

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

M

File No. 1429 Docket No. 05.0009.0852

DATE RECEIVED 12/21/87 ADOPTED W/O HEARING _____

REVIEW DATE _____ EMERGENCY RULE X

DUE DATE 1/6/88 OK

REVISOR APPROVED 12.28

APPROVED 1-6-88-mjc REVISOR DISAPPROVED _____

DISAPPROVED _____ FIELD W/SEC.STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion

6/23/87 Date published in State Register

nw Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

256D.05a 15 + 256D.052 Statutory Authority

no Small Business Statement

yes 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

10/29/87 Date 30/(25) days before adoption

✓ Publication in State Register

11/2/87 Date 30/(25) days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting

12/15/87 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney

Mike Cohen 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 : January 12, 1988

TO : DAN LIPSCHULTZ
Rules Division
Department of Human Services

FROM : MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE : 6-6839

SUBJECT : In the Matter of the Adopted Rule Relating to General Assistance Literacy Training

The above-referenced rule has been approved as to its legality by the Attorney General on January 6, 1988.

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, submissions 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 establish 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
Duane Harves

Department of Human Services

Adopted Emergency Amendments to Permanent Rules and Emergency Rules Relating to General Assistance Literacy Training Requirements

Rules as Adopted

9500.1206 PROGRAM DEFINITIONS.

Subpart 1. to 24. [Unchanged.]

Subp. 24a. **Occupational or vocational literacy program.** "Occupational or vocational literacy program" means a program providing literacy training ~~in the~~ which emphasizes specific ~~literacy~~ language and reading skills needed to perform in employment, complete employment training programs, or complete work readiness programs.

Subp. 25. [Unchanged.]

Subp. 25a. **Participation in a literacy program.** "Participation in a literacy program" means to receive instruction and complete assignments as part of a literacy program in accordance with the schedule or plan established by the literacy training program provider.

Subp. 26. [Unchanged.]

Subp. 27. **Qualified provider.** A "qualified provider" means the local agency, or:

A. a nonprofit legal assistance organization;

B. an agency that employs licensed practitioners or accredited counseling staff or staff with a master's degree from an accredited program in social work, psychology, counseling, occupational therapy, or physical therapy;

C. a private attorney at law; or

D. another organization or person determined by the local agency to have sufficient training or experience to be effective in assisting persons to apply for and establish eligibility for SSI benefits.

Subp. 29. to 32. [Unchanged.]

Approved by Revisor

Subp. 32a. **Suitable recipient.** "Suitable recipient" means a recipient eligible for general assistance under part 9500.1258, subpart 1, item P, unless it is unlikely that participation in a literacy program would improve the recipient's literacy level due to mental retardation, mental illness, or a learning disability.

Subp. 33. [Unchanged.]

9500.1232 STATE PARTICIPATION.

Subpart 1. [Unchanged.]

Subp. 2. **State participation for monthly general assistance payments made based on a reduced state assistance standard.** When an assistance unit is subject to a reduced state assistance standard as provided in parts 9500.1218 to 9500.1222, the amount of state participation in the monthly payment to the assistance unit under Minnesota Statutes, section 256D.03, subdivision 2, must be determined by subtracting the assistance unit's countable income from the applicable reduced state assistance standard and multiplying the difference by 75 percent.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **State participation for costs of providing transportation to recipients assigned to literacy training.** State participation for the actual costs of providing transportation under part 9500.1257 [Emergency], subpart 5, is 100 percent.

9500.1257 [Emergency] LITERACY TRAINING FOR RECIPIENTS.

Subpart 1. **Occupational and vocational literacy programs.** The local agency shall determine the extent to which occupational or vocational literacy programs as defined in part 9500.1206, subpart 24a, are available for use by recipients under this part. If the local agency determines that existing occupational or vocational literacy programs are not sufficient to meet the needs of recipients, the local agency shall:

A. inform local educational institutions and job training programs of the number of recipients who need occupational and vocational literacy training; and

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by Revisor _____

B. recommend to local educational institutions and job training programs that the necessary programs be developed.

Subp. 2. **Assessment.** The local agency shall assess each recipient eligible under part 9500.1258, subpart 1, item P, to identify any learning disabilities the recipient may have and to determine the recipient's existing reading level, reading potential, and vocational or occupational interests. The results of literacy testing and any other assessments conducted by the local agency under this subpart must be made available to the literacy training provider ~~under~~ in accordance with Minnesota Statutes, sections 13.01 to 13.90, the Minnesota Government Data Practices Act.

Subp. 3. **Assignment.** The local agency shall assign each suitable recipient eligible under part 9500.1258, subpart 1, item P, to an accessible occupational or vocational literacy program if an opening in such a program is available. If there is no opening for a recipient in an accessible occupational or vocational literacy program, the local agency shall assign the recipient to an opening in any other accessible literacy program. A program is accessible to a recipient if the program is within the local labor market as defined in part 9500.1206, subpart 19a. A recipient is suitable unless it is unlikely that participation in a literacy program would improve the recipient's literacy level due to mental retardation, mental illness, or a learning disability.

Subp. 4. **Reassignment.** If a suitable recipient fails, with good cause as defined in part 9500.1206, subpart 15, to complete a literacy program to which the recipient is assigned under subpart 3, the local agency shall assign the recipient to an opening in another accessible literacy program if the recipient wants to participate in another program. If the recipient does not have good cause for refusing reassignment to another program, the recipient must be disqualified under part 9500.1266.

Subp. 5. **Child care and transportation.** The local agency shall provide child care and transportation to a recipient if

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necessary to enable the recipient to participate in an assigned literacy program.

Subp. 6. **Payments to nonparticipating recipients.** The local agency shall provide general assistance benefits under part 9500.1258, subpart 1, item P, to a recipient who does not participate in a literacy training program only if the recipient:

A. has good cause for failing to participate;

B. fails to make progress in a literacy program assigned under subpart 3 or 4 despite participation in the program for at least six months; or

C. is not assigned to a literacy training program because the recipient is not suitable for literacy training or because there is no opening in an accessible literacy program.

