

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

December 15, 1988

DAN LIPSCHULTZ
Department of Human Services

JACQUELYN E. ALBRIGHT
Special Assistant
Attorney General

6-9715

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

The above-referenced rule has been approved as to its legality by the Attorney General on December 14, 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, 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.

JAL:rer

Enclosures

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

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

File No. 15

Docket No. 05.0009.0880

DATE RECEIVED 12/1/88

ADOPTED W/O HEARING Y

REVIEW DATE 12/10/88

EMERGENCY RULE _____

DUE DATE 12/15/88

REVISOR APPROVED Y

APPROVED 12/14/88 JEA

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE _____

WITHDRAWN _____

RETURNED TO AGENCY _____

Gfr

Rush Approve 12/12 if possible

Must get to Revisor on 12/12 Dan Lipschultz

✓ Rule as adopted (4 copies)

_____ ~~Notice to Solicit Outside Information/Opinion~~ (if applicable)

_____ ~~Date published in State Register~~

_____ ~~Comments~~

_____ ~~Petition for Adoption of a Rule (if applicable)~~

✓ ~~Board's Authorizing Resolution~~

_____ ~~Date adopted~~

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

2560.052 Statutory Authority

no Small Business Statement

yes Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness (if applicable)

no Small Business Statement

n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

10/19/88 Date (30)/25 days before adoption

✓ Notice attached

_____ ~~Copy of rule or summary attached~~

✓ Publication in State Register

10/24/88 Date (30)/25 days before adoption

_____ 180-day deadline from:

11/24/88 end of comment period (§ 14.26) (rules without hearing)

_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

_____ ~~Resolution Adopting~~

_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

12/1/88 Date

✓ Written requests, submissions or comments (3

✓ Declaration of attorney

M. Cohen Name of SAAG representing agency

_____ ~~Notice of Submission to Atty. Gen. (if applicable)~~

_____ ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

✓ Certificate

Department of Human Services

Adopted Permanent 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 which emphasizes specific 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.]

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, subpart 5, is 100 percent.

9500.1257 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 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 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, 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. 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, 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, L, or P.

D. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 14 1988
Secretary of State

APPROVED AS TO FORM AND LEGALITY

Dec. 14 1988

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Jacqueline E Albright
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 14 1988
Joan Anderson Growe
Secretary of State
2:55 PM

Department of Human Services

Proposed Permanent 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 literacy training which emphasizes specific 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:

~~[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.

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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, subpart 5, is 100 percent.

9500.1257 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

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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 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

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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

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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. 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, 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

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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.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent 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

Kathleen M. Traxler
Assistant Revisor

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Literacy Training Requirements for General Assistance Recipients.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, sections 256.05, subdivision 1, paragraph (a), clause (15) and 256D.052.

All persons have 30 days or until 4:30 p.m. on November 23, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

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

Dan Lipschultz
Minnesota Department of Human Services
444 Lafayette Rd.
St. Paul, Minnesota 55155-3832
Telephone (612) 297-4302

The proposed rule implements the statutory requirement that recipients eligible for general assistance because they are functionally illiterate participate in literacy training programs. It affects general assistance recipients, county human service agencies and literacy training providers.

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 work readiness.

The proposed 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 rule as noticed.

A free copy of the rule is available upon request from Dan Lipschultz at the address noted above. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Dan Lipschultz at the address noted above upon request.

Adoption of the 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.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

Date: 10/7/88

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE DEPARTMENT OF HUMAN SERVICES RELATING TO GENERAL ASSISTANCE LITERACY TRAINING REQUIREMENTS, PARTS 9500.1206, 9500.1232, 9500.1257, 9500.1262 AND 9500.1266.

STATEMENT OF NEED AND REASONABLENESS

INTRODUCTION

The above-entitled rule is authorized by Minnesota Statutes, sections 256D.05, subdivision 1, paragraph (a), clause (15) and 256D.052. It was initially adopted as an emergency rule in January of 1988. The emergency rule was developed in consultation with an advisory committee composed of representatives of county agencies, literacy training providers and legal advocacy organizations. The committee also included Rosemarie Park, a member of the faculty of the University of Minnesota and a recognized expert on literacy training and education.

The emergency rule has been in effect since January 13, 1988. Since that time the department has not received any complaints concerning the operation of the emergency rule. Moreover, no appeals have been filed as a consequence of the emergency rule. This record of success in addition to the substantial public and expert input into the development of the emergency rule indicate that no changes are necessary or advisable in proposing the emergency rule as a permanent rule. Therefore, the proposed permanent rule is identical to the adopted emergency rule.

RULE PROVISIONS

9500.1206 PROGRAM DEFINITIONS

Subpart 24a. Occupational or vocational literacy program.

