

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

FILE COPY

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : October 20, 1989

TO : Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
50 Cedar Street, Suite 400 (55101)

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 404 (55103)

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Emergency Rule
Relating to Child Care Grants Program

The above-referenced emergency rule has been approved as to its legality by the Attorney General on October 19, 1989.

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

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of tne notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. { 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. { 14.34.

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

MJC:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
Merwin Peterson, Asst. AG " "

Emergency Rule

have received from Revisor

RULE REVIEW CHECKLIST

File No. 1629 Docket No. 05-0009, 0448

DATE RECEIVED 10-5-89 ADOPTED W/O HEARING _____

REVIEW DATE _____ EMERGENCY RULE ✓

DUE DATE 10-19-89 To Revisor 10-12-89

REVISOR APPROVED ✓

APPROVED 10-19-89 REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE 10-20-89

WITHDRAWN _____ RETURNED TO AGENCY 10-20-89

✓ Rule as adopted (4 copies) 2 rules not back from revisor

~~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
June 15, 1989 Date adopted

✓ Proposed Rule
- _____ Revisor's Certificate

Notice of Intent to Adopt Rule
- Chpt 293, Sess. Laws 83 Statutory Authority
- NA Small Business Statement
- _____ Expenditure of public money statement
- 8-7-89 Signature

NA Statement of Need and Reasonableness (if applicable)
- NA Small Business Statement
- _____ Fees - § 16A.128

Affidavit of Mailing Notice of Intent to Adopt Rule
- August 11, 1989 Date 30/25 days before adoption
- NO Notice attached
- NO Copy of rule or summary attached

Publication in State Register
Aug. 14, 1989 Date 30/25 days before adoption

180-day deadline from:
- NA Effective date of law requiring rule (14.12) (both rules) Stat. - Notice of Intent see notes
- _____ end of comment period (§ 14.26) (rules without hearing) Notice of Intent - AG Rev. of Com & period
- ✓ effective date of statutory authority (§ 14.29) (emergency rules) Stat → AG Rev. Rev. AG

✓ Resolution Adopting
Sept 21, 1989 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Sept 22, 1989 Date

yes-2 Written requests, submissions or comments

Declaration of attorney
Marvin Peterson Name of SAAG representing agency

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

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

AG Copy
goes to AG file

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Child Care Grants Program

Rules as Adopted

CHILD CARE GRANTS

4830.7000 [Emergency] SCOPE.

Parts 4830.7000 to 4830.7900 [Emergency] govern state assistance to institutions to reduce the cost of child care for eligible students attending eligible postsecondary institutions.

4830.7100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply for the purposes of parts 4830.7000 to 4830.7900 [Emergency].

Subp. 2. **Continuing enrollment.** "Continuing enrollment" means that a student has not had an interruption in enrollment at the institution in which the student is currently enrolled for more than one academic term or 60 days of the immediately preceding academic year, whichever is longer. A student may miss one academic term and summer school and not lose continuing enrollment status.

Subp. 3. **Eligible employment.** "Eligible employment" means the number of hours of paid employment that the institution determines shall be covered with child care assistance, not to exceed 20 hours of employment per week.

Subp. 4. **Eligible hours of education.** "Eligible hours of education" means:

A. hours spent in class;

B. up to a maximum of one hour a day for transportation between class, home, and employment;

C. up to four hours a day between classes; and

D. additional eligible hours as determined by the institution.

Subp. 5. **Eligible student.** "Eligible student" means a student who:

A. has a child 12 years of age or younger, or 14

years of age or younger who is handicapped as defined in Minnesota Statutes, section 120.03, and who is receiving or will receive care on a regular basis from a provider of child care services as those terms are defined in Minnesota Statutes, section 256H.01, subdivisions 2 and 12, after the grant is received;

B. is a resident of Minnesota as defined in part 4830.0400, subpart 2;

C. is not a recipient of aid to families with dependent children;

D. has not earned a baccalaureate degree and has been enrolled full time in any postsecondary institution fewer than eight semesters, 12 quarters, or the equivalent;

E. is pursuing a nonsectarian program or course of study that applies to an undergraduate degree, diploma, or certificate;

F. is enrolled at least half time in an eligible institution for the term for which an award is received;

G. is in good academic standing and making satisfactory progress, as defined by the institution according to federal requirements; and

H. reports any changes to data reported on the child care application within ten days of the change.

Subp. 6. **Nonsectarian program.** "Nonsectarian program" means a program of study that is not specifically designed to prepare students to become ministers of religion, to enter some other religious vocation, or to prepare them to teach theological subjects. A nonsectarian program may provide for the scholarly study of religion as a discipline of knowledge in a manner similar to that provided for any other field of study, but must not require its students to take courses that are based on a particular set of religious beliefs, to receive instruction intended to propagate or promote any religious beliefs, to participate in religious activities, to maintain affiliation with a particular church or religious organization, or to attest to any particular religious beliefs.

