

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1198

05-0009-0448

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-4
DATE FOR REVIEW EM
DATE DUE 9-18

Adopted w/a hearing _____
Adopted w/o hearing _____
~~Temporary~~ Emer. rule ✓

Approved 9-18-85 mjc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 9-18-85 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 8.23.85 Date

N/A Notice of Intent to Solicit Outside Opinion

? Order for rulemaking dated same date as Order Adopting !
_____ date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency typo (?) misstates period of effectiveness. should be 1986 not 1985
✓ Notice of Errata

✓ Affidavit of Mailing Notice or rulemaking
7.10.85 At least ~~30~~ 25 days prior to ~~hearing~~/adoption
✓ 8.6.85 Errata Notice

✓ Mailing list Certificate

? Publication in State Register same typo as in Notice as Mailed.
7.15.85 At least ~~30/20~~ 25 days prior to ~~hearing~~/adoption
✓ Errata Notice, 8.5.85.

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

Order Approving Incorporation by Reference

Statement of Need and Reasonableness

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

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: DAVID A. LONGANECKER, Executive Director
Minnesota Higher Education Coordinating Board

DATE: 9-18-85

ATTN: LAURA E. MATTSON
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC

PHONE: 296-4692

Special Assistant Attorney General

SUBJECT: In the Matter of the Proposed Adoption of Emergency Rules of the Minnesota Higher Education Coordinating Board Governing Part-Time Student Grants (Minnesota Rules 4830.1500-4830.1556

The above-referenced rule has been approved as to its legality by the Attorney General on September 18, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

AG copy

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Education; Financial Aid, Grants, Part-time Student

Rules as Adopted, Emergency

PART-TIME STUDENT GRANTS

4830.1550 [Emergency] SCOPE.

Parts 4830.1550 to 4830.1556 [Emergency] govern state grants-in-aid for part-time students.

4830.1551 [Emergency] ELIGIBLE SCHOOLS.

Schools eligible for part-time student grants are the same schools eligible for state scholarships and grants-in-aid under part 4830.0300 [Emergency].

4830.1552 [Emergency] APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Allocation formula.** The board shall allocate funds to each school according to the following formula:

A. Each school's share is the number of part-time students enrolled in the last fiscal year, multiplied by the average registration level of its part-time students in the last fiscal year, multiplied by the institutional budget used by the scholarship and grant-in-aid program for the current fiscal year.

B. Each school's allocation is:

(1) the school's share, divided by the sum of school shares,

(2) the result in subitem (1) multiplied by 90 percent of the total part-time grant allocation for the current year.

C. Each January, the board shall allocate the remaining ten percent of the total part-time grant allocation according to the same formula, except that current year part-time enrollment data and average registration levels may be used if the school has submitted by November 15 fall data for the current year that is acceptable to the board.

what are the standards for acceptability?

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

D. Funds allocated to institutions for the 1986 fiscal year before the effective date of parts 4830.1550 to 4830.1556 [Emergency] shall be deducted from the school's fall allocation.

"Number of part-time students" means the sum of all enrolled resident, extension, and unclassified part-time students, who are Minnesota residents, and are reported to the board for its annual enrollment survey as lower division, upper division, and vocational students in the fall term of the school year.

"Registration level" is the number of credits (or an equivalent measure) taken by part-time students in the fall term of the school year as reported to the board for its annual enrollment survey, divided by 12 credits (or an equivalent measure).

Subp. 2. **Notification.** The board shall notify each school of the amount allocated to it.

Subp. 3. **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. If 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.

Subp. 4. **Unused funds.** When requested by the board, a school shall report its use of funds and shall return unused funds. The board shall reallocate unused funds to schools desiring additional funds.

4830.1553 [Emergency] 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 part 4830.0100, subpart 5, items A, B, C, E, and F; except that a post-baccalaureate student enrolled in an undergraduate or graduate program who enrolled in the same course of study and who received a part-time grant during the 1984-1985 school year is eligible for a part-time

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

grant in the 1985-1986 school year. The student must also be pursuing course work applicable to a degree, diploma, or certificate.

4830.1554 [Emergency] AMOUNT AND TERM OF GRANTS.

Subpart 1. **Financial need.** A school shall award a grant to each eligible student, to the extent allocated funds are available and to the extent the student demonstrates financial need according to a method consistent with the institution's financial aid policies and procedures.

Subp. 2. ~~Cost-of-attendance~~ Direct educational cost. The direct educational cost ~~of attendance~~ includes, but is not limited to the following:

A. resident tuition and fees at the institution;

B. educational materials;

C. transportation expenses; and

D. an allowance for child care expenses.

The direct educational cost ~~of attendance~~ must be consistent with the institution's financial aid policies and procedures.