Minnesota Statutes, section 256D.05, subdivision 1, clause (15) requires general assistance (GA) recipients to comply with literacy training requirements set by the agency under section 256D.052. Minnesota Statutes 1987 Supplement, section 256D.052 requires local agencies to assign recipients to "occupational and vocational literacy programs." The above-captioned rule incorporates this requirement. This definition is necessary because the term "occupational or vocational literacy program" does not have a common everyday meaning. The definition in this subpart is reasonable because it incorporates the description of this term in state statute. See Minn. Stat. §256D.052 subd. 1 (Supp. 1987).

Subpart 25a. Participation in an literacy program.

State statute requires local agencies to provide general assistance (GA) to individuals eligible on the basis of functional illiteracy if they "participate in a literacy program . . . ." Minn. Stat. §256D.052 subd. 4 (1) (Supp. 1987). Participation in a literacy program is defined in statute as attending regular classes, completing assignments, and making progress toward literacy goals. Minn. Stat. §256D.052 subd. 4 (1) (Supp. 1987).

The rule's definition of participation in a literacy program uses the phrase "receiving instruction . . . in accordance with the schedule or plan established by the literacy training program provider" in place of the phrase "attend regular classes" used in statute. The change is necessary because some literacy training programs may involve instruction in nonclassroom settings. The language used in the rule is reasonable in that it requires instruction as a component of participation consistent with state statute while allowing some flexibility in the mode of instruction to accommodate differences among programs.

Minnesota Statutes, section 256D.052, subdivision 4, clause (1) includes progress toward literacy goals as part of the definition of participation. This does not make sense when read in conjunction with clause (2) of the same subdivision of the statute. Clause (2) requires the provision of GA to a person who fails to progress in an assigned literacy program "despite participation for . . . six months or more." This contradicts clause (1) by assuming that a person can "participate" in a literacy program without progressing toward literacy goals. Removing progress toward goals from the definition of participation in the rule is necessary to give effect to the entire literacy training statute, including clauses (1) and (2). It is reasonable in that it is consistent with laws of statutory construction. These laws permit the interpretation of statutes by presuming that the legislature does not intend an absurd result and that the legislature intends the entire statute to be effective and certain. Minn. Stat. §645.17 (1986).

Subpart 27. Qualified provider.

This subpart remains the same as it is in the current permanent GA rules except for the way the items are numbered. The changes were initiated by the Revisor of Statutes and are necessary to bring the provision into conformity with the Revisor's rules of nomenclature.

Subpart 32a. Suitable recipient.

Minnesota Statutes, section 256D.052, subdivision 2, clause (2) requires local agencies to assign suitable recipients to openings in literacy programs. The term "suitable recipient" is not defined in statute. Moreover, the term does not have a commonly recognized definition. Therefore, it is necessary to define the term in rule.

The definition is reasonable because it is based on the recommendation of Rosemarie Park, a recognized expert in literacy training. The only logical basis for determining suitability for literacy training is the likelihood of improvement in the trainee's literacy level. According to Ms. Park, the only conditions that could prevent improvement in a person's literacy level

are mental retardation, mental illness, and learning disabilities. However, these conditions do not necessarily preclude improvement in literacy. Therefore, the definition of suitable recipient was drafted to include all individuals except for those with a poor prospect of improvement due to one or more of the three conditions identified by Ms. Park.

9500.1232 STATE PARTICIPATION

Subpart 2. State participation for monthly general assistance payments made based on a reduced state assistance standard.

This amendment corrects a typographical error in a rule citation contained in the current permanent rule. The amendment does not change the meaning or applicability of the rule as adopted.

Subpart 5. State participation for costs of providing transportation to recipients assigned to literacy training.

Minnesota Statutes, section 256D.052, subdivision 7 requires the state to reimburse local agencies for the entire cost of providing transportation associated with literacy training. Generally, the state's contribution for GA costs is 25 to 50%. Therefore, because 100% participation by the state is unusual it is necessary to incorporate the requirement into the rule. Inclusion of requirement is a reasonable means of preventing confusion that could result from the differences in state contribution requirements.

9500.1257 LITERACY TRAINING FOR RECIPIENTS.

Subpart 1. Occupational and vocational literacy programs.

Minnesota Statutes, section 256D.052, subdivision 1 requires local agencies to "work with local educational institutions and job training programs in the identification, development and utilization of occupational and vocational literacy programs for general assistance recipients."

The rule requires local agencies to inform local educational institutions and job training programs of the number of recipients who need occupational and vocational literacy training and recommend the development of the needed programs. As such, the rule incorporates the statutory requirement. This is necessary to ensure its implementation. The rule adds specificity to the statute's requirement by requiring local agencies to provide local institutions with information and recommendations on the need for occupational and vocational literacy programs. The added specificity is needed to give local agencies some guidance in implementing the vague requirement in statute that local agencies "work with" local institutions and programs.

The rule provision is reasonable because it requires local agencies to work with local institutions in some specific ways consistent with statute. The duties imposed on counties will not be an undue burden. Indeed, both county and noncounty membership on the emergency rule advisory committee supported these requirements. No comments recommending removal of these requirements were received during the public comment period for the emergency rule.

