of education funded by state student loans.

Private College Contracts

5 MCAR § 2.2701 Scope.

Rules 5 MCAR §§ 2.2701-2.2705 govern the state program of contracts with private colleges for education of Minneso residents.

5 MCAR § 2.2702 Eligible schools.

Annually the board shall adopt by resolution a list of schools eligible for a contract. To be eligible a school must meet all of th following requirements:

1. be a private institution of higher education;
2. be located in Minnesota;
3. not be operated for profit;
4. not be an institution or department or branch of an institution whose program is specifically to prepare students t become ministers of religion, to enter upon some other religious vocation, or to prepare to teach theological subjects;

5. grant an associate degree or higher degree; and

6. be either of the following:

a. fully accredited or making satisfactory progress toward full accreditation by the North Central Association of Secondary Schools and Colleges; or

b. determined by the board to maintain programs and standards substantially equivalent to the institutions in Minnesota which are fully accredited.

5 MCAR § 2.2703 Contracts.

A. Content. The executive director shall offer contracts to all eligible schools. The contract must specify the responsibilities of the school, the services it is to provide, and the terms and conditions of receiving payment for the services.

B. Students eligible. The contract must be for students who meet all the following requirements:

1. are enrolled full-time in the fall term according to the standards of the school, but for not less than 12 credits or the equivalent;

2. are enrolled in an eligible program; and

3. are either one of the following:

a. dependent upon the financial support of parents or guardians who have resided in Minnesota for not less than 12 months prior to admission at the school; or

b. independent of parental or guardian's financial support and have resided in Minnesota, for purposes other than obtaining an education, for not less than 12 consecutive months prior to admission at the school.

C. Eligible programs notarized. As a condition of the contract, the chief executive officer and an officer of the governing board of each school must provide a notarized statement that programs included in the contract meet the following criteria:

1. must lead to an associate or bachelor degree or to a prebaccalaureate diploma;

2. must be at least one academic year in duration;

3. 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, but it may not require a student to:

a. take courses based upon a particular set of religious beliefs;

b. receive instruction intended to propagate or promote any religious beliefs;

c. participate in religious activities;

d. maintain affiliation with a particular church or religious organization; or

e. attest to any particular religious beliefs.

5 MCAR § 2.2704 Certification of the number of eligible students.

The chief executive officer of each school must certify as of the tenth class day of the fall term the exact number of Minnesota residents who are enrolled in programs meeting the criteria in 5 MCAR § 2.2703 C. Each school must maintain adequate records demonstrating the method of calculating the number of students. The records and underlying documents must be available to the board for inspection.

5 MCAR § 2.2705 Payment.

A. Amount of payment. The executive director shall pay, for each eligible student who is not a state grant-in-aid recipient, $120 per student in a school granting an associate degree but not a bachelor's degree and $150 per student in a school granting a bachelor's degree. In addition, the executive director shall pay, for each eligible student who is a state grant-in-aid recipient, $400 per student in a school which grants an associate degree but not a bachelor's degree and $500 per student in a school which grants a bachelor's degree. However, if the appropriation is insufficient to pay the full amount, the executive director shall reduce the payments in a manner which maintains the ratios among the four categories of students.

B. Time of payment. Ninety percent of the payment shall be made in the winter. It shall be calculated by using the number of

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eligible students, certified by the school and verified by the executive director, and the preliminary number of fall grant-in-aid recipients. The final payment shall be made in the spring. It shall be based on the final number of fall grant-in-aid recipients and shall include any required adjustments.

Private Institutions Registration and Approval of Degrees and Names

5 MCAR § 2.2801 Scope.

Rules 5 MCAR §§ 2.2801-2.2811 govern a state program for registration of private and non-Minnesota public postsecondary institutions and approval of degrees granted and names used.

5 MCAR § 2.2802 Definitions.

A. Applicability. For the purposes of 5 MCAR §§ 2.2801-2.2811 the terms defined in this rule have the meanings given them.

B. Degree. "Degree" means any award given by a school which signifies or is generally taken to signify completion of a program or course and which is designated by the terms degree, associate, bachelor, baccalaureate, master, doctor, or education specialist.

