

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1400 | Docket No. 05.0009.0448

DATE RECEIVED 9/23/87 | ADOPTED W/O HEARING _____

REVIEW DATE _____ | EMERGENCY RULE X

DUE DATE 10/7/87 | REVISOR APPROVED _____

APPROVED 10-7-87 mjc | REVISOR DISAPPROVED _____

DISAPPROVED _____ | FIELD W/SEC.STATE _____

WITHDRAWN _____ | RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion~~

_____ ~~Date published in State Register~~

_____ ~~Comments~~

~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

Laws - Ch 386, Art. 10 § 6 (1987) Statutory Authority

NO Small Business Statement

NO Expenditure of public money statement

yes Signature

~~Statement of Need and Reasonableness~~

_____ ~~Small Business Statement~~

_____ ~~Fees - § 16A.128~~

Affidavit of Mailing Notice of Intent to Adopt Rule

8/12/87 Date 30/25 days before adoption

✓ Publication in State Register

8/17/87 Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

9/21/87 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney

Laura Mattson Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : October 12, 1987

TO : LAURA E. MATTSON
Special Assistant
Attorney General

FROM : MARTHA CASSERLY
Special Assistant
Attorney General

PHONE : 6-6204

SUBJECT : In the Matter of the Adopted Rule Relating to Education Grants; Dislocated Rural Workers

The above-referenced rule has been approved as to its legality by the Attorney General on October 7, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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:nah
Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Minnesota Higher Education Coordinating Board

Adopted Emergency Rules Relating to Education Grants; Dislocated Rural Workers

Rules as Adopted

DISLOCATED RURAL WORKER ASSISTANCE PROGRAM

4830.1560 [Emergency] SCOPE.

Parts 4830.1560 to 4830.1565 [Emergency] govern state assistance to schools for students who are dislocated rural workers.

4830.1561 [Emergency] ELIGIBLE SCHOOLS.

An eligible school under part 4830.0300 is eligible to receive an allocation of state assistance for students who are dislocated rural workers.

4830.1562 [Emergency] APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Allocation formula.** The board shall allocate grant money to eligible schools according to the formula in this subpart. An eligible school's allocation is the school's share, divided by the sum of school shares. An eligible school's share is the number of entering Minnesota resident students enrolled in the last fiscal year, from the school's home county, and contiguous counties. For schools located in Hennepin and Ramsey counties, the following counties are considered contiguous: Chisago, Isanti, Sherburne, Wright, McLeod, Sibley, Le Sueur, Rice, and Goodhue. Students who resided in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county must not be counted in any school's share. A school whose allocation would be less than $500 using this formula must not receive an allocation. Would-be allocations of less than $500 must be reallocated, using this formula, to other schools.

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

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Subp. 3. **Accountability.** A participating school is accountable for money disbursed to students for assistance for dislocated rural worker students. The money may be used by students only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll in, or withdraws from, school, the school may use the funds for other eligible students. The school must return unused money to the board.

Subp. 4. **Report; unused funds.** When requested by the board, a school shall report on its use of funds and shall return unused funds. The board shall reallocate unused funds to schools desiring additional funds according to the formula in subpart 1.

4830.1563 [Emergency] DETERMINATION OF STUDENT ELIGIBILITY.

A school shall determine if a student is eligible for a dislocated rural worker assistance grant. To be eligible a student must demonstrate compliance with the requirements in this part.

A. The student must meet the requirements for an eligible student as defined in part 4830.0100, subpart 5, items B, C, E, and F.

B. The student must be enrolled in an adult farm management program, or an occupational training program. The program cannot be a liberal arts program. The program must prepare the student for available employment within a labor market where the student lives or is willing to move.

C. The student must have applied for all other federal and state financial aid scholarship or grant programs.

D. The student must be able to demonstrate that subitem 1, 2, or 3 applies to the student:

(1) The student or the student's spouse is a worker who has been separated from employment or has notice of separation from employment. The separation must be because of a plant shutdown, an industry slowdown, or because the worker's occupation is obsolete; or be in a region where there has been a

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by Revisor _____

decline in the number of persons in the worker's customary occupation. The worker must be unlikely to go to work for the same employer or in the same occupation for a year after the job loss.

(2) The student is a displaced homemaker.

(3) The student or the student's spouse is a farmer who can demonstrate severe household financial need.

Subp. 4. **Severe household financial need; incorporation by reference.** Severe household financial need is demonstrated by relating the income of the student's household to the income of a same-sized household as found in the most current table of standard maintenance allowance found in the current edition of "Handbook for Financial Aid Administrators" published by the American College Testing Program; 2201 North Dodge Street, P.O. Box 168; Iowa City, Iowa 52243. The table is incorporated by reference, is subject to frequent change, and is available in the handbook in public libraries throughout the state through the Minitex interlibrary loan system. The table is also available separately from the board.