Subpart 2 Assessme

Minnesota Statutes, section 256D.052, subdivision, clause (1) requires local agencies to assess the existing reading level, learning disabilities, reading potential and vocational or occupational interests of recipients eligible on the basis of functional illiteracy. The rule incorporates this requirement. This is a necessary and reasonable means of ensuring implementation of the statute.

The rule also requires that the results of these assessments be given to the literacy training provider. This requirement was recommended by members of the emergency rule advisory committee; it is necessary to ensure that literacy training providers have the information needed to provide effective literacy instruction. The requirement is reasonable because information on reading level, learning disabilities, reading potential and occupational interests is important to effective literacy training. The reference in this subpart to the data practices act is necessary to ensure that the subpart is not interpreted as authority to exchange assessment information without adhereing to the data privacy requirements of the act.

Subpart 3. Assignment.

Minnesota Statutes, section 256D.052, subdivision 2, clause (2) requires local agencies to "assign suitable recipients to openings in occupational and vocational literacy programs." Clause (3) of the same subdivision requires assignment to "other accessible literacy programs" if "no openings are available in accessible occupational or vocational literacy programs."

Subpart 3 of the rule incorporates these statutory requirements. This is necessary and reasonable as a means of ensuring compliance with the statute. The rule clarifies the statute by defining program accessibility. This clarification is necessary because the statute limits assignment to programs that are "accessible" but does not define the term. The rule defines an accessible program as one within the recipient's local labor market as defined in part 9500.1206, subpart 19a. The local labor market is defined in the current GA rule as the geographic area within which a person can reasonably be expected to search for employment limited to an area within two hours round trip of a person's residence. It is reasonable to expect a person to attend literacy training within the geographic area in which the person is expected to search for employment. Literacy training for a functionally illiterate individual is at least as critical to obtaining employment as searching for a job. The burden of traveling to attend literacy training is certainly no greater than traveling to look for employment.

Subpart 4. Reassignment.

Under Minnesota Statutes, section 256D.052, subdivision 2, clause (4), a recipient who does not complete an assigned program and who wishes to try another program must be reassigned to another accessible literacy program. This subpart incorporates and clarifies the statutory reassignment requirement.

This subpart c fies the statute's reassignme... requirement by limiting reassignment to recipients who have good cause for failing to complete the originally assigned program. This clarification is necessary to ensure implementation of the entire literacy training statute.

The literacy training statute requires recipients who are eligible for GA on the basis of functional illiteracy to participate in literacy training as a condition of GA eligibility. Minn. Stat. §256D.05 Subd. 1 (15) (Supp. 1987). The statute then identifies three conditions which permit these recipients to receive benefits without participating in literacy training. These are (1) good cause for not participating; (2) absence of available and accessible programs; and (3) failure to progress after six months of participation in a program. Minn. Stat. §256D.052 subd. 4 (Supp. 1987). Automatic reassignment of a recipient who does not meet these conditions would allow the recipient to avoid sanction without meeting the statutory exemption criteria. Indeed, many counties do not have more than one literacy program. As such, a recipient could fail to complete the assigned literacy program without good cause and then continue to receive GA without participating in literacy training since there would be no other available and accessible literacy programs to which the recipient could be reassigned. The legislature could not have intended this result.

This subpart also provides for disqualification when a recipient refuses reassignment without good cause. This language was recommended by Anoka County in comments submitted during the public comment period for the proposed emergency rule. The language is necessary to prevent a recipient from permanently evading the literacy training requirement by exploiting the reassignment requirement. The language prevents a recipient who fails to complete the originally assigned program and expresses a desire to participate in an alternative program, from refusing reassignment to the other program. The apparent purpose of the reassignment provision is to offer recipients an alternative training program if circumstances make participation in the initial program unreasonable. If participation in the initial program would be unreasonable, the recipient would have good cause for not participating. See Minn. Rules, part 9500.1206, subp. 15. Circumstances that make participation in the initial program unreasonable will not, however, necessarily apply to participation in another program. Therefore, it is reasonable to require an independent showing of good cause to justify a recipient's failure to participate in the second literacy program.

Subpart 5. Child care and transportation.

Minnesota Statutes, section 256D.052, subdivision 3 requires local agencies to provide child care and transportation to facilitate participation in literacy training. This subpart incorporates this statutory requirement. The incorporation is necessary to ensure compliance with statute and ensure that recipients receive the services necessary to participate in literacy training. This subpart is reasonable because it is consistent with state statute.

Subpart 6. Payments to nonparticipating recipients.

This subpart incorporates the three bases for nonparticipation in literacy training set forth in Minnesota Statutes, section 256D.052, subdivision 4. Incorporation of these criteria is a necessary and reasonable means of ensuring compliance with state statute.

Subpart 7. Volunt . participation in work readine..