C. School.

1. "School" means an individual, partnership, company, firm, society, trust, association, corporation, or any combination thereof operating or doing business in Minnesota which:

a. is, owns, or operates a private, nonprofit postsecondary education institution;

b. provides a postsecondary instructional program or course leading to a degree whether or not for profit;

c. is, owns, or operates a private postsecondary educational institution which uses the term "academy," "college," "institute," or "university" in its name or advertising; or

d. operates for profit and provides programs or courses which are intended to allow an individual to fulfill in part or totally the requirements necessary to maintain a license to practice an occupation.

2. "School" also means, except in 5 MCAR § 2.2804 B., a public or private postsecondary educational institution located outside Minnesota which offers programs, courses, or educational activities to residents of Minnesota and which does not require the student to leave the state for the major portion of the program, course, or activities.

5 MCAR § 2.2803 Who must register.

All schools shall register annually with the Higher Education Coordinating Board. Annually the board shall adopt by resolution and publish a list of registered schools. A school need not be approved to be registered.

5 MCAR § 2.2804 Requirements for registration.

A. Fees. The initial registration fee is $200 and the annual renewal fee is $150. Neither fee is refundable.

B. Plan to preserve permanent records. Each school located in Minnesota shall maintain permanent records for all students enrolled at any time. Records include school transcripts, documents, and files containing student data relating to academic credits earned, courses completed, grades awarded, degrees awarded, and periods of attendance. To preserve permanent records, a school shall submit a plan which meets all of the following:

1. at least one copy of the records held in a secure depository;

2. an appropriate official designated to provide a student with copies of records or a transcript upon request;

3. a method of complying with 1. and 2. should the school cease to exist; and

4. if the school has no binding agreement for preserving student records, a continuous surety bond in an amount not to exceed $20,000 or a trust arrangement should the school cease to exist.

C. Information. Each school shall submit the following information accompanied by an affidavit attesting to its accuracy and truthfulness:

1. articles of incorporation, constitution, bylaws, or other operating documents;

2. a duly adopted statement of the school's mission and goals;

3. evidence of current school or program licenses granted by departments or agencies of any state;

4. a fiscal balance sheet on an accrual basis, or a certified audit of the immediate past fiscal year or, if the school is a public institution outside Minnesota, an income statement for the immediate past fiscal year;

5. all promotional and recruitment materials and advertisements;

6. the current school catalog and, if not contained in the catalog:

a. the members of the board of trustees or directors, if any;

b. the current institutional officers;

c. current full-time and part-time faculty with degrees held or applicable experience;

d. a description of all school facilities;

e. a description of all current course offerings;

f. all requirements for satisfactory completion of courses, programs, and degrees;

g. the school's policy about freedom or limitation of expression and inquiry;

h. a current schedule of fees, charges for tuition, required supplies, student activities, housing, and all other standard charges;

i. the school's policy about refunds and adjustments;

j. the school's policy about granting credit for prior education, training, and experience; and

k. the school's policy about student admission, evaluation, suspension, and dismissal.

D. Additional information. If the board is unable to determine the nature and activities of a school on the basis of the information in C., the board shall notify the school of additional information needed.

E. Verification of information. The board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary.

F. Public information. All information submitted to the board is public information except financial records and information. The board may disclose financial records or information to defend its decision to approve or disapprove granting of degrees or the use of a name or its decisions to revoke such approval at a hearing under Minnesota Statutes, chapter 14, or other legal proceedings.

G. Unauthorized representations. No school or any of its officials or employees shall advertise or represent in any manner that a school is approved or accredited by the board or the state of Minnesota. A school may represent that it is registered with the board by using the following language: "(Name of school) is registered with the Minnesota Higher Education Coordinating Board. Registration is not an endorsement of the institution. Registration does not mean that credits earned at the institution can be transferred to other institutions or that the quality of the educational programs would meet the standards of every student, educational institution, or employer."

5 MCAR § 2.2805 Approval of names and degrees.

A. In General. A school must be registered if it uses the term "academy," "institute," "college," or "university" in its name or if it grants a degree to a student in Minnesota, where the student has not left Minnesota for the major portion of the program or course leading to the degree. It also must substantially meet the criteria in B. In addition, it must meet the requirements in D. and E., as applicable. Annually the board shall adopt, by resolution, and publish a list of the schools approved to use regulated terms in their names and a list of schools approved to grant degrees with a list of the approved specified degrees.

B. Criteria for approval. The information submitted for registration is used to determine whether the following criteria are substantially met:

1. The school has an organizational framework with administrative and teaching personnel to provide the educational programs it purports to offer.