FF 3

Subp. 3. **Amount.** The amount of the grant when combined with (a) federal, state, institutional, and private ~~financial aid~~ grant assistance that the student receives, (b) employer reimbursement, and (c) the expected parent/student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's direct educational cost ~~of attendance~~ as defined in subpart 2.

4830.1555 [Emergency] REPORTS OF DATA.

The school must collect demographic, educational, and financial data specified by the board from eligible students requesting grants. The school shall provide the board with individual student data upon request.

4830.1556 [Emergency] TEMPORARY EFFECT.

While they are in effect, parts 4830.1550 to 4830.1555 [Emergency] prevail over parts 4830.1000 to 4830.1500.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

APPROVED AS TO FORM AND LEGALITY

September 18 1985

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 18 1985 1:48 P.M

Joan Anderson Growe
Secretary of State

Emergency Rules as Proposed (all new material)

PART-TIME STUDENT GRANTS

4830.1550 [Emergency] SCOPE.

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4830.1551 [Emergency] ELIGIBLE SCHOOLS.

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A. Each school's share is the number of part-time students enrolled in the last fiscal year, multiplied by the average registration level of its part-time students in the last fiscal year, multiplied by the institutional budget used by the scholarship and grant-in-aid program for the current fiscal year.

B. Each school's allocation is:

(1) the school's share, divided by the sum of school shares,

(2) the result in subitem (1) multiplied by 90 percent of the total part-time grant allocation for the current year.

C. Each January, the board shall allocate the remaining ten percent of the total part-time grant allocation according to the same formula, except that current year part-time enrollment data and average registration levels may be used if the school has submitted by November 15 fall data for the current year that is acceptable to the board.

D. Funds allocated to institutions for the 1986 fiscal year before the effective date of parts 4830.1550 to 4830.1556 [Emergency] shall be deducted from the school's fall allocation.

"Number of part-time students" means the sum of all

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

enrolled resident, extension, and unclassified part-time students, who are Minnesota residents, and are reported to the board for its annual enrollment survey as lower division, upper division, and vocational students in the fall term of the school year.

"Registration level" is the number of credits (or an equivalent measure) taken by part-time students in the fall term of the school year as reported to the board for its annual enrollment survey, divided by 12 credits (or an equivalent measure).

Subp. 2. **Notification.** The board shall notify each school of the amount allocated to it.

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4830.1554 [Emergency] AMOUNT AND TERM OF GRANTS.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

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A. resident tuition and fees at the institution;

B. educational materials;

C. transportation expenses; and

D. an allowance for child care expenses.

The cost of attendance must be consistent with the institution's financial aid policies and procedures.

Subp. 3. **Amount.** The amount of the grant when combined with (a) federal, state, institutional, and private financial aid that the student receives, (b) employer reimbursement, and (c) the expected parent/student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's cost of attendance as defined in subpart 2.

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APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD803

Agency: Higher Education Coordinating Board

Division:

Agency Contact: Rose Herrera Hamerlinck

Minnesota Rules: Parts 4830.1550 to 4830.1556 [Emergency]

Title: Proposed Emergency Rules Relating to Education; Financial Aid, Grants, Part-time Students

Type of Rules: Emergency

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Richard J. Sands
Senior Assistant Revisor
Phone: 296-2798
Date: June 28, 1985

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Adoption of Rules of the State
Higher Education Coordinating Board
Governing Part-Time Student Grants
(MN Rules 4830.1550-4830.1556)

ORDER ADOPTING EMERGENCY RULES

The above-entitled matter was published in the State Register on July 15, 1985, as a proposed emergency rule pursuant to Minnesota Statutes section 14.14, subdivision 1. After affording interested and affected persons an opportunity to submit written data and views within 25 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Part-Time Student Grants are adopted this 23 day of August, 1985 pursuant to authority vested in the Board by Minnesota Statutes section 136A.111, and First Special Session 1985, Chapter 11, Section 80, Subd. 1.

State of Minnesota

David A. Longanecker

DAVID A. LONGANECKER
Executive Director
Minnesota Higher Education
Coordinating Board

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Adoption of Emergency Rules of
the State Higher Education
Coordinating Board Governing
Part-Time Student Grants

ORDER FOR PUBLICATION
OF EMERGENCY RULES

IT IS ORDERED this 23rd day of August, 1985, that the proposed emergency rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

DAVID A. LONGANECKER
Executive Director
Minnesota Higher Education
Coordinating Board

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Carol J. Kamper, do hereby certify that I am a member and the President of the Higher Education Coordinating Board 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 16 day of May, 1985, 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 David A. Longanecker, 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 of the Higher Education Coordinating Board directing the publication in the State Register of proposed emergency rules governing the Part-Time Student Grants Program as well as perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16 day of May, 1985.