This subpart incorporates Minnesota Statutes, section 256D.052, subdivision 5, paragraph (b) which permits local agencies to refer a recipient for voluntary work readiness services when (1) the recipient's literacy level reaches a point that may allow successful participation and (2) participation in job training would not interfer with the recipient's participation in literacy training. Incorporation of this statutory requirement is a necessary and reasonable means of ensuring compliance with the requirement.

Subpart 8. Reassessment.

This subpart incorporates Minnesota Statutes, section 256D.052, subdivision 5, paragraph (a) which requires local agencies to reassess a recipient's categorical eligibility when, after finding the recipient eligible on the basis of functional illiteracy, the local agency (1) determines that the recipient is no longer functionally illiterate, or (2) disqualifies the recipient from GA for failure to comply with literacy training requirements. Incorporation of this statutory requirement is a necessary and reasonable means of ensuring compliance with the requirement.

Subpart 9. Referral to work readiness program.

This subpart incorporates Minnesota Statutes, section 256D.052, subdivision 5, paragraph (a) which requires local agencies to refer recipients to the work readiness program if they are ineligible for general assistance. Incorporation of this statutory requirement is a necessary and reasonable means of ensuring compliance with the requirement. This subpart clarifies the statute's referral requirment by requiring local agencies to determine a recipient's eligibility for work readiness under the appropriate rule part. The clarification is reasonable because it is consistent with current practice in the general assistance program. Current practice is to determine a person's eligibility for work readiness when that person loses his or her categorical eligibility for GA.

Subpart 10. Explanation of rights and duties.

This subpart incorporates Minnesota Statutes, section 256D.05, subdivision 1, paragraph (a), clause (15) which requires local agencies to provide an oral explanation to recipients eligible on the basis of functional illiteracy of their rights and responsibilities under the literacy training requirements. Incorporation of this statutory requirement is a necessary and reasonable means of ensuring compliance with the requirement.

9500.1262 REQUIREMENTS FOR CONTINUED ELIGIBILITY

Subpart 1. Requirements for continued eligibility for specific categories of ongoing eligibility.

This subpart provides for the disqualification of recipients who fail to comply with the participation requirements associated with certain categories of GA eligibility. The subpart is amended to incorporate Minnesota Statutes, section 256D.05, subdivision 1, paragraph (a), clause (15) which requires disqualification for 60 days when a recipient eligible on the basis of functional illiteracy fails to participate in literacy training as required. Incorporation of this statutory requirement is a necessary and reasonable means of ensuring compliance with the requirement.

As currently adopted, this subpart does not permit a recipient who is disqualified for failure to comply with the participation requirements of one category to circumvent disqualification by obtaining GA eligibility under another category that also has participation requirements associated with it. The proposed language is reasonable in that it treates disqualification for failure to comply with literacy training requirements the same way. This cross-category disqualification is reasonable because it prevents recipients from avoiding participation requirements set forth in statute. Indeed, without cross-category disqualification a recipient could maintain GA eligibility by moving from one category to another without complying with the participation requirements of any of them.

9500.1266 DISQUALIFICATION.

The proposed amendment to this part is necessary to implement Minnesota Statutes, section 256D.05, subdivision 1, paragraph (a), clause (15) which requires recipients eligible on the basis of functional illiteracy to participate in literacy training and which mandates a 60 day disqualification period for a recipient who does not participate as required. The proposed language is reasonable because it is consistent with statute and with the manner in which the rule treats disqualification under the other categories of GA eligibility that have participation requirements.

TESTIMONY

If a public hearing is held on this rule, the Department does not expect to present the testimony of any expert witnesses.

CONCLUSION

The foregoing discussion establishes the need for and reasonableness of the proposed rules, parts 9500.1206, 9500.1232, 9500.1257, 9500.1262 and 9500.1266. To a great extent, the need for the proposed rules is established by state statute and the inherent responsibility of the Minnesota Department of Human Services to exercise prudent management of public funds.

10/7/88
DATE

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULE OF THE STATE DEPARTMENT OF HUMAN SERVICES GOVERNING LITERACY REQUIREMENTS FOR GENERAL ASSISTANCE RECIPIENTS

AFFIDAVIT OF MAILING

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

That on the 19th day of October, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without A Public 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 19 day of October, 1988

Louise J. Briedel



Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Literacy Training Requirements for General Assistance Recipients.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, sections 256.05, subdivision 1, paragraph (a), clause (15) and 256D.052.

All persons have 30 days or until 4:30 p.m. on November 23, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

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

Dan Lipschultz
Minnesota Department of Human Services
444 Lafayette Rd.
St. Paul, Minnesota 55155-3832
Telephone (612) 297-4302

The proposed rule implements the statutory requirement that recipients eligible for general assistance because they are functionally illiterate participate in literacy training programs. It affects general assistance recipients, county human service agencies and literacy training providers.

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 work readiness.

The proposed 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 rule as noticed.

A free copy of the rule is available upon request from Dan Lipschultz at the address noted above. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Dan Lipschultz at the address noted above upon request.