2. The school has financial resources sufficient to meet the school's financial obligations including refunding tuition and other charges consistent with its stated policy if the institution is dissolved or if claims for refunds are made, to provide service to the students as purported, and to provide educational programs leading to degrees as purported.

3. The school operates in conformity with generally accepted budgeting and accounting procedures, such as the standards adopted by the National Association of College and University Business Officers.

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4. The school provides an educational program leading to the degree it purports to offer.

5. The school provides appropriate and accessible library, laboratory, and other physical facilities to support the educational program offered.

6. The school has a policy on freedom or limitation of expression and inquiry for faculty and students which is published or available on request.

7. The school uses for promotion and student recruitment only publications and advertisements which are truthful and do not give any false, fraudulent, deceptive, inaccurate, or misleading impressions about the school, its personnel, programs, services, or occupational opportunities for its graduates.

8. The school's compensated recruiting agents who are operating in Minnesota identify themselves as agents of the school when talking to or corresponding with students and prospective students.

9. The school provides information to students and prospective students concerning:

a. comprehensive and accurate policies relating to student admission, evaluation, suspension, and dismissal;

b. clear and accurate policies relating to granting credit for prior education, training, and experience and for courses offered by the school;

c. current schedules of fees, charges for tuition, required supplies, student activities, housing, and all other standard charges;

d. policies regarding refunds and adjustments for withdrawal or modification of enrollment status; and

e. procedures and standards used for selection of recipients and the terms of payment and repayment for any financial aid program.

C. Failure to meet criteria. Failure to meet any one of these criteria does not necessarily prevent a school from being approved. Rather, a judgment shall be made on the basis of a pattern which in the whole supports a legitimate educational program, sufficient finances, and sound institutional policies and practices.

D. Requirements for degree approval. The following additional requirements must be met by a school for each degree it offers to a student, where the student does not leave Minnesota for the major portion of the program or course leading to the degree:

1. qualified teaching personnel to provide the educational programs for each degree for which approval is sought;

2. appropriate educational programs leading to each degree for which approval is sought;

3. appropriate and accessible library, laboratory, and other physical facilities to support the educational program for each degree for which approval is sought; and

4. a rationale showing that degree programs are consistent with the school's mission and goals.

E. Requirements for name approval.

1. A school may use the term "academy" or "institute" in its name without meeting any additional requirements.

2. A school may use the term "college" in its name if it offers at least one program leading to an associate degree.

3. A school may use the term "university" in its name if it offers at least one program leading to a baccalaureate, master's, or doctorate degree.

4. A school, organized, operating, and using the term "academy," "institute," "college," or "university" in its name on or before August 1, 1975, may continue using such term whether or not it offers a program leading to a degree.

F. Conditional approval. The board may grant conditional approval for a degree or use of a term in its name for a period of less than one year if doing so would be in the best interests of currently enrolled students or prospective students.

G. Special advisory committee. The executive director may appoint a special advisory committee to review staff recommendations prior to board action upon the request of the school applying for board approval.

5 MCAR § 2.2806 Disapproval and appeal.

If a school's degree or use of a term in its name is disapproved by the board, the school may request a hearing under Minnesota Statutes, chapter 14. The request must be in writing and made to the board within 30 days of the date the school is notified of the disapproval.

5 MCAR § 2.2807 Withdrawal of approval.

A. Notice and hearing. The board may refuse to renew, revoke, or suspend approval of a school's degree or use of a

regulated term in its name by giving written notice and reasons to the school. The school may request a hearing under Minnesota Statutes, chapter 14. If a hearing is requested, no disapproval shall take effect until after the hearing.

B. Reasons for withdrawal. Withdrawal of approval may be for one or more of the following reasons:

1. violating the provisions of Minnesota Statutes, sections 136A.61 to 136A.71 or 5 MCAR § 2.2801-2.2811;

2. providing false, misleading, or incomplete information to the board;

3. presenting to prospective students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect;

4. refusing to allow reasonable inspection or to supply reasonable information after a written request by the board has been received.

5 MCAR § 2.2808 Information, forms, and procedures.

The executive director may issue public information, design application forms, review applications, secure information, make recommendations, set guidelines, and approve uses pursuant to 5 MCAR § 2.2805 E.4., and establish visitation teams.

5 MCAR § 2.2809 Schools licensed by another agency or department.

The board shall accept as final and not inquire into the substantive basis for a license granted to a school by any agency or department of the state or any other state.