Subp. 7. **Voluntary participation in work readiness.** The local agency may allow a general assistance recipient eligible under part 9500.1258, subpart 1, item P, to participate voluntarily in work readiness services if the local agency determines that:

A. the recipient has reached a level of literacy that may allow successful participation in job training; and

B. participation in work readiness services by the recipient would not interfere with the recipient's participation in literacy training.

Subp. 8. **Reassessment.** If a recipient has been determined to be eligible for general assistance under part 9500.1258, subpart 1, item P, the local agency shall assess the recipient's eligibility under part 9500.1258, subpart 1, items A to O, when:

A. the local agency determines under part 9500.1258, subpart 1, item P, that the recipient is no longer functionally illiterate; or

B. the recipient is disqualified under part 9500.1262, subpart 1, item C, for failure to comply with literacy training requirements.

Subp. 9. **Referral to work readiness program.** If the local agency determines, after reassessment under subpart 8, that a recipient is ineligible for general assistance, the local agency

Approved
by Revisor _____

shall determine the recipient's eligibility for the work readiness program under part 9500.1306.

Subp. 10. **Explanation of rights and duties.** At the time a person is determined eligible for general assistance under part 9500.1258, subpart 1, item P, and at the time a person is assigned to a literacy program, the local agency shall provide an oral explanation of:

A. the requirements of part 9500.1262, subpart 1, item C, and the penalties for failure to comply with these requirements;

B. the local agency's responsibilities under subparts 2 to 9; and

C. the person's right to appeal any adverse decision.

9500.1262 REQUIREMENTS FOR CONTINUED ELIGIBILITY.

Subpart 1. **Requirements for continued eligibility for specific categories of ongoing eligibility.** A recipient of general assistance whose eligibility is based on part 9500.1258, subpart 1, item G, L, or P, and who is not eligible under another category of eligibility under part 9500.1258, must comply with the following requirements as conditions for continued eligibility.

A. and B. [Unchanged.]

C. A recipient who is eligible for general assistance under part 9500.1258, subpart 1, item P, shall participate in a literacy program assigned under part 9500.1257 [Emergency]. If a recipient fails to participate in an assigned literacy program, the recipient must be disqualified from receiving general assistance under part 9500.1258, subpart 1, item G, L, or P, unless the recipient is not participating for one of the reasons identified in part 9500.1257 [Emergency], subpart 6.

Subp. 2. [Unchanged.]

9500.1266 DISQUALIFICATION.

A recipient who fails, without good cause, to comply with the requirements of part 9500.1262, is disqualified from receiving general assistance as provided in items A to D.

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A. and B. [Unchanged.]

C. If an individual who is disqualified applies for general assistance during the period of disqualification, the individual is considered a recipient and the application shall be denied unless the individual is eligible for general assistance on the basis of a category of eligibility other than the categories in part 9500.1258, subpart 1, item G, L, or P.

D. [Unchanged.]

EFFECT OF EMERGENCY AMENDMENTS. After the emergency amendments to parts 9500.1206, 9500.1232, 9500.1262, and 9500.1266 expire, the permanent rule as it read prior to those amendments shall again be in effect, except as may be amended by permanent rule.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 11 1988
Joan Anderson Growe
Secretary of State
2:20PM

APPROVED AS TO FORM AND LEGALITY
January 6 19 88
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Dan Lipschultz

Department of Human Services
Income Maintenance Bureau

Notice of Intent to Solicit Outside Opinion Concerning Proposed Emergency Rules Governing Eligibility Standards for General Assistance

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose emergency rules amending eligibility standards for General Assistance eligibility, parts 9500.1206, 9500.1232, 9500.1262 and 9500.1257.

The adoption of emergency rules is authorized by Minnesota Statutes, section 256D.05, subdivision 1, paragraph a, clause 15, which permits the department to adopt literacy training for General Assistance recipients.

The proposed emergency rule amendments relate to literacy training and:

- Define occupational or vocational literacy programs in part 9500.1206;
- Add requirements for continued General Assistance eligibility for recipients who must participate in an occupational or vocational literacy program in part 9500.1262;
- Require the local agency to determine if such programs exist in the local labor market and to recommend their development if they are not available in part 9500.1257;
- Require assessment of the reading potential of eligible persons and the assignment to literacy programs where indicated in part 9500.1257;
- Require the local agency to provide child care and transportation if needed by recipients assigned to literacy programs in part 9500.1257;
- Under certain "good cause" circumstances require the local agency to make General Assistance payments to non-participating recipients in part 9500.1257;
- Require referral to Work Readiness when the person is no longer functionally illiterate and not otherwise eligible for General Assistance in part 9500.1257;
- At the local agency's discretion, allow for voluntary participation in Work Readiness by recipients of General Assistance who are in literacy training in part 9500.1257;
- Provide state participation for the child care and transportation at 100 percent in part 9500.1232.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons may submit data or views on the subject matter of concern in writing or orally.

Written statements should be addressed to:

Steven B. Katz
Minnesota Department of Human Services
444 Lafayette Rd.—3rd Floor
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at 612/296-5696 and in person at the above address.

All statements of information and comment will be accepted until further notice is given. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general in the event the rule is adopted.

Department of Jobs and Training
State Job Training Office

Petitions Sought for Redesignation of Service Delivery Areas to Operate under the Job Training Partnership Act

Notice is hereby given that the State Job Training Office will accept petitions for redesignation of service delivery areas (SDAs) to operate under the Job Training Partnership Act (JTPA), Public Law 97-300.

Department of Human Services

Proposed Emergency Amendments to Permanent Rules and Emergency Rules Relating to General Assistance Literacy Training Requirements

Rules as Proposed

9500.1206 PROGRAM DEFINITIONS.

Subpart 1. to 24. [Unchanged.]