Adoption of the 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.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

Date: 10/7/88



SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE DEPARTMENT OF HUMAN SERVICES GOVENING THE COMPENSATION PLAN AND SALARY ADJUSTMENTS

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 19th day of October, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notices 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:

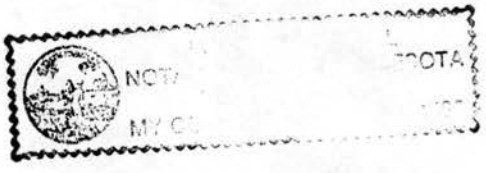
-The 87 Minnesota County Human Services Agencies

Nancy Storelee

Subscribed and sworn to before me

this 19 day of October, 1988

Louise J. Brendel



Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Literacy Training Requirements for General Assistance Recipients.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

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

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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 work readiness.

The proposed 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 rule as noticed.

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Date: 10/7/88

/s/ SANDRA S. GARDEBRING
Commissioner

Subp. 3. **Plan C.**

Clerk I	~~970~~	999	~~1271~~	1309
Clerk II	~~1110~~	1143	~~1517~~	1563
Clerk III	~~1243~~	1280	~~1622~~	1671
Clerk-Typist I	~~1061~~	1093	~~1384~~	1426
Clerk-Typist II	~~1110~~	1143	~~1517~~	1563
Clerk-Typist III	~~1271~~	1309	~~1736~~	1788
Clerk-Steno	~~1110~~	1143	~~1517~~	1563
Switchboard Operator	~~1061~~	1093	~~1384~~	1426

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. **Shift Differential.** Employees in the classes specified in subparts 2 and 3 who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

Subp. 2. **Plan A.**

	Minimum		Maximum	
Janitor	~~975~~	1004	~~1250~~	1288

Subp. 3. **Plan B.**

	Minimum		Maximum	
Janitor	~~1154~~	1189	~~1483~~	1527

Department of Human Services

Proposed Permanent Rules Relating to General Assistance Literacy Training Requirements

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 256.05, subdivision 1, paragraph (a), clause (15) and 256D.052.

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

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Dan Lipschultz
Minnesota Department of Human Services
444 Lafayette Rd.
St. Paul, Minnesota 55155-3832
Telephone (612) 297-4302

The proposed rule implements the statutory requirement that recipients eligible for general assistance because they are functionally illiterate participate in literacy training programs. It affects general assistance recipients, county human service agencies and literacy training providers.

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 work readiness.

The proposed 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 rule as noticed.

A free copy of the rule is available upon request from Dan Lipschultz at the address noted above. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Dan Lipschultz at the address noted above upon request.

Adoption of the 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.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz at the address noted above.

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 literacy training which emphasizes specific 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:

~~(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.

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.

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, subpart 5, is 100 percent.

9500.1257 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 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 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. 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, 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.]

Department of Human Services

Proposed Permanent Rules Relating to Merit System

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room 1B, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155 on December 2, 1988 commencing at 9:00 a.m. and continuing

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.

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Relating to Literacy Training Requirements for General Assistance Recipients, parts 9500.1206, 9500.1232, 9500.1257, 9500.1262 and 9500.1266.

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

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on October 24, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, on October 19, 1988. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

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

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

1. The Department received written comments during the public comment period from the Hennepin County Bureau of Social Services, the Blue Earth County Human Services Agency and the Otter Tail County Department of Social Services. No additional comments, written or oral, were received.

2. Blue Earth County's written comment suggests the need to clarify the rule to ensure that recipients who are disqualified from GA for failure to participate in literacy training are not permitted to participate in work readiness.

The Department agrees with Blue Earth County's position that recipients disqualified for failure to comply with literacy training requirements should not simply move to work readiness. However, no change in the proposed rule is needed to accomplish this. Part 9500.1257, subpart 9 of the proposed rule requires local agencies to determine a recipient's eligibility for work readiness under currently adopted rule part 9500.1306 when the recipient is no longer eligible for GA. An individual is not eligible for work readiness under part 9500.1306 if the person is in a disqualification period under 9500.1266. Since failure to participate in literacy training results in disqualification under part 9500.1266, such an individual would be barred from participation in work readiness under the current GA rule. The proposed rule does not modify the current rule at all in this respect.

3. Otter Tail County's comment recommends that "specifics be added to" subpart 6, items A, B and C. Subpart 6 of the proposed rule delineates the conditions under which a recipient will not be sanctioned for nonparticipation in literacy training. These conditions are good cause, failure to make progress after six months of literacy training, and nonassignment to a literacy program due to the recipient's unsuitability for literacy training or the absence of any programs available and accessible to the recipient.

The current GA rule defines good cause. The proposed rule defines suitability and participation. Therefore, the relevant terms in subpart 6 are defined. Good cause is defined as a reason that is reasonable and justified under the circumstances, including illness, a family emergency or the inability to obtain transportation. Suitable recipient is defined as a recipient who does not have mental retardation, mental illness or a learning disability that would render unlikely any improvement in the recipient's literacy level. Participation is defined as receiving instruction and completing assignments in accordance with the plan established by the provider. Neither the department nor the rule advisory committee were able to draft more specific definitions. However, the current and proposed definitions should provide sufficient guidance.

