

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1017

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-26-84
DATE FOR REVIEW 4-5-84
DATE DUE 4-9-84

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

Approved 4-9-84 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 3/28/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 3.22.84 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
2.6.84 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

N/A 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

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO: DAVID A. LONGANECKER
Acting Executive Director

DATE: 4/9/84

Attn: LAURA E. MATTSON
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General
MJC

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the Minnesota Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid (5 MCAR § 2.2101-2.2106) and Part-Time Student Grants (5 MCAR § 2.2204).

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.

cc: Ms. Kathy Burek
Mr. Duane Harves

MJC:sa

AG copy

Higher Education Coordinating Board

Adopted Adoption of Rules Governing State Scholarships and Grants-in-Aid and Part-Time Student Grants

Rules as Adopted

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 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.-3. [Unchanged]

5 MCAR S 2.2103 Application dates and student eligibility.

A.-B. [Unchanged]

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.-3. [Unchanged]

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;

5. If under 17 years old, a recipient must have a high school diploma or the equivalent.

D. [Unchanged]

5 MCAR S 2.2104 Ranking applicants.

A. [Unchanged]

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.

Awards shall be made on a funds available basis. Once an award is made it shall not be withdrawn in order to award an applicant of higher priority.

C. [Unchanged]

5 MCAR S 2.2105 Awards.

A. Monetary awards. The amount of a scholarship or grant-in-aid financial stipend shall not exceed an applicant's cost of attendance, as defined in Minnesota Statutes, section 136.121, subdivision 6, after deducting the following:

1. a contribution by the applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

2. a contribution by the applicant's parents, as determined by a standardized need analysis; and

3. an estimate of the amount of a federal Pell grant award for which the applicant is eligible.

The minimum financial stipend shall be $100.

B.-C. [Unchanged]

5 MCAR S 2.2106 Method of payment.

A.-C. [Unchanged]

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.2., 3., 5., and 6., except that the student need not be a full-time student. The student must be:

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

2. ineligible for state or federal financial aid, other than a Pell grant; and

3. unreimbursed for tuition and fees by any source other than a Pell grant; and

4. in financial need.

B.-C. [Unchanged]

APPROVED AS TO FORM AND LEGALITY
April 9 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha J. Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

AR0475

Agency: Higher Education Coordinating Board

Division:

Agency Contact: Rose Herrera Hamerlinck

Rule Numbers: 5 MCAR SS 2.2101-2.2106, 2.2204

Title: Adopted Adoption of Rules Governing State Scholarships and Grants-in-Aid and Part-Time Student Grants

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 10 1984
Joan Anderson Growe
Secretary of State
11:50 AM

The attached rules are approved as to form.

APPROVED AS TO FORM AND LEGALITY
April 9 19 84
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha J. Cassady
SPECIAL ASSISTANT ATTORNEY GENERAL

Steven C. Cross
Revisor of Statutes

Richard J. Sands
Assistant Revisor
Phone: 296-2798
Date: March 28, 1984

Rules as Proposed

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.-3. [Unchanged]

5 MCAR S 2.2103 Application dates and student eligibility.

A.-B. [Unchanged]

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.-3. [Unchanged]

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;

5. If under 17 years old, a recipient must have a high school diploma or the equivalent.

D. [Unchanged]

5 MCAR S 2.2104 Ranking applicants.

A. [Unchanged]

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. Awards shall be made on a funds available basis. Once an award is made it shall not be withdrawn in order to award an applicant of higher priority.

C. [Unchanged]

5 MCAR S 2.2105 Awards.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

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.~~ The amount of a scholarship or grant-in-aid financial stipend shall not exceed an applicant's cost of attendance, as defined in Minnesota Statutes, section 136.121, subdivision 6, after deducting the following:

1. a contribution by the applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

2. a contribution by the applicant's parents, as determined by a standardized need analysis; and

3. an estimate of the amount of a federal Pell grant award for which the applicant is eligible.

The minimum financial stipend shall be $100.

B.-C. [Unchanged]

5 MCAR S 2.2106 Method of payment.

A.-C. [Unchanged]

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.2., 3., 5., and 6., except that the student need not be a full-time student~~,-and-all-of-the-following~~. The student must be:

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

2. ~~is-not-eligible~~ ineligible for state or federal

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

financial aid, other than a Pell grant; and

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

4. ~~demonstrates~~ in financial need.

B.-C. [Unchanged]

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD475

Agency: Higher Education Coordinating Board

Division:

Agency Contact: Rose Herrera Hamerlinck

Rule Numbers: 5 MCAR SS 2.2101-2.2106, 2.2204

Title: Proposed Rules Governing State Scholarship and Grant-in-Aid, and Part-Time Student Grants

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Richard J. Sands
Assistant Revisor
Phone: 296-2798
Date: January 23, 1984

STATE OF MINNESOTA

HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the Minnesota Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid (5 MCAR S 2.2101-2.2106) and Part-Time Student Grants (5 MCAR S 2.2204)

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 February 6, 1984 and was sent to United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 14.14, subdivision 1 on January 31, 1984. 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 5 MCAR S 2.2101-2.2106, 5 MCAR S 2.2204 are adopted this 22 day of March, 1984, pursuant to authority vested the Board by Minnesota Statutes Section 136A.111.