5 MCAR § 2.2810 Schools licensed by commissioner of education.

A school required to be licensed by the commissioner of education is exempt from registration and approval unless it grants degrees.

5 MCAR § 2.2811 Voluntary compliance.

A school or educational program which is exempt under Minnesota Statutes, section 136A.653 is exempt from 5 MCAR §§ 2.2801-2.2810 but may voluntarily waive its exemption by registering. Upon registration the school or educational program is subject to all applicable requirements of Minnesota Statutes, sections 136A.61 to 136A.71 and 5 MCAR §§ 2.2801-2.2810.

Repealer. Rules 5 MCAR §§ 2.0101-2.0108; 2.0201-2.0209; 2.0301-2.0310; 2.0501-2.0507; 2.0701-2.0706; 2.0801-2.0806; 2.0901-2.0918; 2.0990; 2.1001-2.1008 are repealed.

Department of Labor and Industry
Occupational Safety and Health Division

Proposed Revisions to the Occupational Safety and Health Standards

Request for Comments

Notice is hereby given that the Department of Labor and Industry proposes to adopt the following revisions to the Minnesota Occupational Safety and Health Codes, as authorized under Minn. Stat. § 182.655 (1982), establishing, modifying or revoking the Occupational Safety and Health Standards described below. This is an action to adopt standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration.

Complete copies of the specific standards, changes, additions, deletions and corrections are available by writing: Occupational Safety and Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101; or by calling: (612) 297-3254.

Interested persons are hereby afforded a period of 30 days to submit written data or comments on the standards proposed. Any interested person may file with the commissioner written objections to the proposed standards stating the grounds therefor and such person may request a public hearing on those objections.

Steve Keefe
Commissioner of Labor and Industry

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STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing Definitions for Higher Education Programs (5MCAR §2.0100), State Scholarship and Grants-in-Aid (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501-2.2503), State Student Loans (5MCAR §2.2601-2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811).

FINDINGS OF FACTS AND CONCLUSIONS

FINDINGS OF FACT

1. At its meeting on June 30, 1983, the Minnesota Higher Education Coordinating Board (hereinafter the "Board") proposed that the above-entitled rules be adopted after compliance with the procedure which authorizes an agency to propose and adopt rules without a public hearing.

2. Pursuant thereto, the Notice of Intent to Adopt Rules Without a Public Hearing was published in the State Register on April 11, 1983, together with a copy of the proposed rules (7 S.R. 1449, pages 1449 through 1463).

3. The Board's authority to promulgate the proposed rules is contained in Minnesota Statutes 136A.111, subdivision 2.

4. The Statement of Need and Reasonableness for proposed amendments to rules 5MCAR §2.0100-2.2811 sets forth the need for and reasonableness of the rules.

5. The Statement of Need and Reasonableness is incorporated into these findings and becomes a part hereof as though fully set forth herein.

6. Copies of the Notice of Intent to Adopt 5MCAR §2.0100-2.2811 Without Public Hearing and of the proposed rules were mailed to names appearing on the Board's mailing list which includes all presidents and executive directors of private and public post-secondary institutions.

7. No one requested a public hearing concerning Definitions for Higher Education Programs (5MCAR §2.0100), State Scholarship and Grants-in-Aid (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501-2.2503), State Student Loans (5MCAR §2.2601-

2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811) within the 30-day comment period.

8. No correspondence was received concerning Definitions for Higher Education Programs (5MCAR §2.0100), State Scholarship and Grants-in-Aid (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501- 2.2503), State Student Loans (5MCAR §2.2601-2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811).

9. The Notice of Intent to Adopt Without Public Hearing, and the Statement of Need and Reasonableness, included 5MCAR §2.0604-2.0606 concerning terms of loans and grants to foreign students, and disbursement of funds.

10. Nine persons requested a hearing concerning 5MCAR §2.0604-2.0606.

11. 5MCAR §2.0604-2.0606 are hereby withdrawn from consideration.

CONCLUSIONS

1. The Board gave due, timely and adequate legal notice of its intent to adopt the rules without a public hearing.

2. No one requested a public hearing concerning Definitions for Higher Education Programs (5MCAR §2.0100), State Scholarship and Grants-in-Aid (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501-2.2503), State Student Loans (5MCAR §2.2601-2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811) during the 30-day comment period.