Subp. 7. **Institution's share.** "Institution's share" means the number of students in an eligible institution who have applied for the state scholarship and grant program under parts 4830.0200 to 4830.0700 for the most current academic year and who have reported dependent children.

4830.7200 [Emergency] ELIGIBLE INSTITUTIONS.

Institutions eligible for child care grants are Minnesota public postsecondary institutions and private, residential colleges or universities granting two-year or four-year liberal arts degrees that have signed a child care program agreement with the board.

4830.7300 [Emergency] STUDENT PRIORITY.

Beginning July 1, 1990, a student who has received an award from the program in the immediately preceding academic year and who has had continuing enrollment at that institution must be given a child care award for the next academic year if the student remains eligible and funds are available. A student shall apply for a continuation of funds by June 1 of the preceding academic year or lose priority ranking for the funds over students who did not apply for a continuation of funds by June 1 and eligible students applying for a child care grant for the first time.

4830.7400 [Emergency] APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Initial allocation formula.** Funds shall be allocated to each eligible institution according to the following formula:

A. the institution's share divided by the sum of participating institutions' shares; and

B. multiplied by the current fiscal year's appropriation for child care grants.

Subp. 2. **Yearly allocation to institutions.** After the 1989-1990 academic year, funds shall be allocated to each eligible institution according to the following formula:

A. the institution's share divided by the sum of participating institutions' shares;

B. multiplied by the current fiscal year's appropriation for child care grants; and

C. multiplied by the percent of funds for child care grants actually used by the institution during the prior academic year.

Subp. 3. **Reallocation.** The board shall reallocate available funds at least twice during the academic year to institutions requesting additional child care funds according to the following formula:

A. the institution's share divided by the sum of the shares of institutions requesting additional funds; and

B. multiplied by the amount of child care funds available for reallocation.

Subp. 4. **Administrative expense.** By July 1 of each year, the board shall set the percentage of awarded child care grant funds that may be used for administration of the child care program by the board and the institution.

Subp. 5. **Notification.** The board shall notify each participating institution in writing of allocation and reallocation amounts.

Subp. 6. **Accountability.** Each participating institution shall be accountable for any funds disbursed to students for child care grants. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from the institution, the institution may use the funds for other eligible students or return them to the board.

Subp. 7. **Unused funds.** An institution shall return funds that the institution determines will not be used within 30 days from the date of a request by the board. The board shall reallocate unused funds to other participating institutions requesting additional funds.

4830.7500 [Emergency] AMOUNT AND TERM OF GRANTS.

Subpart 1. **Financial need.** An institution shall award a grant to each eligible student to the extent allocated funds are available. The family income and family size used shall be that used to determine eligibility for the state scholarship and grant program under parts 4830.0200 to 4830.0700 and must be within the income ranges established by Minnesota Statutes, section 256H.10, subdivision 2. Each student shall report any changes in income within ten days to the institution.

Subp. 2. **Amount.** The amount of a grant must cover:

A. the cost of child care for all children 12 years old or younger, or 14 years old or younger if the child is handicapped as defined in Minnesota Statutes, section 120.03;

B. the total number of eligible hours for which child care is needed; and

C. the provider's charge up to a maximum rate established each year by the board based on rate information received from the Department of Human Services in each county where services are being provided.

The institution shall determine the amount of child care needed for the eligible hours of education as defined in part 4830.7100 [Emergency], subpart 4, and the number of eligible hours of employment as defined in part 4830.7100 [Emergency], subpart 3, for each academic term and then subtract the amount of student copayment for each month of child care according to charts provided by the board.

The amount of the grant must not exceed 60 hours per child per week and must not cover hours during which a parent or legal guardian is capable and available to care for the children.

If, after an award is made, a student presents information to the institution that would increase the student's child care award, the award must be increased if program funds are available.

