

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC

RULE REVIEW CHECKLIST

File No. 1646 [redacted]

Docket No. 05-0009-0448

DATE RECEIVED 12-5-89

ADOPTED W/O HEARING X

REVIEW DATE 12-14-89

EMERGENCY RULE _____

DUE DATE 12-19-89

TO REVISOR ON 12-13-89

REVISOR APPROVED ~~12-15-89~~ 12-15-89

APPROVED 12-18-89 mjc

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE _____

WITHDRAWN _____

RETURNED TO AGENCY _____

---

4 Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)
- _____ Date published in State Register
- _____ Comments

~~N/A~~ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution
- Aug 17, 1989 Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

_____ Notice of Intent to Adopt Rule 136A.70 136A.11 repealed
- 136A.111 Statutory Authority
- NA Small Business Statement
- NA Expenditure of public money statement
- Sept 12, 1989 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Sept 22, 89 Date (30)/25 days before adoption
- ✓ Notice attached indicates is attached
- _____ Copy of rule or summary attached

✓ Publication in State Register
- Sept 25, 89 Date (30)/25 days before adoption

_____ 180-day deadline from:
- N/A Effective date of law requiring rule (14.12) (both rules) amendments doesn't apply
- ✓ end of comment period (§ 14.26) (rules without hearing) Oct 25 - Dec 5
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- Nov 16, 89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- Nov 16, 89 Date

_____ Written requests, submissions or comments

✓ Declaration of attorney
- Laura Mattson Name of SAAG representing agency

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

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

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Requirements for Registration

Rules as Adopted

4840.0400 REQUIREMENTS FOR REGISTRATION.

Subpart 1. **Fees.**

A. The fees for initial registration and for annual renewal are as authorized by ~~law, recommended by the board, and approved by the commissioner of finance according to~~ Minnesota Statutes, section ~~16A.128~~ 136A.69. The fees are not refundable.

B. A school shall reimburse the board for reasonable costs associated with a site evaluation visit outside Minnesota if the visit is necessary under subpart 3 and Minnesota Statutes, section 136A.64, subdivision 1.

Subp. 2. **Plan to preserve permanent records.** Each school shall maintain permanent records for all students enrolled at any time. Records include school transcripts, documents, and files containing student data relating to academic credits earned, courses completed, grades awarded, degrees awarded, and periods of attendance.

A. To preserve permanent records, a school shall submit a plan which meets all of the following:

(1) at least one copy of the records held in a secure depository;

(2) an appropriate official designated to provide a student with official copies of records or official transcripts upon request;

(3) a method, acceptable to the board, of complying with subitems (1) and (2) for at least 50 years ~~if~~ from the day the school ceases to exist; and

(4) if the school has no binding agreement for preserving and providing official copies of student records under this item, a continuous surety bond in an amount not to

Approved by Revisor

exceed $20,000.

B. When a school decides to cease postsecondary education operations, it must inform the board of the following:

(1) the planned date for termination of postsecondary education operations;

(2) the planned date for the transfer of the student records;

(3) confirmation of the name and address of the organization to receive and hold the student records; and

(4) the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

[For text of subps 3 to 7, see M.R. 1989]

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

December 18 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassenly
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 18 1989

Secretary of State

12:45 pm

FILE COPY

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: December 21, 1989

TO: BERNIE JOHNSON
Special Assistant Attorney General
1100 Bremeer Tower

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 500

PHONE: 6-6839

SUBJECT: In the Matter of the Adopted Permanent Rule
Relating to Requirements for Registration

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on December 18, 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 the 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 " "

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Requirements for Registration

Rules as Proposed

4840.0400 REQUIREMENTS FOR REGISTRATION.

Subpart 1. **Fees.** ~~The initial registration fee is $200 and the annual renewal fee is $150. Neither fee is refundable.~~

A. The fees for initial registration and for annual renewal are as authorized by law, recommended by the board, and approved by the commissioner of finance according to Minnesota Statutes, section 16A.128.

B. A school shall reimburse the board for reasonable costs associated with a site evaluation visit outside Minnesota if the visit is necessary under subpart 3 and Minnesota Statutes, section 136A.64, subdivision 1.

Subp. 2. **Plan to preserve permanent records.** Each school ~~located in Minnesota~~ shall maintain permanent records for all students enrolled at any time. Records include school transcripts, documents, and files containing student data relating to academic credits earned, courses completed, grades awarded, degrees awarded, and periods of attendance.

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~~A.~~ (1) at least one copy of the records held in a secure depository;

~~B.~~ (2) an appropriate official designated to provide a student with official copies of records or ~~a transcript~~ official transcripts upon request;

~~C.~~ (3) a method ~~of~~, acceptable to the board, of complying with ~~items A~~ subitems (1) and ~~B should~~ (2) for at least 50 years if the school ~~cease~~ ceases to exist; and

~~D.~~ (4) if the school has no binding agreement for preserving and providing official copies of student records

Approved by Revisor

under this item, a continuous surety bond in an amount not to exceed $20,000 ~~or a trust arrangement should the school cease to exist~~.