STATE OF MINNESOTA

David A. Longanecker

Acting Executive Director
Higher Education Coordinating Board

STATE OF MINNESOTA

HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the Minnesota Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid (5MCAR S 2.2101-2.2106) and Part-Time Student Grants (5MCAR S 2.2204)

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

It is ordered this 31st day of January, 1984 that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Higher Education Coordinating Board for that purpose and be published in the State Register.

STATE OF MINNESOTA

David A. Longanecker
Acting Executive Director

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Archie Clouth, do hereby certify that I am a member and the 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 Higher Education Coordinating Board, duly and properly called and held on the 18th day of August, 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 Clyde R. Ingle, Executive Director of the Higher Education Coordinating Board, 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 State Scholarships and Grants-in-Aid, Part-Time Student Grants, Work-Study Grants, AVTI Tuition Subsidy, Assistance for Student Dependents of Minnesota Veterans, State Student Loans, Private College Contracts, Private Institutions Registration and Approval of Degrees and Names, 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 performing 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 my name this 18th day of August, 1983.

Archie D. Clouth
President of the Board

Mitchell R. Taylor
Attest by one other Board member

MINNESOTA HIGHER EDUCATION
COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the Minnesota Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid and Part-Time Student Grants.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota 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). These proposed rules do not include a change in the definition of student dependency.

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
612/296-9681

Authority for the adoption of these rules is contained in Minnesota Statutes Sections 136A.111, subd. 2 (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 recieved, 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

DAVID LONGANECKER
Acting Executive Director
Minnesota Higher Education
Coordinating Board

In the Matter of the Proposed Adoption of Rules of the State Higher Education Coordinating Board Governing 5MCAR §2.2101-2.2106, 2.2204

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

That on the 31st day of January, 1984, 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 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.

Rosemary Herrera Hamerlinck

Subscribed and sworn to before me this 31st day of January, 1984

Judith A. Morgan

Judith A. Morgan
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires Sept. 16, 1989

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the State Higher Education
Coordinating Board Governing 5MCAR
§2.2101-2.2106, 2.2204

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat, §14.14, subd. 1, 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 Higher Education Coordinating Board is accurate and complete as of 4:00 p.m., this 24th day of January, 1984.

Rosemary Herrera Hamerlinck

Rosemary Herrera Hamerlinck

8. All administrative duties must be completed prior to the actual relocation of the resident. Personnel in the facility to which the resident will be moved shall be provided with the information necessary to provide care and services to the resident, in accordance with 7 MCAR § 1.048 A.3. (MHD 48(a)(3)).

9. Unless otherwise agreed to by the resident or the individual responsible for the resident's care, at least a 14-day notice shall be provided to a resident prior to the actual relocation.

10. The resident shall be assisted in making arrangements for transportation to the new facility.

11. There must not be a disruption in the provision of meals, medications, or treatments of the resident during the relocation process.

12. If not previously notified, the resident's attending physician shall be informed of the new location of the resident within 24 hours after the actual relocation.

13. Commencing the week following the relocation notice to the Department of Health, the facility shall provide weekly written status reports to the Department of Health as to the progress being made in arranging for the relocation. The initial status report must include the relocation plan developed by the facility, the identity of the interdisciplinary team members, and a schedule for the completion of the various elements of the plan. Subsequent status reports must note the progress being made, any modifications to the relocation plan, any change of interdisciplinary team members, and must include the names of residents who have been relocated during the time period covered by the report. Once relocation has been completed, a listing of the residents who have been relocated and the identity of the facilities or other locations to which the residents were moved must be provided to the Department of Health.

Higher Education Coordinating Board

Proposed Adoption of Rules Governing State Scholarships and Grants-in-Aid and Part-Time Student Grants

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota 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). These proposed rules do not include a change in the definition of student dependency.

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
612/296-9681

Authority for the adoption of these rules is contained in Minnesota Statutes Sections 136A.111, subd. 2 (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.

David Longanecker
Acting Executive Director
Minnesota Higher Education Coordinating Board

Rules as Proposed

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.-3. [Unchanged]

5 MCAR § 2.2103 Application dates and student eligibility.

A.-B. [Unchanged]

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.-3. [Unchanged]

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;

5. If under 17 years old, a recipient must have a high school diploma or the equivalent.

D. [Unchanged]

5 MCAR § 2.2104 Ranking applicants.

A. [Unchanged]

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. Awards shall be made on a funds available basis. Once an award is made it shall not be withdrawn in order to award an applicant of higher priority.

C. [Unchanged]

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.~~ The amount of a scholarship or grant-in-aid financial stipend shall not exceed an applicant's cost of attendance, as defined in Minnesota Statutes, section 136.121, subdivision 6, after deducting the following:

1. a contribution by the applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;

2. a contribution by the applicant's parents, as determined by a standardized need analysis; and

3. an estimate of the amount of a federal Pell grant award for which the applicant is eligible.