Carol J. Kamper
President of the Board

Robert Ferguson
Attest by one other Board member

Notice of Proposed Adoption of Emergency Rule

Minnesota Higher Education Coordinating Board
In the matter of the Proposed Adoption of Emergency Rule of the Minnesota Higher Education Coordinating Board governing the Part-time Student Grants (Minnesota Rules 4830.1550-4830.1556)

NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE

Notice is hereby given that the Minnesota Higher Education Coordinating Board proposes to adopt the above entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, Section 136A.111 and First Special Session 1985, Chapter 11, Section 80, Subd. 1. The agency, in adopting the rule, is following the procedures set forth in Minnesota Statutes, Section 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

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

A copy of the proposed rule is attached to this notice. A free copy of the proposed rule is available by contacting Rose Herrera Hamerlinck at the above address.

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

Upon adoption of the emergency rule by the agency, the rule as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of the material to the Attorney General, or wish to receive a copy of the adopted rule, must submit the written request to Rose Herrera Hamerlinck.

The emergency rule will take effect five working days after approval by the Attorney General and may be effective until June 30, 1985.

David A. Longanecker
Executive Director
Minnesota Higher Education Coordinating Board

In the Matter of the Proposed
Adoption of Emergency Rules
of the State Higher Education
Coordinating Board Governing
Part-Time Student Grants

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

That on the 10th day of July, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Emergency Rules 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.

Rosemary Herrera Hamerlinck

Subscribed and sworn to before me
this 6th day of August, 1985.

Judith A. Morgan

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

In the Matter of the Proposed
Adoption of Emergency Rules
of the State Higher Education
Coordinating Board Governing
Part-Time Student Grants

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

That on the 6th day of August, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Errata 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.

Rosemary Herrera Hamerlinck

Subscribed and sworn to before me
this 6th day of August, 1985.

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

MINNESOTA
HIGHER EDUCATION
COORDINATING BOARD

SUITE 400
CAPITOL SQUARE
550 CEDAR STREET
SAINT PAUL 55101

(612) 296-3974

MEMORANDUM

TO: PERSONS ON THE MAILING LIST OF THE
HIGHER EDUCATION COORDINATING BOARD

FROM: ROSE HERRERA HAMERLINCK RHH

RE: RULES FOR THE PART-TIME STUDENT GRANT PROGRAM

DATE: AUGUST 6, 1985

Please note that the attached erratum was published in the State Register concerning an error on the Notice of Proposed Adoption of Emergency Rule (which appeared in 10 S.R. 90, July 15, 1985).

The above Notice should have stated that the proposed emergency rule on the Part-Time Student Grants may be effective until June 30, 1986, instead of June 30, 1985.

The attached notice of erratum appeared in the State Register on August 5, 1985.

Please be aware that this minor error in the Notice does not affect the actual rules or the emergency rule-making process.

RHH:kb
Enc.

STATE OF MINNESOTA
COUNTY OF RAMSEY

In the Matter of the Proposed
Adoption of Emergency Rules
of the State Higher Education
Coordinating Board Governing
Part-Time Student Grants

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes 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 8th day of July, 1985.

Rosemary Heuer Hamerlinck

Subscribed and sworn to before me
this 6th day of August, 1985.

Judith A. Morgan

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

Pursuant to Minn. Stat. § 14.115, subd. 2, the impact on small business has been considered in the repeal of the rules. Anyone wishing to present evidence or argument as to the rules effect on small business may do so. The Department's position regarding the impact of the rule on small business is set forth in the Statement of Need and Reasonableness.

The repeal of these rules will remove the exemption of Commercial Insurance policy forms and rules from the filing requirements of Minnesota Statutes chapter 70A. Those policy forms and rates will now have to be filed in the same manner as other forms and rates.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in order to explain the purpose or intended operation of the proposed rule, or a suggested modification, or for other purposes material to the evaluation of formulation of the proposed rule.

As a result of the hearing process, the proposed rule (2700.2100; .2200; .2300) may be modified. Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the five to twenty-day submission period, there will be a three-day period in which the Commissioner and interested persons may respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three-day period. The written responses will be added to the record of the proceeding.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule is filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rule with the Secretary of State.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, Subd. 11 as an individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) who spends more than $250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

One free copy of this notice and the repealer of the rules may be obtained by contacting Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101 or by calling (612) 296-5689. Additional copies will be available at the door on the date of the hearing. Comments regarding the hearing may be directed to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101.