Subp. 3. **Insufficient funds.** An institution shall make awards that cover all eligible hours as defined in part 4830.7100 [Emergency], subparts 3 and 4. An institution may use one of the following methods to award the next student on the

institution's waiting list if funds are insufficient to award all students eligible for the child care grants:

A. an institution may delay the beginning of an award but once an award is made, the award must continue throughout the year unless a student becomes ineligible;

B. an institution may award a student a full child care grant but notify the student that all awards are contingent on the availability of funds and that the student might not receive the full award; as refunds or reallocations make funds available, no new student may receive an award until outstanding awards are assured full disbursement; or

C. an institution may supplement child care money with institutional money in order to make a full disbursement to a student.

4830.7600 [Emergency] PAYMENT.

Child care payments shall be made each academic term to the student or to the child care provider, as determined by the institution.

4830.7700 [Emergency] TERMINATION OF CHILD CARE AWARD.

A child care award shall be terminated if the student ceases to meet the eligibility requirements in part 4830.7100 [Emergency], subpart 5. Before termination of the award occurs, the institution must allow the student to meet with the financial aid officer at the institution to discuss the termination, and provide documentation as to why the termination should not occur.

4380.7800 [Emergency] REFUNDS.

If a recipient reduces enrollment, the institution must refund the unused portion of the award. Refunds are determined as follows:

A. the percentage the child care award represents of the student's total financial aid package for the applicable term; and

B. multiplied by the amount determined to be refunded

to the student under the institution's refund policy. The result yields the amount to be refunded to the program fund. Refunded awards are available for reassignment to other qualified applicants.

4830.7900 [Emergency] REPORTS OF DATA.

Institutions must:

A. collect demographic, educational, and financial data specified by the board from eligible students requesting child care grants;

B. provide the board with individual student data upon request;

C. report information about students who receive awards, students who are on the waiting list, and students who were denied awards, including the institution's methods of prioritizing applicants if insufficient funds are available; and

D. submit fiscal year program activity reports and student data reports to the board.

Fiscal year program activity reports and student data reports are required by the board. Institutions shall correctly complete and submit all required reports and any applicable refunds to the board by the first working day after August 9. The board shall withhold an institution's subsequent year's allocation if the deadline date is not met.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APPROVED AS TO FORM AND LEGALITY

October 19 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 20 1989

Joan Anderson Growe
Secretary of State

11:30 am

CERTIFICATE OF THE
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

AUTHORIZING RESOLUTION

I, Maureen Johnson Storee, do hereby certify that I am a member and the President of the Minnesota Higher Education Coordinating Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Higher Education Coordinating Board duly and properly called and held on the 15th day of June, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

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

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of June 15, 1989.

Maureen Johnson Storee
(Officer of the Board)

Peter X. Fugina
(Attest by one other Board member)

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Child Care Grants Program

Rules as Proposed (all new material)

CHILD CARE GRANTS

4830.7000 [Emergency] SCOPE.

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years of age or younger who is handicapped as defined in Minnesota Statutes, section 120.03, and who is receiving or will receive care on a regular basis from a provider of child care services as those terms are defined in Minnesota Statutes, section 256H.01, subdivisions 2 and 12, after the grant is received;

B. is a resident of Minnesota as defined in part 4830.0400, subpart 2;

C. is not a recipient of aid to families with dependent children;

D. has not earned a baccalaureate degree and has been enrolled full time in any postsecondary institution fewer than eight semesters, 12 quarters, or the equivalent;

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Child Care Grants Program

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4830

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Child Care Grants Program

Rules as Proposed (all new material)

CHILD CARE GRANTS

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A. the institution's share divided by the sum of the shares of institutions requesting additional funds; and

B. multiplied by the amount of child care funds available for reallocation.

Subp. 4. **Administrative expense.** By July 1 of each year, the board shall set the percentage of awarded child care grant funds that may be used for administration of the child care program by the board and the institution.

Subp. 5. **Notification.** The board shall notify each participating institution in writing of allocation and reallocation amounts.

Subp. 6. **Accountability.** Each participating institution shall be accountable for any funds disbursed to students for child care grants. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from the institution, the institution may use the funds for other eligible students or return them to the board.

Subp. 7. **Unused funds.** An institution shall return funds that the institution determines will not be used within 30 days from the date of a request by the board. The board shall reallocate unused funds to other participating institutions requesting additional funds.

4830.7500 [Emergency] AMOUNT AND TERM OF GRANTS.