The minimum financial stipend shall be $100.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

B.-C. [Unchanged]

5 MCAR § 2.2106 Method of payment.

A.-C. [Unchanged]

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.2., 3., 5., and 6., except that the student need not be a full-time student~~, and all of the following~~. The student must be:

1. ~~is~~ pursuing a program or course of study leading to a degree, diploma, or certificate; and
2. ~~is not eligible~~ ineligible for state or federal financial aid, other than a Pell grant; and
3. ~~is not reimbursed~~ unreimbursed for tuition and fees by any source other than a Pell grant; and
4. ~~demonstrates~~ in financial need.

B.-C. [Unchanged]

Department of Labor and Industry Occupational Safety and Health Division

Proposed Adoption of Rules Implementing the Provisions of the Employee Right-to-Know Act of 1983 Governing Trade Secrets and Employees' Conditional Right to Refuse to Work

Notice of Hearing

A public hearing concerning the proposed rules will be held at the Veterans' Service Building (Room D, Fifth Floor), 20 West 12th Street, St. Paul, Minnesota 55155 (Capitol Complex) on Friday, March 9, 1984 commencing at 9:00 a.m. The proposed rules may be modified as a result of the hearing process. The proposed rules will have an impact on small businesses; the quantitative and qualitative impact of the proposed rules is dependent upon whether the business utilizes hazardous substances in the workplace, the possibility that any hazardous substance utilized by the business qualifies as a trade secret, and the quantity and quality of employee training provided by the small business relative to the hazardous substances being used. Therefore, the department urges those who are potentially affected in any manner by the proposed rules to participate in the hearing process.

All interested or affected persons will have an opportunity to participate concerning the proposed rules. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to the hearing examiner: Mr. Peter Erickson, Office of Administrative Hearings, Fourth Floor Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415 (Telephone: 612/341-7606) either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a period not to exceed 20 calendar days. The rule hearing procedures are governed by Minn. Stat. § 14.05-14.36 (1982) and by 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules). If you have any questions about the procedures, call or write the Hearing Examiner.

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The agency's authority to adopt the proposed rules is contained in Minn. Stat. § 182.657.

The proposed rule designated 8 MCAR § 1.7220 implements provisions of the Employee Right-to-Know Act of 1983 (Laws of Minnesota 1983, Chapter 316) governing trade secrets. This rule will allow an employer who believes that all or part of the information required under the Employee Right-to-Know Act is a trade secret as defined in Minn. Stat. § 325C.01, subdivision 5, to register that information as a trade secret with the commissioner of the Department of Labor and Industry. This rule also contains provisions governing the classification of such data and conditions of disclosure.

The proposed rules designated 8 MCAR §§ 1.7240, 1.7241, 1.7243, and 1.7245 amend the rules of the Department of Labor and Industry governing discrimination against employees and implement provisions of the Employee Right-to-Know Act of 1983 concerning employees' conditional right to refuse to work.

STATE OF 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 (5MCAR S 2.2101-2.2106) and Part-Time Student Grants (5MCAR S 2.2204)

FINDINGS OF FACTS AND CONCLUSIONS

FINDINGS OF FACT

1. At its meeting on March 22, 1984, 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 February 6, 1984, together with a copy of the proposed rules (8 S.R. 1812, pages 1812-1814).

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 SS 2.2101-2.2106, 2.2204, 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 SS 2.2101-2.2106, 2.2204, Without Public Hearing and of the proposed rules were mailed to names appearing on the Board's mailing list which includes all presidents, executive directors of private and public post-secondary institutions in Minnesota.

7. No one requested a hearing nor submitted comments concerning 5MCAR SS 2.2101-2.2106, 2.2204, within the 30-day comment period.

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 5MCAR SS 2.2101-2.2106, 2.22-4, during the 30-day comment period.

3. There were no changes made between the rule as proposed, and the rule as adopted.

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

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

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

Dated this 22 day of March, 1984

attest:

vice-PRESIDENT
Minnesota Higher Education Coordinating Board

Attest by one other Board member

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Gretchen Taylor, 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 resulution adopted at a meeting of the Higher Education Coordinating Board, duly and properly called and held on the 22 day of March, 1984, 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 rot been rescinded or modified.

"RESOLVED, that the rules relating to State Scholarships and Grant-in-Aid and Part-Time Student Grants be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 136A.111 and that David A. Longanecker, the Acting Executive Director 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 22 day of March, 1984.

attest: Gretchen R. Taylor
Vice-President of the Board

Attest by one other Board member

MINNESOTA
HIGHER EDUCATION
COORDINATING BOARD

SUITE 400
CAPITOL SQUARE
550 CEDAR STREET
SAINT PAUL 55101

(612) 296-3974

MEMORANDUM

TO: INTERESTED PERSONS

FROM: ROSE HERRERA HAMERLINCK

RE: STATEMENT OF NEED AND REASONABLENESS

DATE: JANUARY 25, 1984

Attached please find the Statement of Need and Reasonableness for the Minnesota Higher Education Coordinating Board Scholarships and Grants-in-Aid and Part-Time Student Grants Programs.

