

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: December 4, 1990

TO: MARY LOU DRESBACK
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400

FROM: CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Prenursing Grant Program

The above-referenced rule has been approved as to its legality by the Attorney General on December 3, 1990.

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.

CH:sc
Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby
Nancy Joyer

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Prenursing Grant Program

Rules as Adopted

PRENURSING GRANT PROGRAM

4830.7000 [Emergency] SCOPE.

Parts 4830.7000 to 4830.8000 [Emergency] apply to the program of state grants for prenursing students.

4830.7010 [Emergency] STUDENT MUST AGREE TO SERVE IN RURAL AREA.

Before a student receives a grant under the program, the student must agree to serve in a designated rural area in Minnesota. The agreement must be to serve there at least three of the first five years after receiving the license that the grant is used to get.

4830.7020 [Emergency] SERVICE CREDIT AFTER DESIGNATION REMOVED.

In satisfying the service requirements under the program, a grant recipient shall continue to receive credit for serving in a designated rural area even if the designation is removed after the recipient begins serving there.

4830.7030 [Emergency] RANKING APPLICANTS.

Subpart 1. **Classification of applicants.** Each applicant must be placed in one of the following classifications:

A. renewal applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area;

B. renewal applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area;

C. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area;

D. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution

within the seven-county metropolitan area;

E. initial applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

F. initial applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

G. initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

H. initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

I. initial applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework;

J. initial applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework;

K. initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework; and

L. initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework.

Applicants will be awarded in the order of the

classifications listed above.

Subp. 2. **Ranking of applicants.** Within each of the classifications specified in subpart 1, grant applicants are ranked according to parental contribution. Applicants with the least parental contribution are awarded first.

Subp. 3. **Insufficient funds.** If insufficient funds are available to meet the needs of all eligible applicants, the executive director shall make award to applicants in the order specified in subparts 1 and 2.

4830.7040 [Emergency] AWARDS.

The amount of the grant award is a percentage of the sum of the student's Pell grant and state grant for which the student is currently eligible. The percentage must be determined annually by the executive director based upon the money available to the program from state appropriations and the estimated financial need of the student.

4830.7050 [Emergency] METHOD OF PAYMENT.

Subpart 1. **Payments to schools.** After a grant award is determined, the award must be sent to the eligible school chosen by the recipient. A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school shall apply each disbursement to the recipient's educational costs in the following order: tuition, fees, books, supplies, and other expenses. The costs must be prorated for each term of the academic year. The school shall notify the recipient when each term payment arrives at the school.

Subp. 2. **Refunds.** A grant is awarded for full-time attendance at a specified school for the academic year of nine months within a state fiscal year. If a recipient fails to enroll or reduces enrollment, the school must refund the unused portion of the award. Refunds to the prenursing grant program are determined as provided in items A and B:

A. calculate the percentage that the prenursing grant award represents of the student's total financial aid package

for the applicable term; and

B. multiply that percentage by the amount determined to be refunded to the student under the school's refund policy.

The result yields the amount to be refunded to the executive director. Refunded money is available for reassignment to other qualified applicants.

Subp. 3. **School accounting requirements.** Schools shall maintain separate accounts for prenursing grant funds. Refunds to the prenursing grant program must be sent to the executive director with a list stating the social security number, name, award type, amount of refund, term, and refund code for each student included in the refund. The refund must be made within 30 days from the end of the academic term, or 30 days from the date the school is notified of a student's withdrawal, whichever is less. Schools must provide evidence, prepared according to generally accepted accounting principles, that all grant payments have either been disbursed or refunded to the prenursing grant program.

4830.7060 [Emergency] RECIPIENT RESPONSIBILITIES.

Subpart 1. **Change of address.** From the time a grant recipient first receives a grant until five years after the nursing license is received, the recipient must notify the executive director in writing of a change of address within 30 days of the change.

Subp. 2. **Service status verification.** Each year for up to five years after the nursing license is received, on request of the executive director, a grant recipient must complete and return to the executive director a service status verification form provided by the executive director.