Subp. 24a. **Occupational or vocational literacy program.** "Occupational or vocational literacy program" means a program providing training in the specific literacy skills needed to perform in employment, complete employment training programs, or complete work readiness programs.

Subp. 25. [Unchanged.]

Subp. 25a. **Participation in a literacy program.** "Participation in a literacy program" means to receive instruction and complete assignments as part of a literacy program in accordance with the schedule or plan established by the literacy training program provider.

Subp. 26. [Unchanged.]

Subp. 27. **Qualified provider.** A "qualified provider" means the local agency, or:

~~(1)~~ A. a nonprofit legal assistance organization;

~~(2)~~ B. an agency that employs licensed practitioners or accredited counseling staff or staff with a master's degree from an accredited program in social work, psychology, counseling, occupational therapy, or physical therapy;

~~(3)~~ C. a private attorney at law; or

~~(4)~~ D. another organization or person determined by the local agency to have sufficient training or experience to be effective in assisting persons to apply for and establish eligibility for SSI benefits.

Subp. 29. to 32. [Unchanged.]

Subp. 32a. **Suitable recipient.** "Suitable recipient" means

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a recipient eligible for general assistance under part 9500.1258, subpart 1, item P, unless it is unlikely that participation in a literacy program would improve the recipient's literacy level due to mental retardation, mental illness, or a learning disability.

Subp. 33. [Unchanged.]

9500.1232 STATE PARTICIPATION.

Subpart 1. [Unchanged.]

Subp. 2. **State participation for monthly general assistance payments made based on a reduced state assistance standard.** When an assistance unit is subject to a reduced state assistance standard as provided in parts 9500.1218 to ~~9555.1222~~ 9500.1222, the amount of state participation in the monthly payment to the assistance unit under Minnesota Statutes, section 256D.03, subdivision 2, must be determined by subtracting the assistance unit's countable income from the applicable reduced state assistance standard and multiplying the difference by 75 percent.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **State participation for costs of providing transportation to recipients assigned to literacy training.** State participation for the actual costs of providing transportation under part 9500.1257 [Emergency], subpart 5, is 100 percent.

9500.1257 [Emergency] LITERACY TRAINING FOR RECIPIENTS.

Subpart 1. **Occupational and vocational literacy programs.** The local agency shall determine the extent to which occupational or vocational literacy programs as defined in part 9500.1206, subpart 24a, are available for use by recipients under this part. If the local agency determines that existing occupational or vocational literacy programs are not sufficient to meet the needs of recipients, the local agency shall:

A. inform local educational institutions and job training programs of the number of recipients who need occupational and vocational literacy training; and

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B. recommend to local educational institutions and job training programs that the necessary programs be developed.

Subp. 2. **Assessment.** The local agency shall assess each recipient eligible under part 9500.1258, subpart 1, item P, to identify any learning disabilities the recipient may have and to determine the recipient's existing reading level, reading potential, and vocational or occupational interests. The results of literacy testing and any other assessments conducted by the local agency under this subpart must be made available to the literacy training provider under Minnesota Statutes, sections 13.01 to 13.90, the Minnesota Government Data Practices Act.

Subp. 3. **Assignment.** The local agency shall assign each suitable recipient eligible under part 9500.1258, subpart 1, item P, to an accessible occupational or vocational literacy program if an opening in such a program is available. If there is no opening for a recipient in an accessible occupational or vocational literacy program, the local agency shall assign the recipient to an opening in any other accessible literacy program. A program is accessible to a recipient if the program is within the local labor market as defined in part 9500.1206, subpart 19a. A recipient is suitable unless it is unlikely that participation in a literacy program would improve the recipient's literacy level due to mental retardation, mental illness, or a learning disability.

Subp. 4. **Reassignment.** If a suitable recipient fails, with good cause as defined in part 9500.1206, subpart 15, to complete a literacy program to which the recipient is assigned under subpart 3, the local agency shall assign the recipient to an opening in another accessible literacy program if the recipient wants to participate in another program.

Subp. 5. **Child care and transportation.** The local agency shall provide child care and transportation to a recipient if necessary to enable the recipient to participate in an assigned literacy program.

Subp. 6. **Payments to nonparticipating recipients.** The

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local agency shall provide general assistance benefits under part 9500.1258, subpart 1, item P, to a recipient who does not participate in a literacy training program only if the recipient:

A. has good cause for failing to participate;

B. fails to make progress in a literacy program assigned under subpart 3 or 4 despite participation in the program for at least six months; or

C. is not assigned to a literacy training program because the recipient is not suitable for literacy training or because there is no opening in an accessible literacy program.

Subp. 7. **Voluntary participation in work readiness.** The local agency may allow a general assistance recipient eligible under part 9500.1258, subpart 1, item P, to participate voluntarily in work readiness services if the local agency determines that:

A. the recipient has reached a level of literacy that may allow successful participation in job training; and

B. participation in work readiness services by the recipient would not interfere with the recipient's participation in literacy training.

Subp. 8. **Reassessment.** If a recipient has been determined to be eligible for general assistance under part 9500.1258, subpart 1, item P, the local agency shall assess the recipient's eligibility under part 9500.1258, subpart 1, items A to O, when:

A. the local agency determines under part 9500.1258, subpart 1, item P, that the recipient is no longer functionally illiterate; or

B. the recipient is disqualified under part 9500.1262, subpart 1, item C, for failure to comply with literacy training requirements.

Subp. 9. **Referral to work readiness program.** If the local agency determines, after reassessment under subpart 8, that a recipient is ineligible for general assistance, the local agency shall determine the recipient's eligibility for the work readiness program under part 9500.1306.