3. Nine persons requested a hearing concerning 5MCAR §2.0604-2.0606.

4. Proposed rule 5MCAR §2.0604-2.0606 shall be deleted.

5. The Board has the statutory authority to promulgate the proposed rules.

6. The Board has fulfilled all relevant, substantive and procedural requirements of law or rule.

7. The Board has demonstrated the need for and the reasonableness of the proposed rules by an affirmative presentation of facts.

Dated this 30th day of June, 1983.

VICE- PRESIDENT
Higher Education Coordinating Board

attested:

SECRETARY
Higher Education Coordinating Board

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Arthur Gillen, do hereby certify that I am a member and the Vice President of the Higher Education Coordinating Board, 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 Board of the Higher Education Coordinating Board, duly and properly called and held on the 30th, day of June, 1983 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 the rules relating to Definitions for Higher Education Programs (5MCAR §2.0100), State Scholarship and Grants-in-Aid (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501-2.2503), State Student Loans (5MCAR §2.2601-2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811), be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes Section 136A.111, subdivision 2 and that Clyde Ingle, the executive director of the Board of the Higher Education Coordinating Board, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 30th day of June, 1983.

(Officer of the Board)
ARTHUR GILLEN, Vice President

Attest by one other Board member

MINNESOTA
HIGHER EDUCATION
COORDINATING BOARD

SUITE 400
CAPITOL SQUARE
550 CEDAR STREET
SAINT PAUL 55101

(612) 296-3974

296-7963

MEMORANDUM

TO: INTERESTED PERSONS

FROM: ROSE HERRERA HAMERLINCK RHH

RE: STATEMENT OF NEED AND REASONABLENESS

DATE: MARCH 31, 1983

Attached please find the Statement of Need and Reasonableness for the Minnesota Higher Education Coordinating Board program rules.

This document reflects no statutory changes from the previous rules. The changes made are basically to conform with the new rule format proposed by the Revisor of Statutes.

Please contact me if you have questions.

RHH:kb
Att.

Statement of Need and Reasonableness
for
Minnesota Higher Education Coordinating Board Proposed Rules

March, 1983

(Rules 5 MCAR SS 2.0101-2.0108; 2.0201-2.0209; 9 2.0301-2.0310; 2.0501-2.0507; 2.0701-2.0706; 2.0801-2.0806; 10 2.0901-2.0918; 2.0990; 2.1001-2.1008 are repealed.)

This Statement of Need and Reasonableness will utilize the following format for a paragraph-by-paragraph discussion of the proposed rules:

I Authority

II Programs

1) Background of Program

2) Proposed Rules

3) Discussion

I. Authority

Authority for the promulgation of these rules is contained in Minnesota Statutes sections 136A.111, 136A.121, 136A.132, 136A.233, 136A.236, 136A.141, 136A.20, 136A.70 (1982).

The proposed rules as contained in this document reflect changes made to the Higher Education Coordinating Board rules, 1978 edition, as amended in 1980-81 (5 MCAR 2.0101 through 2.1008).

II. Programs

5 MCAR S 2.064 Terms of loans - grants

This section refers to the foreign student loan program (136A.146) which has been discontinued, i.e., no more funds are being allocated to the program. Rules, though, need to be maintained for the collection of loans which remain outstanding.

2.0604A Conditions for conversion of loans

Discussion: The word "residing" was changed to "residency" for grammatical correctness. Additional words were added for clarification of program requirements.

2.0604B Emergency Scholarship funds

Discussion: This paragraph was added to clarify and specify the required reporting procedures.

2.0606C Disbursement of funds

Discussion: C) The word "institution" was changed to "school" for consistency in MCAR terminology. In addition, the time period of the school's responsibility for funds disbursed under this program needed to be specified.

D) This paragraph was added to clarify and specify the school's accountability, and to specify the procedure established by the board.

5 MCAR S 2.0100 Definitions for higher education programs

2.0100A Applicability

Discussion: This paragraph simply defines the purpose for this section of the rules. Wording changes were made to simplify and conform to format recommended by the Revisor of Statutes.

2.0100B Board

Discussion: No change from previous rule.

2.0100C Educational cost

Discussion: Defines items which are to be used in determining the award formula. Wording change is made from previous rules, from "shall include" to "means".

2.0100D Eligible student

Discussion: This paragraph consolidates previous definition of who is an "eligible" applicant, and an "undergraduate"

applicant. No program change, other than restricting tuition reciprocity recipients, and making more explicit the requirement of satisfactory progress.

2.0100E Executive director

Discussion: No change from previous rule.