This document reflects statutory changes made in 1983, which redesigned the State Scholarship and Grant Program by requiring that all applicants contribute a minimum of 50% of their cost of attendance through savings, work, borrowing, or assistance from other sources. The remaining cost is met by a contribution from parents determined by a national needs analysis and by a combination of federal Pell Grant and State Scholarship and Grant awards (5MCAR §2.2101-§2.2105).

In addition, the funding for the Part-Time Student Grant Program was incorporated into the Scholarship and Grant Program, and the proposed rule allows graduate students to receive a part-time student grant.

The 1983 legislature gave the Minnesota Higher Education Coordinating Board the authority to promulgate temporary rules governing the Scholarship and Grant program. Temporary rules went into effect in November 1983 and are effective for 180 days.

The attached proposed rules are exactly the same as the temporary rules. And, the only changes from the previous rule (adopted in June 1983) are 5MCAR §2.2105, section on how awards are made for the Scholarships and Grants program, and 5MCAR §2.2204, section on eligible students for the part-time student grant program.

Please contact me if you have any questions.

RHH:kb
Att.

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

January 1984

(Rules 5MCAR §2.2101-§2.2106, §2.2204)

Authority

Authority for the promulgation of these rules is contained in Minnesota Statutes sections 136A.111, subdivision 2 (1982).

The proposed rules as contained in this document reflect changes made to the Higher Education Coordinating Board rules, 1983 edition.

5MCAR §2.2102 - Eligible Schools

Discussion: No change from previous rule.

5MCAR §2.2103 - Application Date and Student Eligibility

Discussion: No change from previous rule.

5MCAR §2.2104 - Ranking Applicants

Discussion: No change from previous rule.

5MCAR §2.2105 - Awards

Discussion: The 1983 legislature approved a major redesign of the State Scholarship and Grant Program which is intended to more effectively target available money to students from lower income families. This occurs from an explicit assignment of responsibility in paying the cost of post-secondary education to students, parents, and government.

The design is intended to promote the primary goal of the state's student financial aid system--ensure equal opportunity for all citizens to pursue a post-secondary education in institutions and programs that can best meet their educational needs, regardless of their economic circumstances.

Under the policy, all applicants, as the primary beneficiaries of the education, are expected to contribute at least 50 percent of their cost of attendance from savings, earnings, loans, or other additional assistance from institutional or private sources.

The remaining cost will be met by a contribution from parents determined by a (national need analysis) and by the combination of federal Pell Grant and State Scholarship and Grant awards.

The legislation repealed current policy which limited both the maximum state grant and the percentage of need that can be filled with governmental grant assistance.

The old policy authorized a maximum award of $1400, but awards were held to $1050 in Fiscal Year 1982 and 1983 due to state funding constraints.

Also, the old policy stated that the state award in combination with the federal Pell Grant could not exceed 75 percent of an applicant's estimated financial need, leaving at least 25 percent to the student.

The new policy is intended to correct inequities that resulted from these limits. That is, students from very low income families were left with a wider

gap between their educational costs and resources (after the expected parental contribution, Pell Grant and state grant were factored in) than were students from middle-income families attending the same institutions. The poorer student in some cases had to contribute more money to his or her education from savings, work, or borrowing than a more affluent applicant.

Under the new policy, all applicants take responsibility for at least 50 percent of their cost of attendance which includes tuition and fees, room and board and miscellaneous expenses.

For students attending public institutions the tuition and fees allowance is to be the actual amount charged by the institution.

For students at private four-year institutions the allowance for tuition and fees is not to exceed $3598 in 1983-84 and $4063 in 1984-85. For private two-year collegiate and vocational institutions the allowance is not to exceed $3573 in 1983-84 and $3752 in 1984-85. These allowances are based on the instructional costs per full-year equivalent student in comparable public institutions.

The effect of these recognized tuition and fees for students in private institutions is to place an effective cap on the size of awards and require them to in most cases contribute more than 50 percent of the cost of attendance.

The tuition and fee limits on four-year private institutions will be lower than the comparable public cost of instruction for 1983-84 and 1984-85 but will approach that criterion in steps with the phase-in completed by 1985-86. The governor proposed a four-year phase in; it was shortened to two years by the legislature.

Although these allowances effectively limit award sizes, the new policy results in substantially larger awards to the lowest income students than were possible under the old approach.

At authorized funding levels, for example, a student from a typical family with 1982 family income under $30,000 will receive a larger state award next year than he or she now receives. The greatest increase in award dollars will go to low and middle income students.

1. Why is the Change Needed?

The proposed design has several advantages over the old approach. Most significantly, it better enables the state to achieve its goal of equal educational opportunity. The design requires that policymakers clearly define the relative shares of responsibility for paying for a post-secondary education among students, parents, institutions and government.