Subp. 10. **Explanation of rights and duties.** At the time a

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person is determined eligible for general assistance under part 9500.1258, subpart 1, item P, and at the time a person is assigned to a literacy program, the local agency shall provide an oral explanation of:

A. the requirements of part 9500.1262, subpart 1, item C, and the penalties for failure to comply with these requirements;

B. the local agency's responsibilities under subparts 2 to 9; and

C. the person's right to appeal any adverse decision.

9500.1262 REQUIREMENTS FOR CONTINUED ELIGIBILITY.

Subpart 1. **Requirements for continued eligibility for specific categories of ongoing eligibility.** A recipient of general assistance whose eligibility is based on part 9500.1258, subpart 1, item G ~~or~~, L, or P, and who is not eligible under another category of eligibility under part 9500.1258, must comply with the following requirements as conditions for continued eligibility.

A. and B. [Unchanged.]

C. A recipient who is eligible for general assistance under part 9500.1258, subpart 1, item P, shall participate in a literacy program assigned under part 9500.1257 [Emergency]. If a recipient fails to participate in an assigned literacy program, the recipient must be disqualified from receiving general assistance under part 9500.1258, subpart 1, item G, L, or P, unless the recipient is not participating for one of the reasons identified in part 9500.1257 [Emergency], subpart 6.

Subp. 2. [Unchanged.]

9500.1266 DISQUALIFICATION.

A recipient who fails, without good cause, to comply with the requirements of part 9500.1262, is disqualified from receiving general assistance as provided in items A to D.

A. and B. [Unchanged.]

C. If an individual who is disqualified applies for general assistance during the period of disqualification, the

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individual is considered a recipient and the application shall be denied unless the individual is eligible for general assistance on the basis of a category of eligibility other than the categories in part 9500.1258, subpart 1, item G ~~or~~, L, or P.

D. [Unchanged.]

EFFECT OF EMERGENCY AMENDMENTS. After the emergency amendments to parts 9500.1206, 9500.1232, 9500.1262, and 9500.1266 expire, the permanent rule as it read prior to those amendments shall again be in effect, except as may be amended by permanent rule.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Emergency Amendments to Permanent Rules and Emergency Rules Relating to General Assistance Literacy Training Requirements

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9500

The attached rules are approved for publication in the State Register

Susan E. Quayle
Assistant Revisor

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Emergency Rule of the State Department of Human Services Relating to Literacy Training Requirements for General Assistance Recipients

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, sections 256D.05, paragraph (a), clause (15) and 256D.052. 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 or until 4:30 p.m. on November 27, 1987 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:

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Building
658 Cedar
St. Paul, MN 55155
Telephone (612)297-2711

The proposed rule implements the statutory requirement that general assistance recipients who are eligible on the basis of functional illiteracy participate in literacy training programs.

The rule defines "occupational or vocational literacy program," "participation in a literacy program," and "suitable recipient," adding these definitions to part 9500.1206. The rule also adds failure to participate in an assigned literacy program as a basis for disqualification under part 9500.1262. The rule further amends part 9500.1266 to provide that disqualification of a recipient for failure to participate in literacy training renders the recipient ineligible for general assistance under part 9500.1258, subpart 1, items G, L and P during the period of disqualification.

Part 9500.1257 of the rule sets forth the responsibilities of the department, local agencies and recipients regarding literacy training and identifies the circumstances under which general assistance benefits will be paid to recipients who are eligible for general assistance on the basis of functional illiteracy but who do not participate in literacy training. This rule part also specifies the conditions under which a recipient who is eligible for general assistance on the basis of functional illiteracy may participate voluntarily in the work readiness program.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz at the address noted above.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and does 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 reviews 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 this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

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 be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

Adoption of this rule will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

Date: October 23, 1987

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF EMERGENCY RULE OF THE STATE DEPARTMENT OF HUMAN SERVICES RELATING TO LITERACY TRAINING REQUIREMENTS FOR GENERAL ASSISTANCE RECIPIENTS

AFFIDAVIT OF MAILING

Nancy Storelee, being first duly sworn, deposes and says:

That on the 29th day of October, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Department of Human Services for the purpose of receiving notice of hearing by this Department.

Nancy Storelee

Subscribed and sworn to before me

this 30 day of October, 1987

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Emergency Rule of the State Department of Human Services Relating to Literacy Training Requirements for General Assistance Recipients

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Dan Lipschultz
Minnesota Department of Human Services
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The rule defines "occupational or vocational literacy program," "participation in a literacy program," and "suitable recipient," adding these definitions to part 9500.1206. The rule also adds failure to participate in an assigned literacy program as a basis for disqualification under part 9500.1262. The rule further amends part 9500.1266 to provide that disqualification of a recipient for failure to participate in literacy training renders the recipient ineligible for general assistance under part 9500.1258, subpart 1, items G, L and P during the period of disqualification.

Part 9500.1257 of the rule sets forth the responsibilities of the department, local agencies and recipients regarding literacy training and identifies the circumstances under which general assistance benefits will be paid to recipients who are eligible for general assistance on the basis of functional illiteracy but who do not participate in literacy training. This rule part also specifies the conditions under which a recipient who is eligible for general assistance on the basis of functional illiteracy may participate voluntarily in the work readiness program.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz at the address noted above.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and does 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 reviews 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 this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

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Adoption of this rule will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

Date: October 23, 1987

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of State Department of Human Services Emergency Amendments to Permanent Rules and Emergency Rules Relating to General Assistance Literacy Training Requirements, Parts 9500.1206, 9500.1232, 9500.1257, 9500.1262 and 9500.1266.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULE

Notice of the Commissioner's intent to adopt the above-entitled emergency rule was published in the State Register on November 2, 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 October 27, 1987.

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

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

1. The Department received written comments from Hennepin, Anoka, Houston and St. Louis Counties. No other comments were received.

2. Based on the comments received by the department, the commissioner makes the following changes to the above entitled rules:*

(a) Part 9500.1206, subp. 24a is modified to read:

> Subp. 24a. Occupational or vocational literacy program. "Occupational or vocational literacy program" means a program providing literacy training ~~in the~~ which emphasizes specific ~~literacy~~ language and reading skills needed to perform successfully in employment, ~~complete~~ employment training programs or ~~complete~~ work readiness programs.