4. Hennepin County suggests the deletion of the last sentence in part 9500.1257, subpart 3 because it restates the definition of suitable recipient given in the definitions section. The redundancy referred to by Hennepin County makes the rule provision more comprehensible. Therefore, the last sentence will be retained. The remainder of Hennepin County's comments support each provision of the proposed rule as written.

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. None of the modifications made to the proposed rules are substantial.

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

5. Any duplication in 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 conclusion, it is adopted as a conclusion.

ORDER

NOW, THEREFORE, IT IS ORDERED that the rule identified as Adopted Permanent Rules Relating to General Assistance Literacy Training Requirements, parts 9500.1206, 9500.1232, 9500.1257, 9500.1262 and 9500.1266 is adopted this 1st day of December, 1988, pursuant to authority vested in me by Minnesota Statutes 1987 Supplement, sections 256D.05, subdivision 1, paragraph (a), clause (15) and 256D.052.

Julie Brunner
for SANDRA S. GARDEBRING
Commissioner

BUREAU OF SOCIAL SERVICES
A-2303 Government Center
Minneapolis, Minnesota 55487-0232

November 9, 1988

Mr. Dan Lipschultz
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-4302

Dear Mr. Lipschultz:

Attached are the comments of the Hennepin County Bureau of Social Services regarding the proposed permanent rules relating to General Assistance Literacy Training requirements. A request for comments was published in the State Register on Monday, October 24, 1988.

In past years Hennepin County, through its legislative program and through testimony of various staff from the Bureau of Social Services, has expressed concern with the current policy in law in which functional illiteracy is a category of assistance under General Assistance. We would prefer that illiteracy be seen as a barrier to employment which can be changed, and therefore a client who is illiterate would be eligible for Work Readiness; the time limit for receiving Work Readiness grants should also be removed. If those changes are not forthcoming, we would be pleased to see at least a change that treats the illiteracy category, the GED category, and the displaced homemaker category the same--namely, that there must be proof of progress in order to remain eligible for the grant, and not just initial "proof" of eligibility.

However, recognizing that the proposed rule is intended to implement the law as currently written, we concur with the changes. The exception is merely a deletion of a sentence which we consider to be redundant. We otherwise concur with the Department's proposal.

I appreciate your consideration of these comments. Thank you for your attention.

Sincerely,

Kevin P. Kenney
Associate County Administrator

lh

cc: Kay Mitchell, Clerk to the County Board
Jerry Jagodzinski

Attachment

HENNEPIN COUNTY BUREAU OF SOCIAL SERVICES
GENERAL ASSISTANCE LITERACY TRAINING REQUIREMENTS
Staff Recommendation

9500.1206 subp. 24a Definition of occupational and vocational literacy program.

Staff Recommendation: Support as written.

This definition is consistent with the language of Sec. 32, subd.1 of the statute.

9500.1206 subp. 25a Definition of participation.

Staff Recommendation: Support as written.

This definition is consistent with Sec. 32, subd.4 of the statute, and adds language to require that the recipient comply with the plan which the literacy program establishes. This is necessary to establish that the client must cooperate in all aspects of the literacy program.

9500.1206 subp. 32a Definition of suitable recipient.

Staff Recommendation: Support as written.

This section provides a definition that is not in the statute. We support it because it clarifies which recipients should not be referred to a literacy program, and limits the exemption to those who have a medically-defined inability to benefit from literacy instruction. It makes clear that a recipient who is simply uncooperative is not exempt as being unsuitable.

9500.1232 subp. 5 State share of transportation costs

Staff Recommendation: Support as written.

100% state funding of the costs of transportation to literacy programs is required by subd. 7 of the legislation.

9500.1257 Literacy Training For Recipients.

Subp. 1 Occupational and vocational literacy programs

Staff Recommendation: Support as written.

This section establishes the responsibility of the local agency

to inform local educational and job training institutions of the need for occupational and vocational literacy programs, and to work with those institutions in developing such programs if the educational institutions are interested in doing so. The last paragraph of subd.7 of the legislation states that the local agency must identify only available programs and services, and is not required to provide any which are not within the limits of available appropriations. This subpart of the rule properly limits the responsibilities of the local agency to those required in the legislation.

Subp. 2 Assessment

Staff Recommendation: Support as written.

This assessment is required by the statute. The second sentence of this subpart, regarding providing the results of the assessment to the literacy provider, is necessary to prevent a duplication of effort.

Subp. 3 Assignment

Staff Recommendation: Delete last sentence.

Lines 13 to 20 are required by statute, and lines 20 to 22 are needed to clarify what an "accessible" program is. We agree with this definition because it uses a standard with which the agency is already familiar, the local labor market, and provides that a recipient not have to travel excessively to participate in a program.