Approved
by Revisor _____

Subpart 1. **Financial need.** An institution shall award a grant to each eligible student to the extent allocated funds are available. The family income and family size used shall be that used to determine eligibility for the state scholarship and grant program under parts 4830.0200 to 4830.0700 and must be within the income ranges established by Minnesota Statutes, section 256H.10, subdivision 2. Each student shall report any changes in income within ten days to the institution.

Subp. 2. **Amount.** The amount of a grant must cover:

A. the cost of child care for all children 12 years old or younger, or 14 years old or younger if the child is handicapped as defined in Minnesota Statutes, section 120.03;

B. the total number of eligible hours for which child care is needed; and

C. the provider's charge up to a maximum rate established each year by the board based on rate information received from the Department of Human Services in each county where services are being provided.

The institution shall determine the amount of child care needed for the eligible hours of education as defined in part 4830.7100 [Emergency], subpart 4, and the number of eligible hours of employment as defined in part 4830.7100 [Emergency], subpart 3, for each academic term and then subtract the amount of student copayment for each month of child care according to charts provided by the board.

The amount of the grant must not exceed 60 hours per child per week and must not cover hours during which a parent or legal guardian is capable and available to care for the children.

If, after an award is made, a student presents information to the institution that would increase the student's child care award, the award must be increased if program funds are available.

Subp. 3. **Insufficient funds.** An institution shall make awards that cover all eligible hours as defined in part 4830.7100 [Emergency], subparts 3 and 4. An institution may use one of the following methods to award the next student on the

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by Revisor _____

institution's waiting list if funds are insufficient to award all students eligible for the child care grants:

A. an institution may delay the beginning of an award but once an award is made, the award must continue throughout the year unless a student becomes ineligible;

B. an institution may award a student a full child care grant but notify the student that all awards are contingent on the availability of funds and that the student might not receive the full award; as refunds or reallocations make funds available, no new student may receive an award until outstanding awards are assured full disbursement; or

C. an institution may supplement child care money with institutional money in order to make a full disbursement to a student.

4830.7600 [Emergency] PAYMENT.

Child care payments shall be made each academic term to the student or to the child care provider, as determined by the institution.

4830.7700 [Emergency] TERMINATION OF CHILD CARE AWARD.

A child care award shall be terminated if the student ceases to meet the eligibility requirements in part 4830.7100 [Emergency], subpart 5. Before termination of the award occurs, the institution must allow the student to meet with the financial aid officer at the institution to discuss the termination, and provide documentation as to why the termination should not occur.

4380.7800 [Emergency] REFUNDS.

If a recipient reduces enrollment, the institution must refund the unused portion of the award. Refunds are determined as follows:

A. the percentage the child care award represents of the student's total financial aid package for the applicable term; and

B. multiplied by the amount determined to be refunded

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by Revisor _____

to the student under the institution's refund policy. The result yields the amount to be refunded to the program fund. Refunded awards are available for reassignment to other qualified applicants.

4830.7900 [Emergency] REPORTS OF DATA.

Institutions must:

A. collect demographic, educational, and financial data specified by the board from eligible students requesting child care grants;

B. provide the board with individual student data upon request;

C. report information about students who receive awards, students who are on the waiting list, and students who were denied awards, including the institution's methods of prioritizing applicants if insufficient funds are available; and

D. submit fiscal year program activity reports and student data reports to the board.

Fiscal year program activity reports and student data reports are required by the board. Institutions shall correctly complete and submit all required reports and any applicable refunds to the board by the first working day after August 9. The board shall withhold an institution's subsequent year's allocation if the deadline date is not met.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Child Care Grants Program

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4830

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Higher Education Coordinating Board Governing the Child Care Grants Program

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

(1) Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Laws of Minnesota for 1989, Chapter 293, Section 83. (1) The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in Minnesota Statutes, sections 14.29 to 14.36.

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

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capitol Square Building
St. Paul, MN 55101
(612) 296-9656

(4) A copy of the proposed rule is attached to this notice. (5) A free copy of the proposed emergency rule is available by contacting Mary Lou Dresbach.

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

(7) Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. (7) 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 May Lou Dresbach.

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

8/7/89
Date

David R. Powers, Executive Director
Higher Education Coordinating Board

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Higher Education Coordinating Board Governing the Child Care Grants Program

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Louise Dresbach, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Higher Education Coordinating Board rulemaking mailing list is accurate, complete, and current as of this 11th day of August, 1989.