This modification is made in response to comment 1 submitted by St. Louis County.

The proposed rule defines occupational and vocational literacy programs as programs which provide "training in specific literacy skills needed to perform in employment . . . or . . . work readiness programs." As written, the definition could be read to imply, incorrectly, that the defined programs teach literacy skills that are relevant only to employment or employment training programs. The potential misinterpretation appears to be at the core of St. Louis County's modification request.

* Changes to the rules as proposed are indicated by strikeouts and underscoring.

The above modification diminishes the prospect of misinterpretation by indicating that occupational or vocational literacy programs emphasize employment-related skills but are not limited to them. Thus, the definition as modified will more accurately reflect the actual content of these programs. The modified definition will also conform more closely to the program description contained in state statute. See Minn. Stat., section 256D.052, subdivision 1.

(b) The following sentence is added to the end of part 9500.1257, subpart 4:

> If the recipient does not have good cause for refusing reassignment to another program, the recipient must be disqualified under part 9500.1266.

This change is made in response to Anoka County's comment that the current language of subpart 4 could be interpreted to permit individuals who have good cause for not completing the originally assigned program to refuse reassignment without penalty even if good cause no longer exists. This, according to Anoka's comment, would be inconsistent with legislature's intent to require literacy programs for suitable recipients.

The legislation apparently referred to in Anoka's comment is Minnesota Statutes, sections 256D.05, subdivision 1, clause (15) and 256D.052, subdivision 4. Section 256D.05, subdivision 1, clause (15) requires recipients who are eligible on the basis of functional illiteracy to participate in literacy training as a condition of eligibility. Section 256D.052, subdivision 4 identifies three justifications for failure to participate in literacy training: (1) good cause; (2) absence of available and accessible programs; or (3) failure to progress after six months of participation in a program.

Part 9500.1257, subpart 6 of the proposed rule identifies the three circumstances provided in statute under which a recipient will receive benefits without participating in literacy training requirements; simple refusal to accept reassignment is not one these circumstances. Therefore, if a recipient were to refuse reassignment under subpart 4 without good cause, the recipient would be subject to disqualification under subpart 6.

The commissioner agrees, however, that the language of subpart 4 as originally proposed could be interpreted in a manner inconsistent with the applicable legislation as incorporated in subpart 6 of the proposed rule. The modification given above will ensure that subpart 4 does not lead to a result at variance with subpart 6.

(c) Part 9500.1257, subpart 2, line 10 is modified to substitute the phrase "in accordance with" for the term "under."

This modification is made in response to St Louis County's third comment which recommends adding language to ensure that local agencies and providers do not exchange information in violation of the Minnesota Government Data Practices Act. The reference to the Data Practices Act in the proposed rule was intended to accomplish this purpose. The use of the phrase "in accordance with" should clarify this intent.

3. St. Louis County recommends in its second comment that the department add an item C to part 9500.1257, subpart 1 which would require local agencies to inform the department of difficulty locating necessary programs or program slots.

Items A and B of subpart 1 as proposed require local agencies to inform educational institutions and job training programs of the need for occupational and vocational literacy training and recommend that the necessary programs be developed. These items are intended to implement the general statutory requirement that local agencies "work with local educational institutions and job training programs in the development . . . of occupational and vocational literacy programs . . .."

It makes sense to require local agencies to contact educational institutions and job training providers in seeking to develop occupational and vocational literacy programs since these are the institutions which provide or have the expertise to develop the programs. The establishment of literacy programs is, however, beyond the scope of the department's expertise or authority. Therefore, the benefit of requiring local agencies to inform the department as suggested by St. Louis County would be diminimus and would not justify the additional administrative burden imposed on local agencies. Local agencies would be free under the proposed rules to contact the department voluntarily on matters relating to the availability of literacy programs. There is no reason to believe that local agencies will not properly exercise their discretion and contact the department when it would be helpful to do so.

4. St. Louis County recommends in its third comment that the department add the following five items to part 9500.1257, subpart 2:

> (1) An item permitting local agencies to have literacy training providers perform the assessment.
>
> (2) An item requiring providers to develop written plans for recipients to follow in the course of literacy training.
>
> (3) An item requiring providers to notify local agencies when recipients are not complying with the written plan.
>
> (4) An item requiring providers to determine whether recipients remain functionally illiterate after completing their plans.
>
> (5) An item providing that the exchange of information between local agencies and providers must be in accordance with the Minnesota Government Data Practices Act.

Local agencies may contract with private or other public entities to perform functions for which the local agencies are responsible. Therefore, the first item suggested by St. Louis County is unnecessary. Local agencies may contract with providers to perform the required assessments, although local agencies will still be legally responsible for ensuring that the mandated assessments are performed.

The second, third and fourth items recommended by St. Louis County cannot be adopted since the department of human services does not have statutory authority to regulate local literacy training providers. Local agencies can, however, seek to include these requirements in contracts between the local agencies and providers.

The fifth item recommended by St. Louis County will be adopted, as indicated above, by substituting the phrase "in accordance with" for the term "under" in line 10 of this subpart.

5. St. Louis County recommends in its fourth comment that the rule state the rule part to which the referenced subparts refer in part 9500.1257, subpart 2, item B, line 8. Adopting this suggestion would be inconsistent with the Revisor of Statutes rules of form for agency rules. Therefore, the commissioner cannot adopt this recommendation.

6. St. Louis County's fifth and sixth comments recommend deleting references to items G and L from parts 9500.1262, subpart 2, item C and 9500.1266, item C of the above entitled rules.

Item G is the provision under which persons who have difficulty communicating in the English language are eligible for general assistance (GA). These individuals are required to participate in English as a second language classes as a condition of GA eligibility. Item L is the provision under which persons with minor children are eligible for GA. These individuals are required to participate in a work readiness program.