B. When a school decides to cease postsecondary education operations, it must inform the board of the following:

(1) the planned date for termination of postsecondary education operations;

(2) the planned date for the transfer of the student records;

(3) confirmation of the name and address of the organization to receive and hold the student records; and

(4) the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

[For text of subps 3 to 7, see M.R. 1989]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Requirements for Registration

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4840

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Requirements for Registration

Rules as Proposed

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[For text of subps 3 to 7, see M.R. 1989]

Approved
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Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Requirements for Registration

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The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

Amendments

2890.0010 subp 2b - vague

Statutory Authority 136A.111 - repealed

136A.70 The board shall adopt policies and prescribe appropriate rules to carry out purposes of 136A.61 to 136A.71

136A.69 = relates to fees

136A.64 sub 1 - grants authority to verify accuracy by inspection or other means — justify billing for on site inspect

136A. 68 - gives authority to board of regents schools to have a record plan. authorizes $20,000 limit; this also authorizes requirement of notification if they close ren.

Findings of Fact

missing 2010.0300 K(7)

no statement that requests or no requests for comments to AG or received notice of submission of the adopted rule to A.G.

2 changes were made in adopted rule

In the Matter of the Proposed
Adoption of the Rule of the
Minnesota Higher Education
Coordinating Board Relating
to Requirements For Registration

DECLARATION OF COUNSEL

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

LAURA E. MATTSON
Special Assistant
Attorney General

DG3

CERTIFICATE OF THE
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

RESOLUTION ADOPTING THE RULE

I, Mona Hintzman, 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 16th day of November, 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 Requirements for Registration is approved and adopted, pursuant to authority vested in the Minnesota Higher Education Coordinating Board by Minnesota Statutes 136A.111 and 136A.70. David R. Powers, the executive director of the Minnesota Higher Education Coordinating Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to 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 16th day of November, 1989.

Mona Hintzman
Officer of the Board

Alice S. Keller
Attest by one other Board member

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

AUTHORIZING RESOLUTION

I, Mona Hintzman, do hereby certify that I am a member and the President of the Minnesota Higher Education Coordinating Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Higher Education Coordinating Board duly and properly called and held on the 17th day of August, 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 a Rule Without a Public Hearing, governing the Registration and Name Approval (MN Rule 4840.0400) of the Private Institutions Registration program to all persons who have registered their names with the Minnesota Higher Education Coordinating Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of August, 1989.

Mona Hintzman
President of the Board

Charles S. McCarland
Attest by one other Board member

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Requirements for Registration

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Rosemary Herrera Hamerlinck, 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 22nd day of September 1989.

That on the 22nd day of September 1989, 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 United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Rosemary Herrera Hamerlinck
(Name)

Program Associate
(Title)

Subscribed and sworn to before me
this 10th day of Oct., 1989.

Katherine A. Fisch

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

9500.1070 s.4, 6, 23 (repealed) 8
9565.5000-.5240 (adopted) 519
9565.5500; .5510; .5520 (adopted) 165
9575.0010; .0020; .0090; .0380; .0530; .0620; .0720 (proposed) 101
9575.0090 s. 2, 3 (proposed repealer) 101
Veterans Affairs Department
9050.0010-.0900 (emergency proposed) 618

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Finance

Rural Finance Authority

Notice of Withdrawal of Proposed Rules

NOTICE IS HEREBY GIVEN that the Proposed Rules Relating to the Beginning Farmer Loan Participation Program, and the Notice to Adopt the Proposed Rules Without a Public Hearing published in the *STATE REGISTER*, Volume 12, Number 35, on February 29, 1988 are hereby withdrawn.

Thomas Triplett, Chairman
Rural Finance Authority

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Requirements for Registration

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board 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 contained in 136A.111 and 136A.70.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request 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:

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
St. Paul, MN 55101
(612/296-7963)

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 copy of the proposed rule is attached to this notice.

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

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

Dated: 12 September 1989

David R. Powers
Executive Director

Rules as Proposed

4840.0400 REQUIREMENTS FOR REGISTRATION.

Subpart 1. **Fees.** ~~The initial registration fee is $200 and the annual renewal fee is $150. Neither fee is refundable.~~

A. The fees for initial registration and for annual renewal are as authorized by law, recommended by the board, and approved by the commissioner of finance according to *Minnesota Statutes*, section 16A.128.

B. A school shall reimburse the board for reasonable costs associated with a site evaluation visit outside Minnesota if the visit is necessary under subpart 3 and *Minnesota Statutes*, section 136A.64, subdivision 1.

Subp. 2. **Plan to preserve permanent records.** Each school ~~located in Minnesota~~ shall maintain permanent records for all students enrolled at any time. Records include school transcripts, documents, and files containing student data relating to academic credits earned, courses completed, grades awarded, degrees awarded, and periods of attendance.

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~~A.~~ (1) at least one copy of the records held in a secure depository;

~~B.~~ (2) an appropriate official designated to provide a student with official copies of records or ~~a transcript~~ official transcripts upon request;

~~C.~~ (3) a method ~~of~~, acceptable to the board, of complying with ~~items A~~ subitems (1) and ~~B should~~ (2) for at least 50 years if the school ~~cease~~ ceases to exist; and

~~D.~~ (4) if the school has no binding agreement for preserving and providing official copies of student records under this item, a continuous surety bond in an amount not to exceed $20,000 ~~or a trust arrangement should the school cease to exist~~.