The last sentence of this subpart is not necessary in that "suitable recipient" is defined above in 9500.1206 subp. 32a; this repetition should be eliminated.

Subp. 4 Reassignment

Staff Recommendation: Support as written.

This subpart is based on subd. 2, para. (4) and subd. 4, para. (4) of the legislation, and requires the local agency to allow a recipient to try another literacy program if, for good cause, the recipient is unable to benefit from the first one to which he or she is referred. It is consistent with the legislation in that reassignment does not take the place of disqualification for a recipient who has failed, without good cause, to participate in the program to which he or she is initially assigned. Failure to complete a program due to non-participation as defined in 9500.1206, subp. 25a is, in the absence of good cause, grounds for disqualification regardless of the recipient's request for reassignment under this subpart.

Subp. 5 Child care and transportation.

Staff Recommendation: Support as written.

This subpart is consistent with the requirement in the legislation that local agency provide for transportation or child care for recipients who need them in order to attend a literacy program.

Subp. 6 Payments to nonparticipating recipients.

Staff Recommendation: Support as written.

This subpart makes clear that General Assistance is to be paid only to persons who are participating in literacy training or who meet the conditions of the legislative exclusions. We support the language and effect of this subpart in that it defines narrowly the situations in which a recipient may be paid without participation in a literacy program.

Subp. 7 Voluntary participation in work readiness.

Staff Recommendation: Support as written.

Since the legislation does not provide for funding of Work Readiness services to voluntary participants, we support this subpart as permissive on the part of the agency; it in no way requires the agency to allow voluntary participation in WR by persons eligible for General Assistance. This is consistent with subd. 5, clause (b) of the legislation.

Subp. 8 Reassessment.

Staff Recommendation: Support as written.

This subpart mandates exactly what the legislation requires in subd. 5, clause (a).

Subp. 9 Referral to work readiness program.

Staff Recommendation: Strongly support as written.

This subpart was the subject of much discussion among members of the county/community panel that reviewed various earlier drafts of the rule. Hennepin County staff believes that the language of this subpart correctly captures the intended meaning of the last sentence of subd. 5, clause (a) of the legislation, which states that the local agency "must refer to the work readiness program under section 256D.051 all people not eligible for general assistance."

Some parties have interpreted that language to mean that a person terminated from the GA program due to non-compliance with literacy training requirements would be eligible for Work Readiness during the GA disqualification period, because the legislation says to refer "all people" to WR. Plainly, though, it was not legislative intent that recipients who fail to comply with literacy training would avoid any sanction by simply collecting WR payments for two months until they can reapply for GA. Instead, the sentence in question was intended as a general requirement that the agency determine potential WR eligibility for anyone who is no longer eligible for GA; it does not establish that all such persons are eligible for WR.

Such a literal reading of the language would lead to absurd results. For instance, since the language reads "all people not eligible for" GA, would the agency be required to refer to WR people who are not within the income or asset limits of the two programs? Or persons who are not eligible for GA because they are eligible for a federally funded program, or because they are not residents of the state? Obviously not.

We think that the language of the rule, which requires the agency to determine whether the person meets the eligibility requirements for WR under 9500.1306, is a reasonable interpretation of the legislation.

Subp. 10 Explanation of rights and duties.

Staff Recommendation: Support as written.

This oral explanation of the recipient's rights and duties is reasonable in view of the fact that the affected people read below the eighth grade level. This explanation is required by the legislation.

9500.1262 subp. 1, and 9500.1266

Staff Recommendation: Support as written.

These changes simply update the rule sections regarding disqualification and requirements for continued eligibility for GA. They implement the new language in 256D.05, subd. 1, para. (a), clause 15, which adds to the old illiteracy category a proviso that the person comply with literacy training requirements in order to qualify under that category. Without this addition there would be no disqualification procedure for non-compliance with literacy training requirements.

:as
11-2-88

OTTER TAIL COUNTY *Department Of Social Services*

505 South Court Street • Phone (218) 739-4491
Fergus Falls, Minnesota 56537

November 16, 1988

Dan Lipschultz
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3832

As a member of the General Assistance/Work Readiness Advisory Board, one of our financial supervisors has requested that I write in regard to the "Notice Of Intent To Adopt A Rule Without A Public Hearing".

We feel that this has been changed to both occupational and vocational literacy program to include learning of skills to perform employment, complete employment training programs or complete work readiness programs as a positive for our clients. Especially, those who are over 30 years of age who need the support in getting back into the job market. Also, our accounting department is pleased with the 100% child care and transportation reimbursement written into this rule change.

Under literacy training for recipients, Subpart 6, has been suggested that specifics be added to A, B, and C so that those working with the literacy program guidelines for these recipients have some clear instructions to use. Most of those involved in literacy training do not take instructions from this agency, but instead, by personnel of the literacy training program. Those people very often have been turning to us for answers as to specifics to be followed for these individuals. Nothing is outlined for them and they feel inadequate and workers here are unsure as to the on-going eligibility for many current recipients.