The references to items G and L cited by St. Louis County provide that when a recipient is disqualified for nonparticipation in literacy training, the recipient cannot avoid disqualification by establishing eligibility under another category that also has participation requirements. This cross-category disqualification is consistent with part 9500.1266, item C of current GA rules which extends disqualification of a recipient under item G to item L and vice-versa.

Extending disqualification in this manner is intended to maintain consistency between the above entitled proposed rules and current adopted GA rules. It is also intended to protect local agencies from the costs associated with implementing participation requirements in multiple categories for the same recipient. Participation requirements necessitate county expenditures for notification and monitoring as well as needed child care and transportation. Requiring counties to incur these costs under two different categories for the same recipient is not justifiable when the recipient has already demonstrated a propensity not to comply with participation requirements. Indeed, a recipient's failure, without good cause, to comply with the participation requirements of one category, gives rise to a reasonable expectation that the recipient will refuse without good cause to participate as required under another category. Therefore, the commissioner will not adopt this recomendation.

7. Houston County states in its comment that illiteracy is "given too much prominence in the whole group of barriers to employment." Houston County appears to be recommending that the rules be less detailed with respect to literacy training and address training programs that pertain to other substantial barriers to employment. This is an interesting suggestion. However, the above entitled rule merely conforms to state statute. The department is given statutory authority and funding for literacy training. State statute also contains a large number of specific requirements on how this training is to be administered. The Department does not have statutory authority or detailed statutory directives regarding training programs which address other substantial barriers to employment. Therefore, the department cannot make any rule changes to accomadate Houston County's concern. This concern would have to be addressed in statute.

CONCLUSIONS

I hereby conclude that:

1. The commissioner has statutory authority to promulgate these rules.

2. Proper notice of the department's intent to adopt the proposed above-captioned rules was given as required by law, and all interested persons were afforded an opportunity to submit data and views on the proposed rules.

3. All modifications make to the proposed rules are not substantial changes.

4. The rules, as modified, are necessary and reasonable.

5. Any duplication oin these rules of language contained in Minnesota Statutes is crucial to the ability of persons affected by the rules to comprehend their meaning and effect.

6. The department has complied with all applicable provisions of law and rule in the promulgation of these rules.

7. If any finding or part of a finding, above, is properly characterized as a conclusin, it is adopted as a conclusion.

NOW, THEREFORE, IT IS ORDERED that the rule identified as emergency amendments to permanent rules and emergency rules relating to general assistance literacy training requirements, parts 9500.1206, 9500.1232, 9500.1257, 9500.1262 and 9500.1266 (as modified) is adopted this 15 day of December, 1987, pursuant to authority vested in me by Minnesota Statutes, section 256D.05, subdivision 1, clause (15).

Sandra Gardebring

SANDRA S. GARDEBRING

Commissioner

Rule

I did not read this rule.
Changes on Adopted
Not All new material

Authority

256D.05 (a)(15) → Refers that the Com. has rule making authority but does not say "Com. has authority."
256D.052

Department of Human Services

Correction to Adopted Permanent Rules Relating to Medical Assistance Payment

Correction to *Minnesota Rules* proposed at 11 *State Register*, page 1645 on March 16, 1987; and adopted on October 5, 1987 at 12 *State Register*, page 624.

Minnesota Rules, part 9505.0420, subpart 2, item C contains a reference to part 9505.1070, subpart 13. The correct reference should be to part 9500.1070, subpart 13. This appears at 11 *State Register*, page 1679.

The repealer appearing at 11 *State Register*, page 1686, contains a repeal of *Minnesota Rules*, part 9505.1080. This should correctly read part 9500.1080.

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.

Department of Human Services

Proposed Emergency Amendments to Permanent Rules and Emergency Rules Relating to General Assistance Literacy Training Requirements

Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, sections 256D.05, paragraph (a), clause (15) and 256D.052. 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 or until 4:30 p.m. on November 27, 1987 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:

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Building
658 Cedar
St. Paul, MN 55155
Telephone (612) 297-2711

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 proposed rule implements the statutory requirement that general assistance recipients who are eligible on the basis of functional illiteracy participate in literacy training programs.

The rule defines "occupational or vocational literacy program," "participation in a literacy program," and "suitable recipient," adding these definitions to part 9500.1206. The rule also adds failure to participate in an assigned literacy program as a basis for disqualification under part 9500.1262. The rule further amends part 9500.1266 to provide that disqualification of a recipient for failure to participate in literacy training renders the recipient ineligible for general assistance under part 9500.1258, subpart 1, items G, L and P during the period of disqualification.

Part 9500.1257 of the rule sets forth the responsibilities of the department, local agencies and recipients regarding literacy training and identifies the circumstances under which general assistance benefits will be paid to recipients who are eligible for general assistance on the basis of functional illiteracy but who do not participate in literacy training. This rule part also specifies the conditions under which a recipient who is eligible for general assistance on the basis of functional illiteracy may participate voluntarily in the work readiness program.

A free copy of the proposed emegency rule is available by contacting Dan Lipschultz at the address noted above.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and does 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 reviews 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 this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

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 be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Adoption of this rule will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

Dated: 23 October 1987

Sandra S. Gardebring
Commissioner

Rules as Proposed

9500.1206 PROGRAM DEFINITIONS.

Subpart 1. to 24. [Unchanged.]

Subp. 24a. **Occupational or vocational literacy program.** "Occupational or vocational literacy program" means a program providing training in the specific literacy skills needed to perform in employment, complete employment training programs, or complete work readiness programs.

Subp. 25. [Unchanged.]

Subp. 25a. **Participation in a literacy program.** "Participation in a literacy program" means to receive instruction and complete assignments as part of a literacy program in accordance with the schedule or plan established by the literacy training program provider.

Subp. 26. [Unchanged.]