4830.1564 [Emergency] AMOUNT AND TERM OF GRANTS.

Subpart 1. **Financial need.** An eligible school shall award a grant to an 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 school's financial aid policies and procedures.

Subp. 2. **Amount.** The amount of the grant to a student when combined with the expected or awarded (a) federal, state, institutional, and private grant assistance that the student receives, (b) employer reimbursement, and (c) the expected parent and 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 3.

Subp. 3. **Direct educational cost.** The direct educational cost includes the following:

A. resident tuition and fees at the institution;

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by Revisor _____

B. cost of educational materials;

C. transportation expenses;

D. an allowance for child care expenses; and

E. other expenses allowed by the school.

The direct educational cost must be consistent with the school's financial aid policies and procedures.

4830.1565 [Emergency] COLLECT, REPORT 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.

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by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 8 1987
Joan Anderson Growe
Secretary of State
2:30 PM

APPROVED AS TO FORM AND LEGALITY
October 7 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Duane C. Scribner, 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 18 day of June, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that David A. Longanecker, Executive Director of the Higher Education Coordinating Board, is hereby granted the authority and directed to sign and to give the Notice of the Higher Education Coordinating Board's Intent to Adopt an Emergency rule governing Dislocated Rural Workers Assistance to all persons who have registered their names with the Higher Education Coordinating Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18 day of June, 1987.

Duane C. Scribner
President of the Board

Jackie S. Chilsen
Attest by one other Board member

Minnesota Higher Education Coordinating Board

Proposed Emergency Rules Relating to Education Grants; Dislocated Rural Workers

Rules as Proposed (all new material)

DISLOCATED RURAL WORKER ASSISTANCE PROGRAM

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students only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll in, or withdraws from, school, the school may use the funds for other eligible students. The school must return unused money to the board.

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B. The student must be enrolled in an adult farm management program, or an occupational training program. The program cannot be a liberal arts program. The program must prepare the student for available employment within a labor market where the student lives or is willing to move.

C. The student must have applied for all other federal and state financial aid scholarship or grant programs.

D. The student must be able to demonstrate that subitem 1, 2, or 3 applies to the student:

(1) The student or the student's spouse is a worker who has been separated from employment or has notice of separation from employment. The separation must be because of a plant shutdown, an industry slowdown, or because the worker's occupation is obsolete; or be in a region where there has been a decline in the number of persons in the worker's customary occupation. The worker must be unlikely to go to work for the same employer or in the same occupation for a year after the job

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Emergency Rules Relating to Education Grants; Dislocated Rural Workers

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4830

INCORPORATION BY REFERENCE:

Rule Number: Part 4830.1563, subpart 4

Material Incorporated: Table of Standard Maintenance Allowance in Handbook for Financial Administrators published by the American College Testing Program

The attached rules are approved for publication
in the State Register

Richard J. Sands
Senior Assistant Revisor

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Higher Education Coordinating Board Governing the Dislocated Rural Worker Assistance Program

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Laws of Minnesota for 1987, Chapter 386, Article 10, Section 6. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in Minnesota Statutes, sections 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
550 Cedar Street, Suite 400
Capitol Square Building
St. Paul, MN 55101
(612) 296-7963

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

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legalilty 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 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.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will continue to be in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

8-10-87
Date

David A. Longanecker, Executive Director
Higher Education Coordinating Board

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Dislocated Rural Worker Assistance

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Rose Herrera Hamerlinck, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.30, that their names be placed on the Minnesota Higher Education Coordinating Board rulemaking lists is accurate, complete, and current as of this 12th day of August, 1987.

That on the 12th day of August, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt an Emergency Rule 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.

Rose Herrera Hamerlinck

Rose Herrera Hamerlinck
Planning Associate

Subscribed and sworn to before me this 21st day of September 1987.

Judith A. Morgan

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

Emergency Rules

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Minnesota Higher Education Coordinating Board

Proposed Emergency Rules Relating to Education Grants; Dislocated Rural Workers

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The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will continue to be in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 10 August 1987

David A. Longanecker, Executive Director
Higher Education Coordinating Board

Rules as Proposed (all new material)

DISLOCATED RURAL WORKER ASSISTANCE PROGRAM

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D. The student must be able to demonstrate that subitem 1, 2, or 3 applies to the student:

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Supb. 3. **Direct educational cost.** The direct educational cost includes the following:

A. resident tuition and fees at the institution;

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E. other expenses allowed by the school.

The direct educational cost must be consistent with the school's financial aid policies and procedures.