That on the 11th day of August, 1989, at the city of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt an Emergency Rule by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations of the aforementioned mailing list.

Mary Louise Dresbach
Name

Program Assistant
Title

Subscribed and sworn to before me this
11th day of August, 1989.

Katherine A. Fisch

KATHERINE A. FISCH
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 26, 1994

Emergency Rules

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

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

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

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

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

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Child Care Grants Program

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Laws of Minnesota* for 1989, Chapter 293, Section 83. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

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

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capitol Square Building
St. Paul, MN 55101
(612) 296-9656

A copy of the proposed rule is attached to this notice. A free copy of the proposed emergency rule is available by contacting Mary Lou Dresbach.

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

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

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

Dated: 7 August 1989

David R. Powers, Executive Director
Higher Education Coordinating Board

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.

CHILD CARE GRANTS

4830.7000 [Emergency] SCOPE.

Parts 4830.7000 to 4830.7900 [Emergency] govern state assistance to institutions to reduce the cost of child care for eligible students attending eligible postsecondary institutions.

4830.7100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply for the purposes of parts 4830.7000 to 4830.7900 [Emergency].

Subp. 2. **Continuing enrollment.** "Continuing enrollment" means that a student has not had an interruption in enrollment at the institution in which the student is currently enrolled for more than one academic term or 60 days of the immediately preceding academic year, whichever is longer. A student may miss one academic term and summer school and not lose continuing enrollment status.

Subp. 3. **Eligible employment.** "Eligible employment" means the number of hours of paid employment that the institution determines shall be covered with child care assistance, not to exceed 20 hours of employment per week.

Subp. 4. **Eligible hours of education.** "Eligible hours of education" means:

A. hours spent in class;

B. up to a maximum of one hour a day for transportation between class, home, and employment;

C. up to four hours a day between classes; and

D. additional eligible hours as determined by the institution.

Subp. 5. **Eligible student.** "Eligible student" means a student who:

A. has a child 12 years of age or younger, or 14 years of age or younger who is handicapped as defined in Minnesota Statutes, section 120.03, and who is receiving or will receive care on a regular basis from a provider of child care services as those terms are defined in Minnesota Statutes, section 256H.01, subdivisions 2 and 12, after the grant is received;

B. is a resident of Minnesota as defined in part 4830.0400, subpart 2;

C. is not a recipient of aid to families with dependent children;

D. has not earned a baccalaureate degree and has been enrolled full time in any postsecondary institution fewer than eight semesters, 12 quarters, or the equivalent;

E. is pursuing a nonsectarian program or course of study that applies to an undergraduate degree, diploma, or certificate;

F. is enrolled at least half time in an eligible institution for the term for which an award is received;

G. is in good academic standing and making satisfactory progress, as defined by the institution according to federal requirements; and

H. reports any changes to data reported on the child care application within ten days of the change.

Subp. 6. **Nonsectarian program.** "Nonsectarian program" means a program of study that is not specifically designed to prepare students to become ministers of religion, to enter some other religious vocation, or to prepare them to teach theological subjects. A nonsectarian program may provide for the scholarly study of religion as a discipline of knowledge in a manner similar to that provided for any other field of study, but must not require its students to take courses that are based on a particular set of religious beliefs, to receive instruction intended to propagate or promote any religious beliefs, to participate in religious activities, to maintain affiliation with a particular church or religious organization, or to attest to any particular religious beliefs.

Subp. 7. **Institution's share.** "Institution's share" means the number of students in an eligible institution who have applied for the state scholarship and grant program under parts 4830.0200 to 4830.0700 for the most current academic year and who have reported dependent children.

4830.7200 [Emergency] ELIGIBLE INSTITUTIONS.

Institutions eligible for child care grants are Minnesota public postsecondary institutions and private, residential colleges or universities granting two-year or four-year liberal arts degrees that have signed a child care program agreement with the board.

4830.7300 [Emergency] STUDENT PRIORITY.

Beginning July 1, 1990, a student who has received an award from the program in the immediately preceding academic year and who has had continuing enrollment at that institution must be given a child care award for the next academic year if the student remains eligible and funds are available. A student shall apply for a continuation of funds by June 1 of the preceding academic year or lose priority ranking for the funds over students who did not apply for a continuation of funds by June 1 and eligible students applying for a child care grant for the first time.