The design provides a framework for program decisions to distribute available funds equitably, no matter what the annual funding levels. If funding is insufficient to meet the full amount required to ensure the elimination of financial barriers, then the design is flexible enough to ration limited funds in a way that either protects the most needy students and their families from any decrease in aid or that proportionately distributes the added burden to all students. In no case would the lowest income students shoulder the major brunt of budget shortfalls, as occurred in the old approach. Conversely, during

periods of strong economic growth in the state, this design reduces the demand for state resources. As family financial conditions improve, thus increasing the capacity to finance dependents' education, the state role would decline automatically.

Further, the design provides a framework for coordination of all student assistance programs so that maximum efficiency can be achieved. The design provides a simple way of defining the state's role in providing financial assistance. The design increases the accountability of the system of financial assistance to public officials by more clearly identifying the ramifications of various funding levels and related policy decisions.

2. Why is the Change Reasonable?

In 1981 the Coordinating Board conducted an extensive review of student financial aid in the state and proposed an alternative design in 1982. The alternative design was based on widespread consultation with interested parties over several months, and in December of 1982, the Board voted to transmit an amended version of the original proposal to the governor and the 1983 legislature.

Hearings were held during the 1982 legislature, but little time was available for a full discussion of the proposal and no action was taken. In subsequent months, the Board analyzed the effects of implementing the alternative design and in April the staff issued a technical paper outlining the effects if the design had been in place in 1980-81.[1] Informational briefings were conducted around the state, and the staff papers were distributed widely and discussed with a variety of groups and individuals. In July 1982 the Board, following several months of discussion, adopted its recommendation on the proportion of costs to be borne by the student within the Design for Shared Responsibility. Also in July the Coordinating Board adopted a resolution which recognized the efforts of the University of Minnesota Board of Regents in studying the proposal and suggesting possible changes. The Coordinating Board directed its staff to work with staff at the University and staff of other post-secondary systems to develop suggestions to further improve the proposal. Discussions with the University of Minnesota staff focused on the following concerns:

- Methods of further controlling award size.
- Appropriate use of various rationing devices in the event of inadequate funding.

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1 Minnesota Higher Education Coordinating Board, Effects of Implementing an Alternative Design for Shared Responsibility in the Minnesota Student Financial Aid System (April 1982). The technical paper considers the effects of a student self-help expectation of 40, 50 or 60 percent of the cost of attendance. The impact on students, institutions, and state spending of each of these options is compared with the actual outcomes in the Scholarship and Grant Program in 1980-81 under the current approach. In addition to describing the various effects, the technical paper establishes some guidelines for determining a reasonable proportion of attendance cost to be assigned as the student's responsibility--the central issue in the alternative design--and outlines a method of rationing limited funds.

- o Eligibility criteria for, and formula treatment of, independent students.
- o Impact of further reduction in Guaranteed Student Loan eligibility.
- o Protection of lower middle-income students affected by reductions in Pell Grant awards.

The Board in September adopted in principle three amendments to its design which are intended to address the above concerns.

The Board formally asked each of the public and private post-secondary systems to comment on concerns about the alternative design as amended. At its December 2 meeting the Coordinating Board discussed the responses to the proposals made by the post-secondary systems and voted to formally transmit to the governor and legislature the proposal as amended. In addition, the Board voted to reduce its 1983-85 biennial budget request for the State Scholarship and Grant program by $11.2 million, a decrease resulting in part from the amendments.

3. Illustrations

Table 1 can be used to illustrate the proposed design. Assume that the student comes from a poor family whose parents have limited resources, and according to the national need analysis, are not expected to contribute to his or her cost of attendance. If the student were attending Gustavus, for example, he or she would be expected to contribute half of the recognized cost of attendance, or $3174. This would come from savings, earnings, loans, or other resources. Since the students' parents cannot be expected to make a contribution to the remaining 50 percent of the cost due to their meager family financial resources, the student would be eligible for grants totaling $3174 from the federal Pell Grant Program and the State Scholarship and Grant Program. If the student came from a more affluent family and his parents were expected to contribute $1000, for example, he would be eligible for grants totaling $2174.

TABLE 1:

1983-84 Institutional Budgets and Student Contribution Under State Scholarship and Grant Program

	Budget Recognized				Student Contribution
Institution	Tuition and Fees Recognized	Actual Tuition and Fees	Living and Misc.	Total Budget Recognized	50 Percent Student Share
AVTIs	$ 797	same	$2,750	$3,547	$1,774
Community Colleges	1,080	same	2,750	3,830	1,915
State Universities	1,318	same	2,750	4,068	2,034
UM-Twin Cities	1,680	same	2,750	4,430	2,215
Concordia-St. Paul	3,598	*$3,855	2,750	6,348	3,174
St. Thomas	3,598	* 4,730	2,750	6,348	3,174
Gustavus	3,598	* 5,442	2,750	6,348	3,174
Macalester	3,598	* 6,975	2,750	6,348	3,174
Carleton	3,598	* 7,810	2,750	6,348	3,174
Golden Valley Lutheran College	3,573	** 4,960	2,750	6,323	3,162

*The private four-year college tuition cap is $3,598.
**The private two-year college and private vocational school cap for 1983-84 is $3,573.