Subp. 27. **Qualified provider.** A "qualified provider" means the local agency, or:

~~(1)~~ A. a nonprofit legal assistance organization;

~~(2)~~ B. an agency that employs licensed practitioners or accredited counseling staff or staff with a master's degree from an accredited program in social work, psychology, counseling, occupational therapy, or physical therapy;

~~(3)~~ C. a private attorney at law; or

~~(4)~~ D. another organization or person determined by the local agency to have sufficient training or experience to be effective in assisting persons to apply for and establish eligibility for SSI benefits.

Subp. 29. to 32. [Unchanged.]

Subp. 32a. **Suitable recipient.** "Suitable recipient" means a recipient eligible for general assistance under part 9500.1258, subpart 1, item P, unless it is unlikely that participation in a literacy program would improve the recipient's literacy level due to mental retardation, mental illness, or a learning disability.

Subp. 33. [Unchanged.]

9500.1232 STATE PARTICIPATION.

Subpart 1. [Unchanged.]

Subp. 2. **State participation for monthly general assistance payments made based on a reduced state assistance standard.** When an assistance unit is subject to a reduced state assistance standard as provided in parts 9500.1218 to ~~9555.1222~~ 9500.1222, the amount of state participation in the monthly payment to the assistance unit under Minnesota Statutes, section 256D.03, subdivision 2, must be determined by subtracting the assistance unit's countable income from the applicable reduced state assistance standard and multiplying the difference by 75 percent.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **State participation for costs of providing transportation to recipients assigned to literacy training.** State participation for the actual costs of providing transportation under part 9500.1257 [Emergency], subpart 5, is 100 percent.

9500.1257 [Emergency] LITERACY TRAINING FOR RECIPIENTS.

Subpart 1. **Occupational and vocational literacy programs.** The local agency shall determine the extent to which occupational or vocational literacy programs as defined in part 9500.1206, subpart 24a, are available for use by recipients under this part. If the local agency determines that existing occupational or vocational literacy programs are not sufficient to meet the needs of recipients, the local agency shall:

A. inform local educational institutions and job training programs of the number of recipients who need occupational and vocational literacy training; and

B. recommend to local educational institutions and job training programs that the necessary programs be developed.

Subp. 2. **Assessment.** The local agency shall assess each recipient eligible under part 9500.1258, subpart 1, item P, to identify any learning disabilities the recipient may have and to determine the recipient's existing reading level, reading potential, and vocational or occupational interests. The results of literacy testing and any other assessments conducted by the local agency under this subpart must be made available to the literacy training provider under Minnesota Statutes, sections 13.01 to 13.90, the Minnesota Government Data Practices Act.

Subp. 3. **Assignment.** The local agency shall assign each suitable recipient eligible under part 9500.1258, subpart 1, item P, to an accessible occupational or vocational literacy program if an opening in such a program is available. If there is no opening for a recipient in an accessible occupational or vocational literacy program, the local agency shall assign the recipient to an opening in any other accessible literacy program. A program is accessible to a recipient if the program is within the local labor market as defined in part 9500.1206, subpart 19a. A recipient is suitable unless it is unlikely that participation in a literacy program would improve the recipient's literacy level due to mental retardation, mental illness, or a learning disability.

Subp. 4. **Reassignment.** If a suitable recipient fails, with good cause as defined in part 9500.1206, subpart 15, to complete a literacy program to which the recipient is assigned under subpart 3, the local agency shall assign the recipient to an opening in another accessible literacy program if the recipient wants to participate in another program.

Subp. 5. **Child care and transportation.** The local agency shall provide child care and transportation to a recipient if necessary to enable the recipient to participate in an assigned literacy program.

Subp. 6. **Payments to nonparticipating recipients.** The local agency shall provide general assistance benefits under part 9500.1258, subpart 1, item P, to a recipient who does not participate in a literacy training program only if the recipient:

A. has good cause for failing to participate;

B. fails to make progress in a literacy program assigned under subpart 3 or 4 despite participation in the program for at least six months; or

C. is not assigned to a literacy training program because the recipient is not suitable for literacy training or because there is no opening in an accessible literacy program.

Subp. 7. **Voluntary participation in work readiness.** The local agency may allow a general assistance recipient eligible under part 9500.1258, subpart 1, item P, to participate voluntarily in work readiness services if the local agency determines that:

A. the recipient has reached a level of literacy that may allow successful participation in job training; and

B. participation in work readiness services by the recipient would not interfere with the recipient's participation in literacy training.

Subp. 8. **Reassessment.** If a recipient has been determined to be eligible for general assistance under part 9500.1258, subpart 1, item P, the local agency shall assess the recipient's eligibility under part 9500.1258, subpart 1, items A to O, when:

A. the local agency determines under part 9500.1258, subpart 1, item P, that the recipient is no longer functionally illiterate; or

B. the recipient is disqualified under part 9500.1262, subpart 1, item C, for failure to comply with literacy training requirements.

Subp. 9. **Referral to work readiness program.** If the local agency determines, after reassessment under subpart 8, that a recipient is ineligible for general assistance, the local agency shall determine the recipient's eligibility for the work readiness program under part 9500.1306.

Subp. 10. **Explanation of rights and duties.** At the time a person is determined eligible for general assistance under part 9500.1258, subpart 1, item P, and at the time a person is assigned to a literacy program, the local agency shall provide an oral explanation of:

A. the requirements of part 9500.1262, subpart 1, item C, and the penalties for failure to comply with these requirements;

B. the local agency's responsibilities under subparts 2 to 9; and

C. the person's right to appeal any adverse decision.

9500.1262 REQUIREMENTS FOR CONTINUED ELIGIBILITY.

Subpart 1. **Requirements for continued eligibility for specific categories of ongoing eligibility.** A recipient of general assistance whose eligibility is based on part 9500.1258, subpart 1, item G ~~or~~, L, or P, and who is not eligible under another category of eligibility under part 9500.1258, must comply with the following requirements as conditions for continued eligibility.