To be noted under this same section, Subpart 7, it is good that this has been outlined as local agency's decision to determine if the recipient is ready to participate in a job training or work readiness program. We had individuals who voluntarily wished to participate in work readiness and we had to allow them to work with our provider of services. The provider of services has become very handicapped by working with these people, as they indicate they feel it is very difficult for them to place them in a job when they do not know how to fill out even an application form or know some of the specifics necessary for maintaining the job.

By agency determining if they are ready for these programs instead of the individuals particular desire to participate in work readiness, this allows for a decision to be made as to whether or not they are going to have success with a work readiness placement at that particular time.

Thank you for the opportunity to respond to this proposal. Please send your response to Intake Supervisor, Bev Schoon.

Lynn Bakke

Lynn Bakke
Financial Specialist

:db

BLUE EARTH COUNTY

Offices in Mankato, Minnesota 56001



October 31, 1988

Mr. Dan Lipschultz
Minnesota Department of Human Services
444 Lafayette Road
South St. Paul, MN 55155-3832

RE: Proposed Adoption of Rule on Literacy Training Requirements for General Assistance Recipients

Dear Mr. Lipschultz:

Literacy Training for Recipients, 9500.1257, Subp. 8, Item B, and Subp. 9, are unclear as it relates to 9500.1262, Subp. 1, Item C, and 9500.1266, Item C.

When a person is disqualified from General Assistance for failure to comply with the literacy training requirements, are we to refer them to the Work Readiness Program even though they cannot read well enough to participate in the program? If this is the case, there would be no real sanction from the General Assistance for failure to comply. We would just be flipping them from one program to another. Why bother with putting them in the literacy training to begin with, just ask if they would go to literacy training, and if they won't, let them choose Work Readiness. It seems to me we will be defeating the whole purpose of getting people to learn to read well enough to find employment sufficient enough to be self-supporting.

If we disqualify them for General Assistance and they choose to go to Work Readiness, how do you categorize them: a General Assistance recipient in sanction or a Work Readiness recipient?

I would like you to make the intent of the rule clearer and more plainly written in the subject area. Thank you.

Sincerely,

Carole Gealow

Carole Gealow
Financial Assistance Supervisor
Blue Earth County Human Services

CG/nlg
LET1.031

COURTHOUSE
204 South Fifth Street
P.O. Box 8608
Ph. (507) 625-3031
TTY (Hearing Impaired) 388-1214

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Assessor
Auditor
Board of Commissioners
County Administrator
County & District Courts
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Highway & Public Works

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LAW ENFORCEMENT CENTER
710 South Front Street
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Ph. (507) 387-8700

EMERGENCY 911
Sheriff (507) 387-8710
Emergency Management (Civil Defense) (507) 387-6407
Community Corrections Probation & Parole (507) 387-8784

AN EQUAL OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

In the Matter of the Adoption
of the Rule of the State Department
of Human Services Relating to General
Assistance Literacy Training Requirements,
parts 9500.1206, 9500.1232, 9500.1257,
9500.1262 and 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 is .0880

Michael Cohen
Special Assistant
Attorney General

Dated: 12/1/88

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

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

CERTIFICATE

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, and 14.22 or 14.30, that their names be placed on the State Department of Human Services rulemaking mailing list is accurate, complete, and current as of this 19th day of October, 1988.

Nancy Stoelee

Agency Requested a Rush
Approval 12/12 if possible - if approved
let Robin know it must go to the Revisor on 12/1

Authority
256D.05 Subd 1 pp(a), cl. 15 &
256D.052

TO: Rita Desmond
515 Transportation Building
St. Paul, MN 55155

FROM: Dan Lipschultz
Rules Division
Minnesota Department of Human Services
444 Lafayette Road, 2nd Floor
St. Paul, MN 55155-3816

SUBJECT: Review of a Rule Adopted Without a Public Hearing: Rules Relating to General Assistance Literacy Training Requirements, parts 9500.1206, 9500.1232, 9500.1257, 9500.1262 and 9500.1266.

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.0300 for your review of a rule adopted without a public hearing for the above entitled matter.

Official documents in this submitted material include:

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

2. The notice of intent to adopt a rule without a public hearing as mailed.

3. The statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

4. The affidavit of mailing the notice of intent to adopt a rule without a public hearing. The affidavit states that the mailing list maintained by the agency pursuant to Minnesota Statutes, sections 14.22 and 14.14, subdivision 1a is accurate, complete, and current and that the notice of intent to adopt the rule without a public hearing 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 rule without a public hearing as published in the State Register.

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

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

8. All written requests, submissions, or comments on the rule received by the agency except requests solely for copies of the rule or of the statement of need and reasonableness.

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

No notice of solicitation is included because no outside opinion was sought or solicited in preparing to propose the rule. No notice of submission of the rule to the Attorney General is included because no such notice was requested.

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