2.0100F Financial need

Discussion: Since the scholarship and grant-in-aid program awards money only to students who show financial need, this rule is necessary to establish the definition of "financial need analysis" which, previously, was a separate paragraph.

2.0100G Minnesota resident

Discussion: This paragraph outlines which events must take place in order for an applicant to be considered a resident of Minnesota. These events must take place by a certain date. A paragraph was added defining independent students because residency requirements are different for independent versus dependent students and it is necessary to define the difference.

State Scholarship and Grants-in-Aid

The legislature began this program when it found that the identification of young men and women of the state who are economically disadvantaged and the encouragement of their educational development in eligible institutions of their choice was in the best interest of the state, and its students. (136A.095)

5 MCAR S 2.2102 Eligible schools

Discussion: This rule outlines the criteria to be used to determine whether or not a school may participate in the program. Additional detail of criteria is provided in comparison to previous rule, with no new criteria added.

5 MCAR S 2.2103 Application dates & student eligibility

Discussion: Statutes dictate that there be scholarships and grants and that there be initial and renewal applicants. This rule defines the criteria for initial scholarship and grant applicants, renewal applicants, and date of application. This is not a new rule, but it was changed to conform to new rule format.

5 MCAR S 2.2104 Ranking applicants

Discussion: By statute, initial and renewal scholarship and grant applicants must be ranked in a certain way before

awards are made. The wording and order of this rule was changed for clarification.

5 MCAR 2.2105 Awards

Discussion: This rule explains the criteria as dictated by statute, governing the minimum and maximum amount of a monetary award. In addition, statutes also created a non-monetary award which is so defined. This rule does not represent a change from the previous rule, except for word changes for clarification.

5 MCAR S 2.2106 Method of Payment

Discussion: This rule describes the procedure by which a monetary award is transferred from the state to the student. There is no change, except for wording, from the previous rule.

Part-Time Student Grants

The legislature created this program for students attending eligible institutions less than full-time (136A.132).

5 MCAR S 2.2202 Eligible schools

Discussion: No change from previous rule.

5 MCAR S 2.2203 Application and distribution of funds for grants

Discussion: A) This paragraph was added to clarify the procedure; B) The allocation formula is clarified, and made more specific to reflect procedural operations. There are no substantive changes except for wording to clarify meaning in sections C, D, and E.

5 MCAR S 2.2204 Determination of eligibility

Discussion: A) Eligibility is expanded to include Pell Grant recipients in order to make the program more responive to the needs of eligible applicants; B) Reflects current procedural operations based on statute and make the program more responsive to the needs of eligible applicants;C) Addition of "applicant" to certain circumstances whereestimated income shall be used is added to clarify previous rule. Also, if no tax return is available for the base year, the use of estimated annual income is necessary.

5 MCAR S 2.2205 Amount & term of grants

Discussion: "Pell Grant" is added in the determination of the part-time student grant due to the Pell Grant inclusion in 2.2204A above.

5 MCAR S 2.2206 Reports of data

Discussion: Clarifies reporting and data collection requirements based on current program operations.

Work-Study Grants

The legislature began this program when it determined that such a program is in the best interests of the state in that it can 1) assist in meeting the financial needs of students 2) provide the opportunity for students to obtain valuable learning service experiences, and 3) assist governmental and nonprofit service agencies by providing student assistance at low cost. (136A.231)

5 MCAR S 2.2302 Eligible schools

Discussion: No change from previous rule

5 MCAR S 2.2303 Application and distribution of funds

Discussion: A) Clarifies previous rule for grants and specifies procedural operations; B) specifies allocation formula in more detail, and new wording clarifies understanding of allocation formula. There are no substantive changes except for wording to clarify meaning in sections C, D and E.

5 MCAR S 2.2304 Eligible students

Discussion: No change from previous rule.

5 MCAR S 2.2305 Employment terms; Amount of grants

Discussion: A) No change from previous rule; B) Specifies documentation requirements of program to help the board with auditing requirements; C) No change from previous rule.

5 MCAR S 2.2306 Contracts with employers.

Discussion: No substantive change except for wording to clarify meaning.

5 MCAR S 2.2307 Report by school

Discussion: Clarifies reporting and data collection requirements based on current program operations.

AVTI Tuition Subsidy

Since July, 1979, the board has administered a program of tuition subsidies for students attending public post-secondary vocational-technical schools.

5 MCAR S 2.2402 Eligible schools

Discussion: No change from previous rule.