In fact, however, students attending most private institutions will have to contribute more than 50 percent because of the caps imposed on the tuition and fees recognized in calculating the budget. The hypothetical student at Gustavus in reality faces a total budget of $8192 because the actual tuition and fees are $5442, not the artificial capped amount of $3598. Without a cap this poor student would be eligible for grants totaling $4095, or half the actual cost of $8192.

Figure 1 illustrates the various levels of responsibility as applied at a public and private institution.

Figure 2 shows how the proposal works for students from varying income levels at public institutions with no limit on state awards. The key point is that the expected contribution would be the same for all students with the same cost of attendance. If the student chose to attend a school with a higher price, his or her expected contribution increases proportionally because of that decision. The parental contribution and amount of grant assistance varies depending on the family's economic situation.

Figure 3 illustrates how the process affects students from families with varying income levels in public institutions. It shows that the direct subsidies to the institutions are the same. It doesn't make any difference whether the student comes from a family where the income is $5,000 or $50,000 a year. Second, the current explicit expectation of the student is the same for all three students. It was $700. There are, however, differences in the parental expectation--the higher the income, the larger is the parents' expectation. Next is the federal grant, which is largest at no parental contribution, and the state grant which operated similarly to the federal grant up to some specific limits.

Finally, the student re-enters and covers the rest of the gap through work, borrowing, or other measures. Note that the remaining gap is largest for the student from the lowest income family. As a result, some students are expected to contribute more than may be reasonable while others are not expected to contribute as much as they may be able.

5MCAR §2.2106 - Method of Payment

Discussion: No change from previous rules.

5MCAR §2.2204 -Eligible Students
(Part-Time Student Grants)

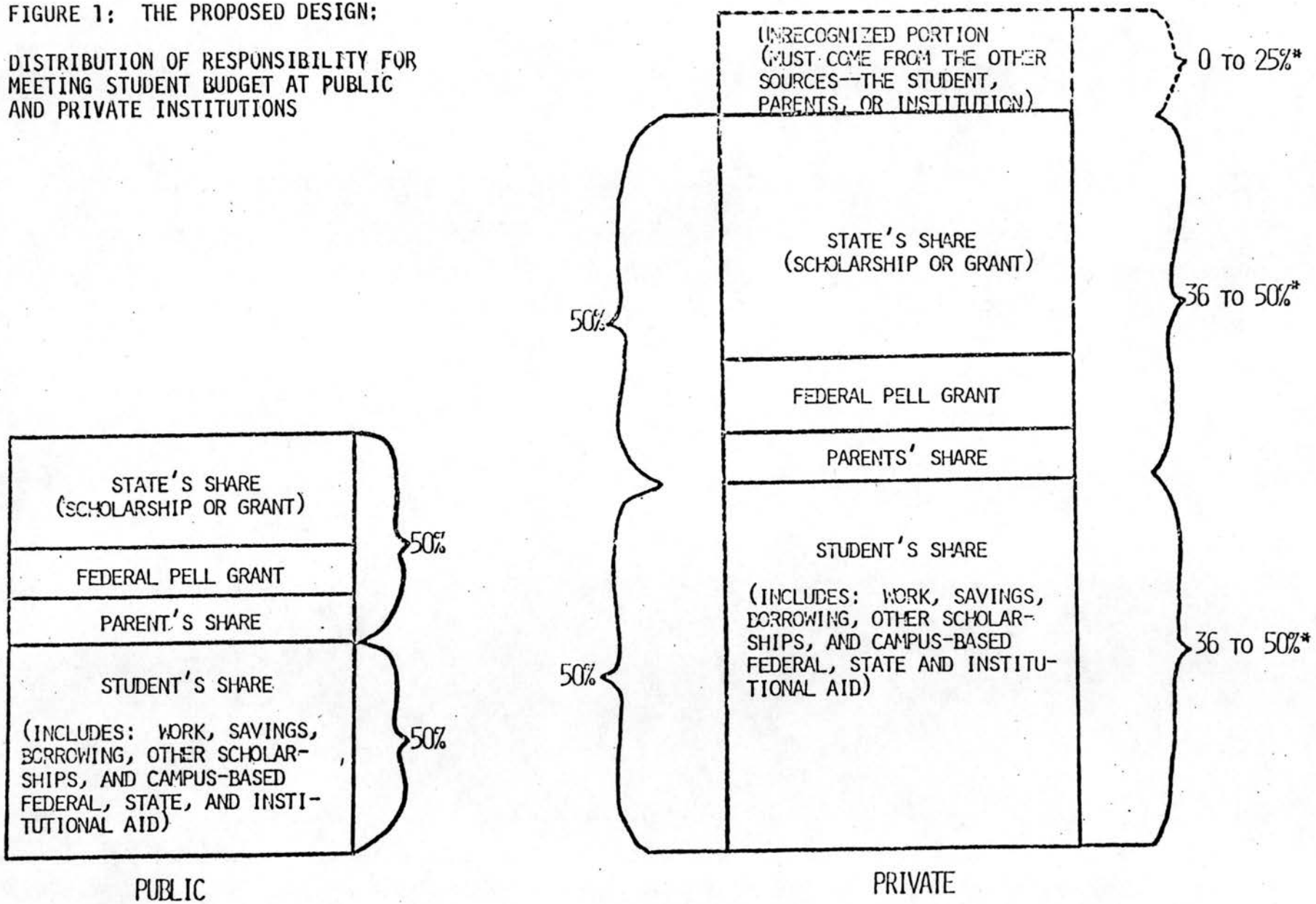
Discussion: (5MCAR §2.2204A) In the previous rule, the student had to meet the criteria as defined in 5MCAR §2.0100D, except that the student need not be a full-time student. A change was made to this rule by exempting the student from 5MCAR §2.0100 D.1 and D.4 which allows graduate students to continue being eligible for part-time student grants.