July 1, 1985

Michael A. Hatch
Commissioner of Commerce

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Education; Financial Aid, Grants, Part-time Students

Notice of Proposed Adoption of Emergency Rule

Notice is hereby given that the Minnesota Higher Education Coordinating Board proposes to adopt the above entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, Section 136A.111 and First Special Session 1985, Chapter 11, Section 80, Subd. 1. The agency, in adopting the rule, is following the procedures set forth in Minnesota Statutes, Section 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

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A copy of the proposed rule is attached to this notice. A free copy of the proposed rule is available by contacting Rose Herrera Hamerlinck at the above address.

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The emergency rule will take effect five working days after approval by the Attorney General and may be effective until June 30, 1985.

David A. Longanecker
Executive Director
Minnesota Higher Education Coordinating Board

Emergency Rules as Proposed (all new material)

PART-TIME STUDENT GRANTS

4830.1550 [Emergency] SCOPE.

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(1) the school's share, divided by the sum of school shares,

(2) the result in subitem (1) multiplied by 90 percent of the total part-time grant allocation for the current year.

C. Each January, the board shall allocate the remaining ten percent of the total part-time grant allocation according to the same formula, except that current year part-time enrollment data and average registration levels may be used if the school has submitted by November 15 fall data for the current year that is acceptable to the board.

D. Funds allocated to institutions for the 1986 fiscal year before the effective date of parts 4830.1550 to 4830.1556 [Emergency] shall be deducted from the school's fall allocation.

"Number of part-time students" means the sum of all enrolled resident, extension, and unclassified part-time students, who are Minnesota residents, and are reported to the board for its annual enrollment survey as lower division, upper division, and vocational students in the fall term of the school year.

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.

"Registration level" is the number of credits (or an equivalent measure) taken by part-time students in the fall term of the school year as reported to the board for its annual enrollment survey, divided by 12 credits (or an equivalent measure).

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Subd. 4. Unused funds. When requested by the board, a school shall report its use of funds and shall return unused funds. The board shall reallocate unused funds to schools desiring additional funds.

4830.1553 [Emergency] DETERMINATION OF ELIGIBILITY.

A school shall determine if a student is eligible for a part-time student grant. To be eligible a student may be an eligible student as defined in part 4830.0100, subpart 5, items A, B, C, E, and F; except that a post-baccalaureate student enrolled in an undergraduate or graduate program who enrolled in the same course of study and who received a part-time grant during the 1984-1985 school year is eligible for a part-time grant in the 1985-86 school year. The student must also be pursuing course work applicable to a degree, diploma, or certificate.

4830.1554 [Emergency] AMOUNT AND TERM OF GRANTS.

Subpart 1. Financial need. A school shall award a grant to each eligible student, to the extent allocated funds are available and to the extent the student demonstrates financial need according to a method consistent with the institution's financial aid policies and procedures.

Subp. 2. Cost of attendance. The direct educational cost of attendance includes, but is not limited to the following:

A. resident tuition and fees at the institution;

B. educational materials;

C. transportation expenses; and

D. an allowance for child care expenses.

The cost of attendance must be consistent with the institution's financial aid policies and procedures.

Subp. 3. Amount. The amount of the grant when combined with (a) federal, state, institutional, and private financial aid that the student receives, (b) employer reimbursement, and (c) the expected parent/student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's cost of attendance as defined in subpart 2.

4830.1555 [Emergency] REPORTS OF DATA.

The school must collect demographic, educational, and financial data specified by the board from eligible students requesting grants. The school shall provide the board with individual student data upon request.

4830.1556 [Emergency] TEMPORARY EFFECT.

While they are in effect, parts 4830.1550 to 4830.1555 [Emergency] prevail over parts 4830.1000 to 4830.1500.

Department of Human Services

Proposed Emergency Rules Governing General Assistance

Notice of Proposed Adoption of Emergency Rules

NOTICE IS HEREBY GIVEN that the State Department of Human Services proposes to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in Minnesota Statutes, section 256D.111, subdivision 5; section 256D.04; section 256D.05, subdivisions 1, 12 and 14 as authorized in Laws of Minnesota 1985, Special Session, chapter 9. The agency, in adopting the rules, is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days (or until 4:30 p.m. on August 9, 1985) after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to John Anderson, Department of Human Services, Rules Unit, 6th Floor Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-1489.