5 MCAR S 2.2403 Application & distribution of funds for tuition subsidies

Discussion: A) Clarifies and specifies the procedure of applying for funds; B) Specifies the allocation formula in detail. There are no substantive changes except for wording to clarify meaning in sections C, D, E and F.

5 MCAR S 2.2404 Eligible students

Discussion: A) No change from previous rule; B) Specifies factors that are considered in the determination of financial need based on current program operations; C) No change from previous rule.

5 MCAR S 2.2405 Tuition subsidy

Discussion: There are no substantive changes except to clarify meaning, and program requirements.

Assistance for Student Dependents of Minnesota Veterans

The objective of this program is to provide financial assistance to students enrolled in Minnesota post-secondary institutions, who were dependents of Minnesota veterans when they declared prisoners of war or missing in action according to guidelines established after August 1, 1958.

5 MCAR S 2.2502 Eligible students verification

Discussion: A) No change from previous rule; B) Clarifies and specifies types of documentation that may be required for verifying status, based on current program operations.

5 MCAR S 2.2503 Amount of assistance

Discussion: Clarifies the amount of assistance available based on statutory limitations.

State Student Loans

The legislature found that the encouragement of the maximum educational development of the young men and women of Minnesota is in the best interest of the state. The state loan program encourages students to continue their education and provides financial assistance for those who would not otherwise be able to do so. This program is designated to be compatible with the provisions of the Higher Education Act of 1965. (136A.14)

5 MCAR S 2.2602 Eligible schools

Discussion: No change from previous rule.

5 MCAR S 2.2603 Eligible students

Discussion: A) No change from previous rule; B) No change from previous rule; C) Clarifies default conditions in order to be consistent with the federal Guaranteed Student Loan Program regulations, this paragraph also is used for program control purposes.

5 MCAR S 2.2604 School agreements and student applications

Discussion: This paragraph clarifies the responsibilities of the school, the lender and the student.

5 MCAR S 2.2605 Amount, terms & payment

Discussion: This paragraph clarifies specific program requirements and limitations regarding the amount, terms, and payment of a loan check as related to the student borrower.

Private College Contracts

The legislature found that private colleges in Minnesota have the potential capacity for educating larger number of Minnesota residents and that providing for the education of additional Minnesota residents in private colleges, rather than in state institutions of higher education, would result in a savings of tax moneys. Contractual agreements with Minnesota private colleges, therefore, are designed to encourage and facilitate the education of larger numbers of Minnesota residents in private colleges located in Minnesota (136A.18)

5 MCAR S 2.2702 Eligible schools

Discussion: There are no substantive changes except for wording to clarify meaning.

5 MCAR S 2.2703 Contracts

Discussion: There are no substantive changes from those sections of the previous rules, only minor changes in wording and organization to clarify meaning.

5 MCAR S 2.2704 Certification of the number of eligible students

Discussion: This section is needed to clearly define the procedures for defining the number of Minnesota residents and grant recipients enrolled as full-time students as well as the type of records that participating institutions will need to maintain for the board's auditing purposes.

5 MCAR S 2.2705 Payment

Discussion: This section is necessary to specify the amount to be paid both when there is full funding for the program and when payment cannot be made at the statutory maximum. It is also needed to clearly define how and when payment will be provided to the participating institutions.

Private Institutions Registration and Approval of Degrees and Names

The legislature found that the availability of legitimate courses and programs leading to academic degrees offered by responsible private institutions of post-secondary education and the existence of legitimate private colleges and universities are in the best interest of the people of Minnesota. In addition, the legislature found that the state can provide assistance and protection for persons choosing private institutions and programs, by establishing policies and procedures to assure the authenticity and legitimacy of private post-secondary education institutions and programs. The legislature has also declared that this same policy applies to any public post-secondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion.

5 MCAR 2.2802 Definitions

Discussion: There are no substantive changes from this section of the previous rules, only minor changes in wording to clarify meaning.

5 MCAR 2.2803 Who must register

Discusion: No change from previous rule.