4830.7400 [Emergency] APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Initial allocation formula.** Funds shall be allocated to each eligible institution according to the following formula:

A. the institution's share divided by the sum of participating institutions' shares; and

B. multiplied by the current fiscal year's appropriation for child care grants.

Subp. 2. **Yearly allocation to institutions.** After the 1989-1990 academic year, funds shall be allocated to each eligible institution according to the following formula:

A. the institution's share divided by the sum of participating institutions' shares;

B. multiplied by the current fiscal year's appropriation for child care grants; and

C. multiplied by the percent of funds for child care grants actually used by the institution during the prior academic year.

Subp. 3. **Reallocation.** The board shall reallocate available funds at least twice during the academic year to institutions requesting additional child care funds according to the following formula:

A. the institution's share divided by the sum of the shares of institutions requesting additional funds; and

B. multiplied by the amount of child care funds available for reallocation.

Subp. 4. **Administrative expense.** By July 1 of each year, the board shall set the percentage of awarded child care grant funds that may be used for administration of the child care program by the board and the institution.

Subp. 5. **Notification.** The board shall notify each participating institution in writing of allocation and reallocation amounts.

Subp. 6. **Accountability.** Each participating institution shall be accountable for any funds disbursed to students for child care grants. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from the institution, the institution may use the funds for other eligible students or return them to the board.

Subp. 7. **Unused funds.** An institution shall return funds that the institution determines will not be used within 30 days from the date of a request by the board. The board shall reallocate unused funds to other participating institutions requesting additional funds.

4830.7500 [Emergency] AMOUNT AND TERM OF GRANTS.

Subpart 1. **Financial need.** An institution shall award a grant to each eligible student to the extent allocated funds are available. The family income and family size used shall be that used to determine eligibility for the state scholarship and grant program under parts 4830.0200 to 4830.0700 and must be within the income ranges established by Minnesota Statutes, section 256H.10, subdivision 2. Each student shall report any changes in income within ten days to the institution.

Subp. 2. **Amount.** The amount of a grant must cover:

A. the cost of child care for all children 12 years old or younger, or 14 years old or younger if the child is handicapped as defined in Minnesota Statutes, section 120.03;

B. the total number of eligible hours for which child care is needed; and

C. the provider's charge up to a maximum rate established each year by the board based on rate information received from the Department of Human Services in each county where services are being provided.

The institution shall determine the amount of child care needed for the eligible hours of education as defined in part 4830.7100 [Emergency], subpart 4, and the number of eligible hours of employment as defined in part 4830.7100 [Emergency], subpart 3, for each academic term and then subtract the amount of student copayment for each month of child care according to charts provided by the board.

The amount of the grant must not exceed 60 hours per child per week and must not cover hours during which a parent or legal guardian is capable and available to care for the children.

If, after an award is made, a student presents information to the institution that would increase the student's child care award, the award must be increased if program funds are available.

Subp. 3. **Insufficient funds.** An institution shall make awards that cover all eligible hours as defined in part 4830.7100 [Emergency], subparts 3 and 4. An institution may use one of the following methods to award the next student on the institution's waiting list if funds are insufficient to award all students eligible for the child care grants:

A. an institution may delay the beginning of an award but once an award is made, the award must continue throughout the year unless a student becomes ineligible;

B. an institution may award a student a full child care grant but notify the student that all awards are contingent on the availability of funds and that the student might not receive the full award; as refunds or reallocations make funds available, no new

student may receive an award until outstanding awards are assured full disbursement; or

C. an institution may supplement child care money with institutional money in order to make a full disbursement to a student.

4830.7600 [Emergency] PAYMENT.

Child care payments shall be made each academic term to the student or to the child care provider, as determined by the institution.

4830.7700 [Emergency] TERMINATION OF CHILD CARE AWARD.

A child care award shall be terminated if the student ceases to meet the eligibility requirements in part 4830.7100 [Emergency], subpart 5. Before termination of the award occurs, the institution must allow the student to meet with the financial aid officer at the institution to discuss the termination, and provide documentation as to why the termination should not occur.

4380.7800 [Emergency] REFUNDS.

If a recipient reduces enrollment, the institution must refund the unused portion of the award. Refunds are determined as follows:

A. the percentage the child care award represents of the student's total financial aid package for the applicable term; and

B. multiplied by the amount determined to be refunded to the student under the institution's refund policy. The result yields the amount to be refunded to the program fund. Refunded awards are available for reassignment to other qualified applicants.

