

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

1269

05.0009.0448

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 4-28-86
DATE FOR REVIEW 5-1
DATE DUE 5-12

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

Approved 5-7-86 MJC Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 5-8-86 Revisor approved 4/28/86 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 4.17.86 Date combined w/ FF

N/A Notice of Intent to Solicit Outside Opinion

_____ Order for rulemaking
_____ date of Hearing not submitted.

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
2.10.86 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 combined w/ Order Adopting

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

_____ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

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

✓ Certificate of Compliance w/Rulemaking Procedures

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

ATTN: LAURA E. MATTSON
Special Assistant Attorney General

DATE: 5/7/86

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Part-Time Student Grants

The above-referenced rule has been approved as to its legality by the Attorney General on May 7, 1986.

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

RR1269

AG copy.

Higher Education Coordinating Board

Adopted Rules Relating to Part-time Student Grants

Rules as Adopted

PART-TIME STUDENT GRANTS

4830.1550 SCOPE.

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

4830.1551 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.

4830.1552 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.

"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 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. The student must be pursuing course work applicable to a degree, diploma, or certificate. After July 1, 1986, a recipient of an award who is enrolled less than half-time, as defined by the board, may continue to apply for awards.

4830.1554 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. **Direct educational cost.** The direct educational cost 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 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 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 as defined in subpart 2.

4830.1555 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.

REPEALER. Minnesota Rules, parts 4830.1000; 4830.1100; 4830.1200; 4830.1300; 4830.1400; and 4830.1500 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 8 1986
Joan Anderson Growe
Secretary of State
8:57 AM

APPROVED AS TO FORM AND LEGALITY,
May 7 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Higher Education Coordinating Board

Proposed Rules Relating to Part-time Student Grants

Rules as Proposed (all new material)

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APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

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APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD897

Agency: Higher Education Coordinating Board

Division:

Agency Contact: Rose Hamerlinck 296-9665

Minnesota Rules: Parts 4830.1550 to 4830.1555

Title: Proposed Rules Relating to Part-Time Student Grants

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Richard J. Sands
Senior Assistant Revisor
Phone: 296-2798
Date: January 17, 1986

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Adoption of the Rule of the
Minnesota Higher Education
Coordinating Board Governing
Part-Time Student Grants

FINDINGS OF FACT, CONCLUSIONS,
AND ORDER ADOPTING RULE
WITHOUT PUBLIC HEARING

Notice of the Board's proposed adoption of the above-entitled rule was published in the State Register on February 10, 1986 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on February 6, 1986. The statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Part-Time Student Grants is adopted this 18th day of April, 1986, pursuant to authority vested in me by Minnesota Statutes, section 136A.111, and First Special Session 1985, Chapter 11, Section 80, Subd. 1.

DAVID A. LONGANECKER
Executive Director
Minnesota Higher Education
Coordinating Board

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Robert Ferguson, do hereby certify that I am a member and the President of the Minnesota 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 Minnesota Higher Education Coordinating Board duly and properly held on the 12 day of December, 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 Minnesota 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 the Part-Time Student Grants, to sign the notice thereof and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order of Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12 day of December, 1985.

Robert E. Ferguson
President
Minnesota Higher Education
Coordinating Board

Carol J. Kamper
Attest by one other Board member

MINNESOTA HIGHER EDUCATION
COORDINATING BOARD

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

NOTICE OF PROPOSED
ADOPTION OF A RULE
WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Higher Education Coordinating Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is contained in Minnesota Statutes, Section 136A.111, and First Special Session 1985, Chapter 11, Section 80, Subd. 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

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

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.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Rose Herrera Hamerlinck upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Rose Herrera Hamerlinck, Minnesota Higher Education Coordinating Board, 400 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

1-24-86
Date

DAVID A. LONGANECKER
Executive Director
Minnesota Higher Education
Coordinating Board

This Notice will appear in the
State Register on February 10, 1986.

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Part-Time Student Grants

AFFIDAVIT OF MAILING THE NOTICE OF PROPOSED ADOPTION OF A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Higher Education Coordinating Board rulemaking mailing list is accurate, complete, and current as of this 6th day of February, 1986.

That on the 6th day of February, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Proposed Adoption of A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Rosemary Herrera Hamerlinck

Subscribed and sworn to before me this
24th day of April, 1986.
Cherryl J Hagelberger

CHERRYL J. HAGELBERGER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSON EXPIRES MARCH 26, 1991

or course leading to the degree. It also must substantially meet the criteria in subpart 2. In addition, it must meet the requirements in subparts 4 and 5, as applicable. ~~Annually~~ The board shall ~~adopt, by resolution,~~ maintain and publish a list of the schools approved to use regulated terms in their names and a list of schools approved to grant degrees with a list of the approved specified degrees.