It was determined that to include graduate students was reasonable because they are not excluded in statutes and graduate students are not eligible for a scholarship or grant.

The remaining sections of 5MCAR §2.2204 remain unchanged from the previous rule.

FIGURE 1: THE PROPOSED DESIGN:

DISTRIBUTION OF RESPONSIBILITY FOR MEETING STUDENT BUDGET AT PUBLIC AND PRIVATE INSTITUTIONS



* ACTUAL PROPORTION WITHIN THIS RANGE DEPENDS UPON THE ACTUAL BUDGET AT THE PRIVATE INSTITUTION.

FIGURE 2: RELATIVE LEVELS OF RESPONSIBILITY FOR MEETING EDUCATIONAL COSTS AT PUBLIC INSTITUTIONS UNDER PROPOSED DESIGN FOR SHARED RESPONSIBILITY

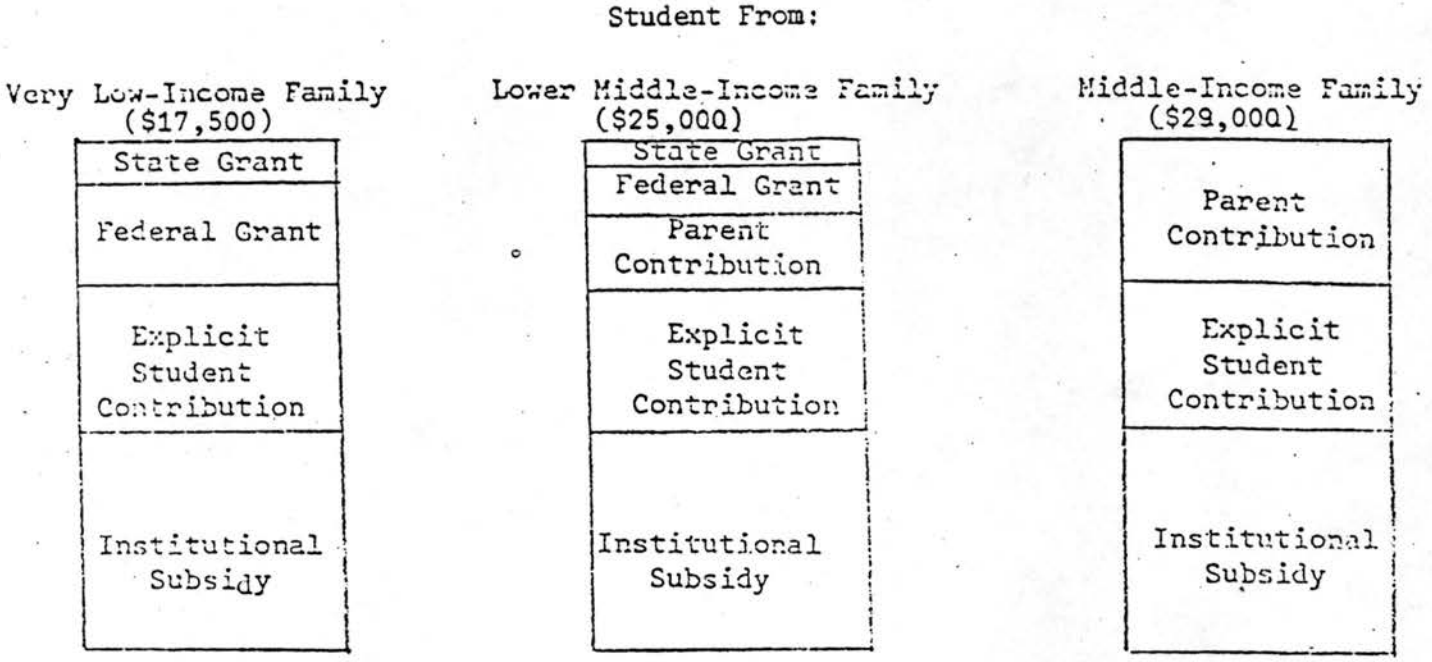
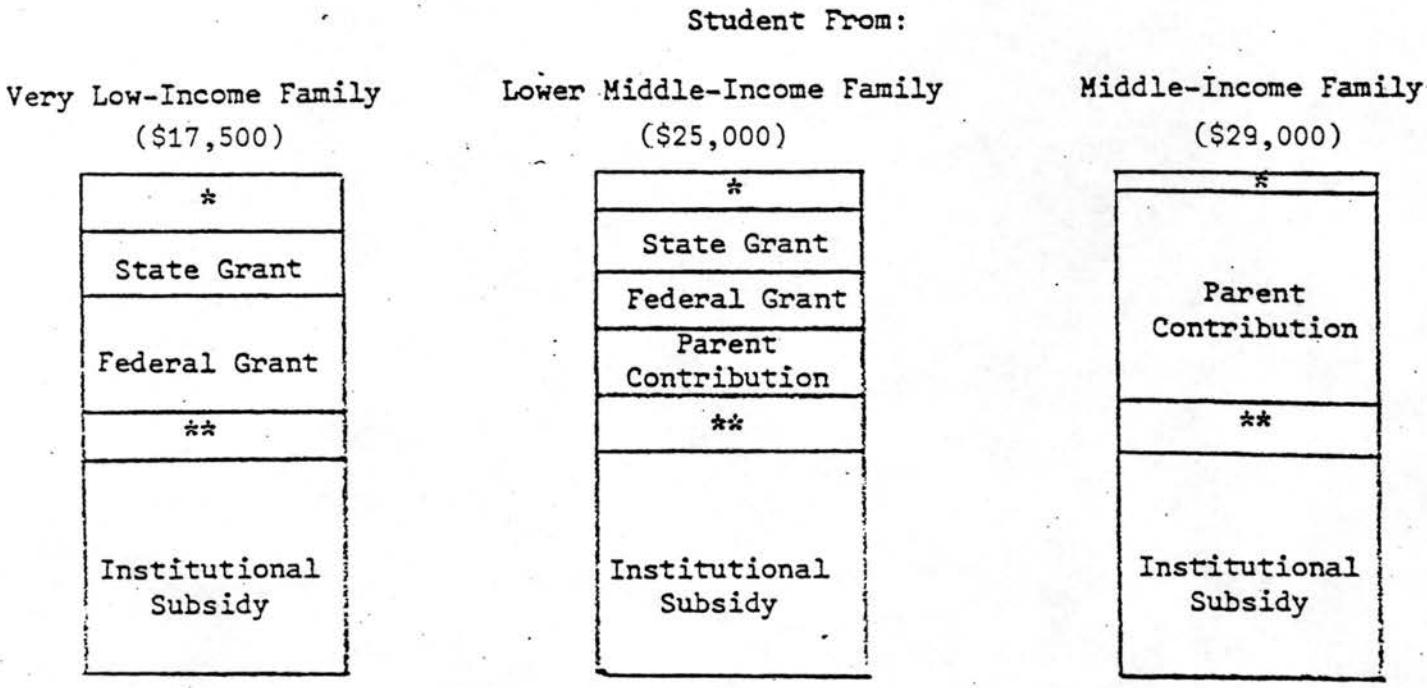