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Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Agriculture

Agronomy Services Division

Notice of Special Local Need (SLN) Registration for: Diquat Herbicide H/A

Pursuant to *Minnesota Statutes*, Section 18A.23, and 3MCAR, Section 1.0338 B, the Minnesota Department of Agriculture (MDA), on July 27, 1987, issued a Special Local Need (SLN) Registration for Diquat Herbicide H/A, EPA Reg. No. 239-1663, manufactured by Chevron Chemical Company, Richmond, California.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need (SLN) Registration permits the use of this product for desiccation of Russet Burbank potato vines at a single application rate of two pints per acre in Minnesota.

The application and other data required under *Minnesota Statutes,* Sections 18A.22, Subdivision 2(a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B, relative to this registration (identified as SLN No. MN-87-0002) is on file for inspection at:

Minnesota Department of Agriculture
Agronomy Services Division
Pesticide Control Section
90 West Plato Boulevard
St. Paul, Minnesota 55107
Telephone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, have thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to *Minnesota Statutes,* Chapter 14, for the purpose of revoking, amending, or upholding this registration.

Dated: 27 July 1987

Jim Nichols, Commissioner
Minnesota Department of Agriculture

CERTIFICATE OF THE
HIGHER EDUCATION COORDINATING BOARD

RESOLUTION ADOPTING THE RULE

I, Charles F. Mouw, 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 17th day of September, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to Dislocated Rural Workers Assistance is approved and adopted, pursuant to authority vested in the Higher Education Coordinating Board by Laws of Minnesota for 1987, Chapter 386, Article 10, Section 6.
>
> David A. Longanecker, the executive director of the Higher Education Coordinating Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and 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 September, 1987.

Charles F. Mouw
Officer of the Board

Carol J. Kanper
Attest by one other Board member

STATE OF MINNESOTA

HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Dislocated Rural Worker Assistance

FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING EMERGENCY RULE

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on August 17, 1987, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on August 12, 1987.

All persons were given the opportunity to submit written comment on the rule for at least 25 days after notice of proposed rulemaking.

One comment on the rule was received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comment received, one change was made between the rule as proposed and the rule as adopted. One sentence was added: "For schools located in Hennepin and Ramsey counties, the following counties are considered contiguous: Chisago, Isanti, Sherburne, Wright, McLeod, Sibley, Le Sueur, Rice and Goodhue." This addition allows schools in the Twin Cities metropolitan area to be eligible to receive an allocation. This change does not constitute a substantial change because it enlarges rather than diminishes the pool of eligible schools.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Dislocated Rural Worker Assistance Program (as modified) is adopted this 21st day of September, 1987, pursuant to authority vested in me by Minnesota Statutes, section 136A.111 subd. 4, and Laws of Minnesota for 1987, Chapter 386, Article 10, Section 6.

David A. Longanecker
Executive Director
Minnesota Higher Education
Coordinating Board

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Higher Education Coordinating Board Governing the Dislocated Rural Worker Assistance Program

DECLARATION OF COUNSEL

I, LAURA E. MATTSON, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0448.

LAURA E. MATTSON
Special Assistant
Attorney General

Dated: September 23, 1987

Rule

Changes from Proposed to Adopted.

Authority

Laws ch. 386 Art. 10 § 6 (1987).

"The higher education coordinating board shall develop policies + proceedures to administer a dislocated rural worker grant program + to allocate program money to eligible institutions + shall supervise the operation of the program."

Rule authority?

See Subd. 4 -- Bd may adopt emergency rules for awarding grants only for fiscal yr beginning 7-1-87

UNIVERSITY OF MINNESOTA

Office of the Provost and
Vice President for Academic Affairs
213 Morrill Hall
100 Church Street S.E.
Minneapolis, Minnesota 55455
(612) 625-0051

AUG 31 1987

August 28, 1987

TO: Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board

FROM: Roger Benjamin
Provost and Vice President for Academic Affairs

SUBJECT: MHECB Proposed Emergency Rules Relating to Education Grants: Dislocated Rural Workers

This memorandum is written to comment on your recently published proposed emergency rules relating to education grants for dislocated workers. The University of Minnesota is concerned that the proposed allocation formula unfairly treats rural Minnesota students who are enrolled in eligible programs at institutions in the seven county metropolitan area.

We concur with the legislature's intent of serving dislocated workers from rural areas. However, the allocation formula, as proposed, unnecessarily reduces a rural student's chances of receiving funding if the student chooses to attend a school in any of the seven excluded counties.

We favor an allocation formula that counts all students (from eligible counties) enrolled at an institution, divided by the sum of school shares. We believe such a formula provides greater freedom of choice for students who attend eligible programs, no matter where the programs are located in Minnesota. To accomplish this end we suggest the following amendment to your proposed language:

Page 1, line 23, strike the following language:

", from the school's home county, and contiguous counties"

We encourage your consideration of this suggestion. If you have any questions regarding our rationale I will be happy to answer them.

RB/rar