Minnesota Rules, parts 9500.1100 to 9500.1107 [Emergency] establish categories of eligibility for the General Assistance program which the local welfare agency shall apply when determining an applicant's or recipient's eligibility and continuing eligibility

C3-84-1250 In the Matter of the Application for the Discipline of Thomas C. Dillon, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Per Curiam.

ERRATA

Higher Education Coordinating Board

Correction of Proposed Emergency Rules Relating to Education; Financial Aid, Grants, Part-time Students

An error occurred in the July 15, 1985 issue of the *State Register*, Volume 10, Number 3, pages 90-92 (10 S.R. 90). The error occurred on page 91 in the final paragraph of the Notice of Proposed Adoption of Emergency Rule, and gave the wrong date. The corrected date and line should read:

"The emergency rule will take effect five working days after approval by the Attorney General and may be effective until June 30, 1986."

This change affects the following rules:

4830.1000-.1500 (proposed supercession); and

4830.1550-.1556 [Emer] (proposed).

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Emergency Rules of the Minnesota Higher Education Coordinating Board Governing Part-Time Student Grants (Minnesota Rules 4830.1500-4830.1556)

FINDINGS OF FACTS AND CONCLUSIONS

FINDINGS OF FACT

1. At its meeting on May 16, 1985, the Minnesota Higher Education Coordinating Board (hereinafter the "Board") proposed that the above entitled rule be adopted after compliance with the procedure which authorizes an agency to propose and adopt emergency rules.

2. Pursuant thereto, the Notice of Proposed Adoption of Emergency Rule was published in the State Register on July 15, 1985, together with a copy of the proposed emergency rule (10 S.R. 90-92).

3. The Board's authority to promulgate the proposed emergency rule is contained in Minnesota Statutes 136A.111, and First Special Session 1985, Chapter 11, Section 80, Subd. 1.

4. Copies of the Notice of Proposed Adoption of Emergency Rule and of the proposed emergency rule 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.

5. One written comment was received concerning Minnesota Rule 4830.1550-4830.1556, within the comment period.

6. The Notice of Proposed Adoption of Emergency Rule, which appeared in the State Register on July 15, 1985, contained an error. It should have read that the "emergency rule will take effect five working days after approval by the Attorney General and may be effective until June 30, 1986" (not June 30, 1985).

   A notice of erratum appeared in the State Register on August 5, 1985. The notice of erratum was also sent to names appearing on the Board's mailing list.

CONCLUSIONS

1. The Board gave due, timely and adequate legal notice of its intent to adopt the emergency rule.

2. One written comment was submitted concerning Minnesota Rule 4830.1550-4830.1556.

3. Based on the written comment received, the following changes were made:

4830.1554, Subp. 2. ~~Cost-of-Attendance.~~ Direct Educational Cost. The direct educational cost ~~of-attendance~~ includes, but is not limited to the following:
A. unchanged
B. unchanged
C. unchanged
D. unchanged

The direct educational cost ~~of-attendance~~ must be consistent with the institution's financial aid policies and procedures.

Subp. 3. Amount. The amount of the grant when combined with (a) federal, state, institutional, and private ~~financial-aid~~ grant assistance that the student receives, (b) employer reimbursement, and (c) the expected parent/student contribution resulting from the assessment of financial aid need under Subpart 1, must not exceed the student's ~~cost of-attendance~~ direct educational cost as defined in Subpart 2.

The changes would insure that grants only cover direct educational costs. The remaining indirect costs, where appropriate, would be covered by work and loan assistance.

4. The Board has the statutory authority to promulgate the proposed emergency rule.

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

Dated this 16 day of August, 1985.

President
Minnesota Higher Education
Coordinating Board

Attest by one other Board member

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Robert Ferguson, do hereby certify that I am a member and the president of the Board 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 16 day of August, 1985, 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 emergency rule relating to Part-Time Student Grants be and it hereby is approved and adopted, pursuant to authority vested in us by Minnesota Statutes 136A.111, and First Special Session 1985, Chapter 11, Section 80, Subd. 1, and that David A. Longanecker, executive director of the Board of the Higher Education Coordinating Board, be and hereby is authorized to sign an order adopting this emergency rule and further is authorized to perform the necessary acts to provide that this rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16 day of August, 1985.

Robert Ferguson
President of the Board

Attest by one other Board member

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Emergency Rules of the Minnesota Higher Education Coordinating Board Governing Part-Time Student Grants (Minnesota Rules 4830.1500-4830.1556)

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

LAURA E. MATTSON
Special Assistant
Attorney General

Dated: August 28, 1985.