4830.7070 [Emergency] INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or an agent may require additional information not inconsistent with parts 4830.7000 to 4830.7060 [Emergency] to administer the program. The additional information may be required from grant applicants or recipients or eligible institutions.

Subp. 2. **Additional requirements.** The executive director may impose on a grant recipient under the program terms in an agreement required to be signed by the grant recipient in addition to those set out in parts 4830.7000 to 4830.7060 [Emergency] as a condition of receiving the grant.

An additional term must not be inconsistent with the terms required by parts 4830.7000 to 4830.7060 [Emergency]. An additional term must be helpful, in the judgment of the director, to administer or enforce the program.

Subp. 3. **Forms.** The executive director may provide to grant applicants and recipients and eligible institutions and require the use of uniform forms in the administration of the program.

APPROVED AS TO LEGALITY

December 3, 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene W. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 3 1990

Joan Anderson Growe
Secretary of State

4:19 pm

Emergency Rule
10 Working Days

RULE REVIEW CHECKLIST

File No. 1759
DATE RECEIVED 11-21-90
REVIEW DATE
DUE DATE 12-7-90
(DIS)APPROVED 12-3-90
WITHDRAWN

Docket No. 05 0009 0448
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 11-26-90
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE
RETURNED TO AGENCY

✓ 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

✓ Board's Authorizing Resolution
September 20, 1990 Date adopted

✓ Proposed Rule
___ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
Chapter 59, Article 4 Statutory Authority
___ Small Business Statement
___ Expenditure of public money statement
9-20-90 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Oct 1, 1990 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
___ Copy of rule or summary attached

✓ Publication in State Register
Oct 1, 1990 Date 30/25 days before adoption

___ 180-day deadline from:
* See my note Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
* See notes effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
Nov 15, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
November 15, 1990 Date

NA Written Requests, Submissions or Comments

✓ Declaration of Attorney
Nancy Joyer Name of SAAG representing agency

___ Notice of Submission to Attorney General (if applicable)

___ Affidavit of Mailing Notice to Attorney General (if applicable)

n, of its approximate allocation of money
m to determine the number of students
. The board shall distribute money to the
rams of advanced nursing education, by
ch later year.

or colleges of nursing, or programs of
ting in the nursing grant program shall
ating board on their program activity as

'SICIAN EDUCATION ACCOUNT.

ACCOUNT. A rural physician education
ation coordinating board shall use money
orgiveness program for medical students
areas.

eligible to participate in the program, a
etter of interest to the higher education
dical school. Before completing the first
must sign a contract to agree to serve at
ng residency in a designated rural area.

The higher education coordinating board
ear for participation in the loan forgive-
ble for securing their own loans. Appli-
forgiveness program may designate for
ximum of four years, an agreed amount,
loan. For each year that a participant
al area, up to a maximum of four years,
l shall annually pay an amount equal to
est accrued on these loans. Participants
signated rural area to another remain

LFILLMENT. If a participant does not
commitment of service in a designated
ting board shall collect from the partici-
der the loan forgiveness program. The
all deposit the money collected in the
board shall allow waivers of all or part
ncy circumstances prevented fulfillment

oard shall evaluate the programs estab-
aluation must examine the progress in

derline, deletions by ~~strikeout~~.

approve

establishing the programs and must be reported to the house appropriations and senate finance committees by February 1, 1991. Beginning in 1992, and each year thereafter, the HECB shall report to the committees by February 1 on the operation of each program. The report must include an analysis of whether each program is achieving its goals and recommendations regarding whether each program should be terminated or changed.

Sec. 7. **RULES.**

The higher education coordinating board shall develop rules, including emergency rules if necessary, to implement the programs in sections 2 to 5. The emergency rules shall be effective until July 1, 1991.

date not specified re when emer. rules must be promulgated by not sig b/c each prov. appears to have a dte put in

Sec. 8. **FUNDING.**

Sections 3 and 4 are funded as provided in the 1990 health and human services supplemental appropriations act.

Sec. 9. **SUNSET.**

Sections 1 to 6 are repealed on June 30, 1995.

ARTICLE 5

PUBLIC SAFETY OFFICER'S SURVIVOR BENEFITS

Section 1. **[299A.41] DEFINITIONS.**

Subdivision 1. **SCOPE.** The definitions used in this section apply in this chapter.