Subp. 2 to 8. [Unchanged.]

REPEALER. Minnesota Rules, parts 4830.0600, subpart 3; and 4830.5200, subpart 2 are repealed.

Higher Education Coordinating Board

Proposed Rules Relating to Part-time Student Grants

Notice of Proposed Adoption of a Rule without a Public Hearing

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1-24-86

David A. Longanecker
Executive Director, Minnesota Higher Education Coordinating Board

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Subp. 3. **Amount.** The amount of the grant when combined with (a) federal, state, institutional, and private grant assistance that

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.

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 as defined in subpart 2.

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Department of Human Services

Proposed Rules Relating to Nursing Home Operating Cost Payment Rate Determination

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in the Veterans Home, Auditorium, Building 15, 5101 Minnehaha Avenue, Minneapolis, Minnesota 55417 on March 12, 13, and 14, 1986 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

These rules will be heard in conjunction with parts 4656.0010 to 4656.0090, which govern procedures for assessment and classification of residents by the Department of Health. All references to parts 4656.0010 to 4656.0090 found in these rule parts are references to the rules as proposed.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone 612/341-7608, either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings.

Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record, the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50. The rule hearing is governed by Minnesota Statutes, section 14.01 to 14.56 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9549.0050 to 9549.0059 affect the operating costs payment rate for nursing homes licensed under Minnesota Statutes, chapter 144A or boarding care facilities under Minnesota Statutes, section 144.50 to 144.58 participating in the Medical Assistance Program.

The purpose of the proposed rule parts is to implement a case mix reimbursement system which establishes operating cost payment rates for the nursing homes based on the condition and needs of the residents in each nursing home. Under the proposed rule parts a statewide uniform classification system is used to classify residents into 11 resident classes. Payments to nursing homes are made based on the resident classes.

Ongoing assessment of resident's needs is required to determine to which of the eleven resident classes each resident belongs. These assessments are conducted on admission, every six months and after hospitalization. An additional assessment is required 30 to 35 days after a private paying resident returns to the nursing home after hospitalization.

A schedule of 11 prospective payment rates is established for each nursing home. For purposes of establishing these prospective payment rates, operating costs are divided into two parts: total care related operating costs, which include case mix and other care related costs; and other operating costs. Separate rate limitations are applied to each part and an efficiency incentive is established for other operating costs.

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING THE RULE

I, Robert Ferguson, do hereby certify that I am a member and the President of the Minnesota 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 Minnesota Higher Education Coordinating Board, duly and properly called and held on the 17th day of April, 1986, 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 rule relating to the Part-Time Student Grants Program 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, the executive director of the Minnesota Higher Education Coordinating Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of April, 1986.

Robert Ferguson
Officer of the Board

Carol J. Kamper
Attest by one other Board member

MINNESOTA
HIGHER EDUCATION
COORDINATING BOARD

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(612) 296-3974

TO: Interested Persons

FROM: Rose Herrera Hamerlinck Rose Herrera Hamerlinck

RE: Statement of Need and Reasonableness for Rules Governing Part-Time Student Grants

DATE: February 19, 1986

The Higher Education Coordinating Board is proposing to adopt rules for the Part-Time Student Grant Program. The Board has been operating this program under emergency rules, and is now proposing permanent rules.

If you have any questions or comments, please contact:

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

Authority to Prescribe Rules

The Minnesota Higher Education Coordinating Board is authorized by statute to adopt policies and prescribe rules and regulations for programs it operates. The authorization for the Part-Time Student Grant Program is contained in Minn. Stat. 1984, 136A.111, and First Special Session 1985, Chapter 11, Section 80, Subd. 1.

The Board has been operating under emergency rules, (MN Rules 4830.1550 to 4830.1556) as authorized by the 1985 Legislature.

Background of Program

The objective of the program is to provide financial assistance to students enrolled less than half-time in a program that applies to a degree, diploma, or certificate, and who demonstrate financial need.

All references in this document to "Previous Rule" refer to MN Rules 4830.1000 to 4830.1500.

Part-by-Part Explanations

4830.1551 ELIGIBLE SCHOOLS

This section indicates that schools eligible for the Scholarships and Grants-in-Aid Program are eligible for the Part-Time Grant Program. The Board annually adopts the list of eligible schools, and eligible schools may be added throughout the year. In the previous rule, school had to request funds each year. This change is expected to make participation in the program less cumbersome.