4830.7900 [Emergency] REPORTS OF DATA.

Institutions must:

A. collect demographic, educational, and financial data specified by the board from eligible students requesting child care grants;

B. provide the board with individual student data upon request;

C. report information about students who receive awards, students who are on the waiting list, and students who were denied awards, including the institution's methods of prioritizing applicants if insufficient funds are available; and

D. submit fiscal year program activity reports and student data reports to the board.

Fiscal year program activity reports and student data reports are required by the board. Institutions shall correctly complete and submit all required reports and any applicable refunds to the board by the first working day after August 9. The board shall withhold an institution's subsequent year's allocation if the deadline date is not met.

Official Notices

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

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

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations in August

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Tom Triplett, announced today that the maximum interest rate for municipal obligations in the month of August, 1989 would be eight (8) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to nine (9) percent per annum.

Department of Health

Outside Opinions Sought Regarding a Proposed Rule Change to Permit a Time-Limited Opportunity to Reinstate Expired Certificates Previously Issued to Emergency Medical Technicians by the Commissioner of Health

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the agency in preparation to amend *Minnesota Rule*, Chapter 4690, Department of Health Rules for Basic and Advanced Ambulance

CERTIFICATE OF THE

HIGHER EDUCATION COORDINATING BOARD

RESOLUTION ADOPTING THE RULE

I, Mona Hinterman, do hereby certify that I am a member and the President of the Higher Education Coordinating Board, a board member duly authorized under the laws of the State of Minnesota, and that the folowing is a true, complete, and correct copy of a resolution adopted at a meeting of the Higher Education Coordinating Board, duly and properly called and held on the 21st day of September, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to Child Care Grants is approved and adopted pursuent to authority vested in the Higher Education Coordinating Board by the Laws of Minnesota for 1989, Chapter 293, Section 8.
>
> David R. Powers, the executive director of the Higher Education Coordinating Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of September, 1989.

Mona Hinterman
Officer of the Board

Robert E. Augustson
Attest by one other Board member

STATE OF MINNESOTA

HIGHER EDUCATION COORDINATING BOARD

In the matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Child Care Grants

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULE

(1) Notice of the Board's intent to adopt the above-entitled emergency rule was published in the State Register on August 14, 1989 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on August 11, 1989.

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

(4) Two comments on the rule were received by the agency. (5) No requests for notice of submission to the attorney general were received by the agency.

(3) NOW, THEREFORE, IT IS ORDERED that the rule identified as Child Care Grants Program is adopted this 22nd day of September, 1989, pursuant to authority vested in me by the Laws of Minnesota for 1989, Chapter 293, Section 21.

David R. Powers
Executive Director
Minnesota Higher Education
Coordinating Board

In the Matter of the Adoption of the Rule of the State of Minnesota Higher Education Coordinating Board Governing Child Care Grants

DECLARATION OF COUNSEL

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

Merwin Peterson

MERWIN PETERSON
Assistant Attorney General

Dated: Oct. 2nd, 1989

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Emergency Rules

Higher Education Coordinating Board

4830.7000 to 4830.7900

Statutory Authority

Laws for Minnesota 1989, Chapter 293, Sect. 83

Emergency Rules

The higher education coordinating board may adopt emergency rules as provided under MN Statutes, sections 14.29 to 14.36 for awarding child care grants for the 1989-1990 academic year. The board shall consult with its financial aid advisory committee and the higher education advisory council before adopting the rules.

~~no effective~~ date no August 1, 1989

180-day deadline

NA effective date of law requiring rule (14.12)
August 1, 1989 —
doesn't mandate it so doesn't apply

right

—— effective date of statutory authority (14.29)
August 1, 1989 — 10-5-89 (Date AG Received it)
less than 180 days

right

Findings of Fact, Conclusions of Law

~~Indicated that they received~~ 2 comments - ~~should be submitted to us~~

2 comments are from U of M and St. Paul Technical Institute

Rules

Under the Eligible Student 4830.7100
Subp 5 D and F.

D. states that the student has been enrolled full time in any postsecondary education fewer than eight semester..?

F. states that a student must be enrolled at least half time in an eligible institution for the term an award is received

I think it is confusing to make the 1/2 time distinction when the grant is awarded and for what reason

guess one has to be going FT for at least 8 semesters but 4 semesters getting $ can be PT