B. When a school decides to cease postsecondary education operations, it must inform the board of the following:

(1) the planned date for termination of postsecondary education operations;

(2) the planned date for the transfer of the student records;

(3) confirmation of the name and address of the organization to receive and hold the student records; and

(4) the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

[For text of subps 3 to 7, see M.R. 1989]

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.

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board, Governing Requirements for Registration (of the Private Institutions Registration Program).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Higher Education Coordinating Board 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 contained in 136A.111 and 136A.70.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) 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. (4) 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. (5) (6) 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. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
St. Paul, MN 55101
(612/296-7963)

(8) 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.

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

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

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney

General, or who wish to receive a copy of the adopted rule, must submit the written request to Rose Herrera Hamerlinck.

Sept 12, 1989
Date

David R. Powers
Executive Director

THIS NOTICE WILL APPEAR IN THE STATE REGISTER ON SEPTEMBER 25, 1989

Minnesota
Higher Education
Coordinating Board

Suite 400
Capitol Square
550 Cedar Street
Saint Paul, Minnesota 55101

612-296-3974

MEMORANDUM

TO: INTERESTED PERSONS

FROM: ROSE HERRERA HAMERLINCK
PLANNING ASSOCIATE

RE: STATEMENT OF NEED AND REASONABLENESS
for REQUIREMENTS FOR REGISTRATION

DATE: SEPTEMBER 25, 1989

Attached you will find a copy of the Board's Statement of Need and Reasonableness, for proposed changes to REQUIREMENTS FOR REGISTRATION, of the Private Institutions Registration program.

Please feel free to call at (612) 296-7963 if you have any questions or comments.

Att.

STATEMENT OF NEED AND REASONABLENESS

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of the Rule
Governing Requirements for Registration
of the Private Institutions Registration Program

September 25, 1989

4840.0400 - subp. 1.A.

The current fee has been in place since 1975, as authorized by Minnesota Statutes 136A.69. The proposed change will allow the Board to charge fees as permitted by Minnesota Statutes, section 16A.128, and remove the fixing of fees by Board rulemaking.

This change is reasonable because the fees charged will be within limits set in statute; by deleting the fee amount from agency rules eliminates the Board rulemaking process to adjust the Private Institutions Registration program fee.

- subp. 1.B.

From time to time, it is necessary to conduct a visit to an out-of-state institution to review current practices, student work, or to visit one of its off-campus sites. It is expensive to conduct these visits, and by current practice, the visits are subsidized by registration fees paid by all private institutions. Staff will make all travel arrangements and bill the out-of-state institution after the visit. Annually, there are one or two visits to private institutions outside of Minnesota. There were no visits in 1988.

This change will allocate the cost of administering the program more fairly to the benefitting institutions. Site visits to private institutions within Minnesota will not impose additional costs to the institution.

- subp. 2.

The Board has not been specific about student records, or requirements on preservation of records. Current rule specifies these requirements to private institutions within Minnesota only. The proposed rule covers all students attending programs offered within Minnesota, including those offered by out-of-state institutions.

subp. 2.A.3.

The proposed rule requires that the plan to preserve records proposed by a private institution must be acceptable to the Board, and that the plan must include provisions to preserve records for at least 50 years. According to the Minnesota Historical Society, archives division, this length of time is not unreasonable to expect student records to be preserved. Statutes allow a "minimum of ten years" which is not adequate for student record purposes. To illustrate this point, Board staff receive requests from retired persons who need official copies of transcripts of college work completed 30-40 years ago.

subp. 2.B.1.2.3.

The proposed rule requires that private institutions that plan to close their operations, inform the Board of their intention. Current rule does not include a provision that a private institution inform the Board. The intent of this requirement is to provide for an orderly transition of student records while the private institution is still operating and under the jurisdiction of the state.

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board, Governing Requirements for Registration	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING THE RULE WITHOUT PUBLIC HEARING

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on September 25, 1989 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 September 22, 1989. (2) 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 list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(6) The following changes were made between the Rule as Proposed and the Rule as Adopted:

1) 4840.0400, Subpart 1, Section A: The section was changed to indicate that the fees for initial registration and annual renewal are authorized by Minnesota Statutes 136A.69, as amended by Laws of Minnesota for 1989, Chapter 293, 136A.69. (Minnesota Statutes 16A.128, cited in the Rule as Proposed, applies to programs whose fees are not determined by statute.)

   In addition, the sentence "The fees are not refundable" was reinserted, as it appears in current rule.

2) 4840.0400, Subpart 2, Section A,3: Changes were made to clarify that the 50-year requirement begins the day the school ceases to exist.

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

(8) The above-captioned rule is needed and reasonable.

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as Requirements for Registration, as modified, is adopted this 16th day of November 1989, pursuant to authority vested in me by Minnesota Statutes, section 136A.111 and 136A.70.

David R. Powers
Executive Director

Dated: 11/16/89