A. and B. [Unchanged.]

C. A recipient who is eligible for general assistance under part 9500.1258, subpart 1, item P, shall participate in a literacy program assigned under part 9500.1257 [Emergency]. If a recipient fails to participate in an assigned literacy program, the recipient must be disqualified from receiving general assistance under part 9500.1258, subpart 1, item G, L, or P, unless the recipient is not participating for one of the reasons identified in part 9500.1257 [Emergency], subpart 6.

Subp. 2. [Unchanged.]

9500.1266 DISQUALIFICATION.

A recipient who fails, without good cause, to comply with the requirements of part 9500.1262, is disqualified from receiving general assistance as provided in items A to D.

A. and B. [Unchanged.]

C. If an individual who is disqualified applies for general assistance during the period of disqualification, the individual is considered a recipient and the application shall be denied unless the individual is eligible for general assistance on the basis of a category of eligibility other than the categories in part 9500.1258, subpart 1, item G ~~or~~, L, or P.

D. [Unchanged.]

EFFECT OF EMERGENCY AMENDMENTS. After the emergency amendments to parts 9500.1206, 9500.1232, 9500.1262, and 9500.1266 expire, the permanent rule as it read prior to those amendments shall again be in effect, except as may be amended by permanent rule.

Department of Human Services

Proposed Emergency Rule Relating to Work Incentive Housing Subsidy for AFDC Recipients

Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 256.736, subdivision 1b. 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 or until 4:30 p.m. on November 27, 1987 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:

In the Matter of the Adoption
of the Rule of the State Department
of Human Services Governing Proposed
Emergency Amendments to Permanent
Rules and Emergency Rules Relating
to General Assistance Literacy
Training Requirements, Parts 9500.1206,
9500.1232, 9500.1257, 9500.1262,
9500.1266.

DECLARATION OF
COUNSEL

I, Michael Cohen, 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 is0852.

Michael R. Cohen

Special Assistant
Attorney General

Dated: 12-15-87

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF EMERGENCY RULE OF THE STATE DEPARTMENT OF HUMAN SERVICES RELATING TO LITERACY TRAINING REQUIREMENTS FOR GENERAL ASSISTANCE RECIPIENTS

AFFIDAVIT OF ADDITIONAL MAILING

Nancy Storelee, being first duly sworn, deposes and says:

That on the 29th day of October, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following parties:

.The 87 Minnesota County Human Services Agencies
.Advisory Committee for GA Literacy Emergency Rule

Nancy Storelee

Subscribed and sworn to before me

this 30 day of October, 1987

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Emergency Rule of the State Department of Human Services Relating to Literacy Training Requirements for General Assistance Recipients

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, sections 256D.05, paragraph (a), clause (15) and 256D.052. 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 or until 4:30 p.m. on November 27, 1987 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:

Dan Lipschultz
Minnesota Department of Human Services
4th Floor, Centennial Office Building
658 Cedar
St. Paul, MN 55155
Telephone (612)297-2711

The proposed rule implements the statutory requirement that general assistance recipients who are eligible on the basis of functional illiteracy participate in literacy training programs.

The rule defines "occupational or vocational literacy program," "participation in a literacy program," and "suitable recipient," adding these definitions to part 9500.1206. The rule also adds failure to participate in an assigned literacy program as a basis for disqualification under part 9500.1262. The rule further amends part 9500.1266 to provide that disqualification of a recipient for failure to participate in literacy training renders the recipient ineligible for general assistance under part 9500.1258, subpart 1, items G, L and P during the period of disqualification.

Part 9500.1257 of the rule sets forth the responsibilities of the department, local agencies and recipients regarding literacy training and identifies the circumstances under which general assistance benefits will be paid to recipients who are eligible for general assistance on the basis of functional illiteracy but who do not participate in literacy training. This rule part also specifies the conditions under which a recipient who is eligible for general assistance on the basis of functional illiteracy may participate voluntarily in the work readiness program.

A free copy of the proposed emergency rule is available by contacting Dan Lipschultz at the address noted above.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and does 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 reviews 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 this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

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 be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

Adoption of this rule will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

Date: October 23, 1987

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
444 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155

TO: Rita Desmond
Legal Assistant
Attorney General's Office, Administration Division

FROM: Dan Lipschultz
Rules Division
Department of Human Services

SUBJECT: Attorney General's Review of Emergency Rule

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.0400 for your review of emergency rules and emergency amendments to permanent rules relating to literacy training requirements for GA recipients.

Official documents in this submitted material include:

1. A copy or photocopy of the notice of solicitation of outside information or opinions as published in the State Register.

2. A copy of the proposed rules with a certificate of approval as to form by the revisor of statutes attached.

3. The notice of intent to adopt the emergency rules as mailed.

4. The affidavit of mailing the notice of intent to adopt the emergency rules. The affidavits state that the mailing list maintained by the agency pursuant to Minnesota Statutes, sections 14.30, is accurate, complete, and current and that the notice of intent to adopt the emergency rule was mailed to all persons and groups whose names appear on the list.

5. A copy or photocopy of the notice of intent to adopt the emergency rules as published in the State Register.

6. Four copies of the emergency rules as adopted. Any modification made to the proposed rules is reflected on the rules as adopted and is approved as to form by the revisor of statutes.

7. The findings of fact, conclusions, and order adopting the emergency rules.

8. All written requests, submissions, or comments on the rules received by the agency except requests solely for copies of the rules.

9. The declaration of the attorney in the attorney general's office who represents the agency.

11. The notice of submission of the rules to the attorney general, if applicable. (This notice is not applicable since the department did not receive any requests to be notified of submission to the attorney general).

12. The affidavit of mailing notice of submission of the rules to the attorney general, if applicable. (This affidavit is not applicable for the reason given above).

If you have any questions on this submitted material, please call me at 297-4302.