FIGURE 3: RELATIVE LEVELS OF RESPONSIBILITY FOR MEETING EDUCATIONAL COSTS AT PUBLIC INSTITUTIONS UNDER THE OLD FINANCIAL AID APPROACH



*Implicit student contribution
**Explicit student contribution of $700

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Higher Education Coordinating Board
Governing State Scholarships and
Grants-In-Aid (5 MCAR § 2.2101-2.2106)
and Part-Time Student Grants
(5 MCAR § 2.2204)

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.

Dated March 26, 1984

Laura E. Mattson
Special Assistant
Attorney General
1100 Bremer Tower
7th Place & Minnesota Street
St. Paul, Minnesota 55101
Telephone: (612) 296-3304

In the Matter of the Proposed Adoption
of Rules of the Minnesota Higher Education
Coordinating Board Governing State Scholarships
and Grants-in-Aid (5MCAR S 2.2101-2.2106) and
Part-Time Student Grants (5MCAR S 2.2204)

AFFIDAVIT OF
MAILING NOTICE OF
SUBMISSION TO THE
ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

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

That on the 23 day of March, 1984, 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 United States mailing (or) United States mail) at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Rosemary Herrera Homerlinck

Subscribed and sworn to before me
this 23rd day of March, 1984

Judith A. Morgan
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires Sept. 16, 1989

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Rules of the Minnesota Higher Education Coordinating Board Governing State Scholarships and Grants-in-Aid (5MCAR SS 2.2101-2.2106) and Part-Time Student Grants (5MCAR S. 2.2204)

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, March 23, 1984, for review as to form and legality. Pursuant to 1MCAR S 1.206B., 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, St. Paul, MN 55155, telephone (612) 296-7030. Please note that the above-captioned 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, Suite 400 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101, telephone (612) 296-7963.

David A. Longanecker

ACTING EXECUTIVE DIRECTOR
Minnesota Higher Education Coordinating Board