5 MCAR 2.2804 Requirements for registration

Discussion: A) The only substantive change from the previous rule is the specification that the fees will be set at the statutory maximum. This addition is needed to clearly define the amount of the fee charge for registration and renewal; B) The proposed new rule deletes the requirement for schools not located in Minnesota. This change is needed to make the rule conform to MN Stat. 136.68 which requires record protection only if the institution is located in Minnesota; C) There are no substantive changes except for wording to clarify meaning, in sections C, D, E, and F; G) The only substantive change from this section of the previous rule is the addition of the last two sentences in quotations which are needed to clarify what registration means and what it does not mean. The Higher Education Coordinating Board office has received

a number of inquiries about schools which advertise that they are registered using the currently allowed language. These inquiries include: "Will credit be accepted by other institutions?"; "Is registration the same as accrediation?" "Will programs lead to occupational licensure or promotion?" and "Will degrees be recognized by employers and others?". In the board's judgment, the proposed additional language will more fully explain the extent and the limitations of registration.

5 MCAR 2.2805 Approval of names & degrees

Discussion: A) In general, this section is needed to explain the relationship between registration, approval of degrees and approval of names. It is substantially the same as the previous rule; Sections B), C), D), E) and F) reflect no substantive changes from the previous rule except for minor word changes to clarify meaning; G) this section of the previous rule requiring a standing advisory committee is being repealed. This repeal is reasonable because this is a matter which is normally handled by a directive from the board following their policy on advisory committees. Since no other board advisory committee is established by rule, this repeal will allow conformance with the general board approach to advisory committees. However, the provision for a special advisory committee is needed to assure that schools subject to registration will understand that the recommendations of the board's staff regarding their school may be reviewed by an outside committee before board action.

5 MCAR 2.2806 Disapproval & Appeal

Discussion: No substantive changes except for wording changes to clarify meaning.

5 MCAR 2.2807 Withdrawal of Approval

Discussion: No substantive changes except for wording changes to clarify meaning.

5 MCAR 2.2808 Information, forms & procedures

Discussion: The only substantive changes from the previous rule is the repeal of the delegation of authority for the executive director to prescribe procedures and set fees. This repeal is needed because such matters should be clearly prescribed in rules and not delegated to the executive director.

5 MCAR 2.2809 Schools licensed by another agency to department

Discussion: There are no substantive changes except for wording changes to clarify meaning.

5 MCAR 2.2810 Schools licensed by commissioner of education

Discussion: There are no substantive changes except for wording changes to clarify meaning.

5 MCAR 2.2811 Voluntary compliance

Discussion: There are no substantive changes except for wording changes to clarify meaning.

(old 5 MCAR 2.0990. Separability is being repealed. The repeal is resonable since the inclusion of this section is unnecessary. MN Stat. 645.20 (1980) and MN Stat. 645.001 (1981 Supplement) provide that unless otherwise stated, all law and rules shall be severable.

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing Definitions for Higher Education Programs (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501-2.2503), State Student Loans (5MCAR §2.2601-2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811).

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Laura E. Mattson, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.



LAURA E. MATTSON
Special Assistant Attorney General

Dated: July 6, 1983

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing Definitions for Higher Education Programs (5MCAR §2.0100), State Scholarship and Grants-in-Aid (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501-2.2503), State Student Loans (5MCAR §2.2601-2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811).

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Rosemary Herrera Hamerlinck, being first duly sworn, deposes and says:

That on the 5th day of July, 1983, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for first class mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Rosemary Herrera Hamerlinck

Subscribed and sworn to before me this 5th day of July, 1983.

Lori A. Witte

LORI A. WITTE
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires June 15, 1987

STATE OF MINNESOTA
DEPARTMENT OF HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing Definitions for Higher Education Programs (5MCAR §2.0100), State Scholarship and Grants-in-Aid (5MCAR §2.2101-2.2106), Part-Time Student Grants (5MCAR §2.2201-2.2206), Work Study Grants (5MCAR §2.2301-2.2307), Area Vocational-Technical Institute Tuition Subsidy (5MCAR §2.2401-2.2405), Assistance for Student Dependents of Minnesota Veterans (5MCAR §2.2501-2.2503), State Student Loans (5MCAR §2.2601-2.2605), Private College Contracts (5MCAR §2.2701-2.2705), and Private Institutions Registration and Approval of Degrees and Names (5MCAR §2.2801-2.2811).

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, July 5, 1983, for review as to form and legality. Pursuant to 1 MCAR §1.206 B., the Attorney General will not approve the rules for at least 14 calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Rose Herrera Hamerlinck, Minnesota Higher Education Coordinating Board, 400 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, telephone (612) 296-7963.

Clyde R. Ingle

CLYDE R. INGLE
Executive Director
Minnesota Higher Education
Coordinating Board