4830.1552 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS

Subp. 1. This represents a change to the allocation formula. Under previous rule, the Board used the number of part-time students (as determined by an annual enrollment survey conducted by the Board) and the school's percentage of the total number of part-time students in the state to determine each school's allocation.

change to allocation formula

The Board proposes to take into account the average registration level (e.g. average number of credits) taken by part-time students at each school, and the school's budget as used by the Scholarships & Grants-in-Aid Program for the current year to determine each school's allocation.

The Board's statutory authority to propose these changes is found in Minn. Stat. 1984, 136A.132, subd. 7. The proposed changes are considered reasonable because the proposed formula would distribute funds more fairly and equitably. For example, under the previous rule, a part-time student taking one credit had the same weight in the school's allocation as a part-time student taking ten credits. Under previous rule a school received the same allocation irrespective of the level of tuition and fees charged. The previous rule did not take into account the two factors that determine the student's total cost of attendance: the cost per unit of instruction (e.g., quarter or semester credit, clock hour), and the number of units for which the student enrolls.

In addition, the Board proposes that 90 percent of the funds of the program be allocated at the beginning of the school year, and ten percent of the funds be allocated in January at which time updated enrollment data may be used.

Under previous rule, allocation was based on prior year enrollment. Schools that experienced a dramatic shift in enrollment of eligible students did not have the opportunity to adjust their allocation in January, as is proposed. In January, the remaining ten percent of the allocation would be based on current school year enrollment which would enable the Board to respond more properly to fluctuating enrollment of part-time students.

This subpart includes also a definition of the "number of part-time students" to be used in the allocation formula, and "registration level". Students always have been counted using the criteria of Minnesota residency, upper or lower division and vocational students, extension, and unclassified part-time students during the fall quarter of the school year. A definition of registration level has been added which includes in the allocation formula the average number of credits or equivalent measure taken by part-time students. Previously, the school needed only to submit an enrollment headcount.

Subp. 2. Schools have always been notified by the Board of the amount allocated to them. This is not different from previous rule.

Subp. 3. This subpart is identical to the previous rule. It specifies the school's responsibilities to participate in the program and when funds may be used.

Subp. 4. This subpart is identical to the previous rule.

4830.1553 DETERMINATION OF ELIGIBILITY

Several changes are proposed to the determination of eligibility, compared to the previous rule.

In previous rule, an eligible student was defined as a Minnesota resident, enrolled less than full time in a course of study leading to a degree, diploma or certificate. The student was not eligible for any other financial assistance, with the exception of the Pell Grant. The new rule proposes to use the same determination of eligibility as defined in the general definitions for higher education programs. The proposed determination of an eligible student would be consistent with other programs of financial aid.

This part includes a statement about students attending less than half-time after July 1, 1986 may continue to apply for awards. Previous rule said that students attending less than full-time were eligible for part-time awards. Because of statutory changes made in 1985, students considered to be at least half-time will be eligible for funds from the Scholarship and Grants-in-Aid Program, while students considered less than half-time will be eligible for funds from the Part-Time Grant Program starting in July, 1986. The proposed changes comply with statute.

4830.1554 AMOUNT AND TERM OF GRANTS

Subp. 1. Previous rule specified that the financial need of the student was determined by an income eligibility table established by the Board, using U.S. Bureau of Labor Statistics data. The Board proposes to eliminate the eligibility table and to allow schools to determine financial need based on each school's individual financial aid policies and procedures. The change from previous rule is considered reasonable because the Part-Time Student Grant Program is considered to be campus-based, and each campus or school should be allowed to determine its students' financial need.

Subp. 2. Previous rule specified that the amount of the award was based on the school's tuition and fees, and that this amount could not be larger than tuition and fees at a comparable program at the University of Minnesota. The Board proposes to include costs other than resident tuition and fees in order to allow for a more realistic expectation of costs.

Subp. 3. This subpart would assure that the student does not receive an award that is more than his or her direct educational cost at the school. It also allows students to receive financial aid from other programs in addition to the Pell Grant. In previous rule, the part-time student was allowed to receive aid only from the Pell Grant or Part-Time Grant Program. It would be reasonable to allow a student to receive funds from as many sources as possible as long as the amount received does not exceed the direct educational cost.

4830.1555 REPORTS OF DATA

This part specifies that the schools shall collect certain data from

students requesting grants, and that the Board shall collect these data from schools.

This is a requirement for all financial aid programs so the Board may report on program usage to the governor and legislature.

MINNESOTA HIGHER EDUCATION
COORDINATING BOARD

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

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, LAURA E. MATTSON, Special Assistant Attorney General, 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: April 25, 1986.