Subd. 2. **DEPENDENT CHILD.** A "dependent child" means a person who is unmarried and who was either living with or was receiving support contributions from the public safety officer at the time of death, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

(1) under 18 years of age;

(2) over 18 years of age and incapable of self-support because of physical or mental disability; or

(3) over 18 years of age and a student as defined by United States Code, title 5, section 8101.

Subd. 3. **KILLED IN THE LINE OF DUTY.** "Killed in the line of duty" does not include deaths from natural causes.

Subd. 4. **PUBLIC SAFETY OFFICER.** "Public safety officer" includes:

New language is indicated by underline, deletions by ~~strikeout~~.

contract to recover any additional amounts due under the contract. Responsibility for insuring the property during the term of the contract must be on the seller. Before finalizing the purchase agreement, the board shall obtain the advisory recommendations of the chairs of the senate finance and house appropriations committees.

Sec. 12. **CONSUMER INFORMATION SYSTEM.**

The public post-secondary state governing boards, and private post-secondary colleges and occupational and technical institutions that enroll recipients of state grants, shall develop a consumer information system for occupational programs. The system must be based on student placement and must include all subbaccalaureate occupational programs and all programs that lead to an occupation requiring certification, licensure, or testing for entry. The first phase of the system must include all subbaccalaureate occupational programs. The higher education coordinating board must coordinate the development of the system and must report on it to the chairs of the house appropriations and the senate finance committees by February 15, 1991.

Sec. 13. **REPORT TO LEGISLATURE.**

The state board for community colleges shall report in the 1991 biennial budget document, recommendations for the appropriate administrative structure for a community college campus at Cambridge. In making its recommendations, the board shall review the combined administrative structure for the community colleges located in the Arrowhead and Clearwater regions of the state. The center at Cambridge will be designated as a community college if the legislature enacts an appropriation specifically for this purpose.

Sec. 14. **EFFECTIVE DATE.**

Sections 3 to 5, and 8 to 12 are effective the day following final enactment.

Presented to the governor April 28, 1990

Signed by the governor May 4, 1990, 2:14 p.m.

CHAPTER 592—S.F.No. 1807

An act relating to Hennepin county; increasing and extending certain capital improvement bonding authority for Hennepin county; requiring a planning process; amending Minnesota Statutes 1989 Supplement, section 373.40, subdivision 4; Minnesota Statutes Second 1989 Supplement, section 373.40, subdivision 6; Laws 1989, chapter 245, section 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Stat Authority Chapter 591, Article 4, Sec 7

The higher education coordinating board shall develop rules, including emergency rules if necessary, to implement the programs in sections 2 to 5. The emergency rules shall be effective until July 1, 1991.

Sec. 14 Effective Date
Signed by the Governor May 4, 1990

180 requirement May 4 - Nov 14, 1990
* Nov. 15 adopted
10/31 = 180
11/15 = 195

If the May 4, 1990 enactment date is used they did not make the 180 requirement. May 4 - Nov 14 = 190 days. 14.39 states 180 days from ~~last~~ authority to date rule is adopted which would be the date of the findings of fact. This differs from 14.12 which is 180 days from when the date Notice of Intent is ~~adopted~~ published

NONE? → I don't know what "effective until July 1, 1991 I don't know if that has something to do with the effective dates.

~~TABM~~

Rules

4830.7030 subd 2

Term of art assoc w/ lending & edl institutions

parental contribution = I think this should be defined. Does this just mean money. What if I live at home free but my parents give me no money compared to another student who doesn't live at home but his parents give him money - where are they ranked in relationship to each other? If parents provide a car and clothes is that contribution or are they just referring to money ~~for~~ for tuition and ~~parent~~ parental contribution is how they are being ranked. I think it is important to define it

4830.7040

term familiar in edl inst. settings

What is a Pell grant shouldn't it be defined.

4830.7050

"other expenses" ie living expenses or just school expenses - it should be defined

4830. 7070

when needed for admin. purposes

When are they going to request more information. There should be criteria when they are going to request more information.

4830.7060 subd 2

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 Prenursing 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 October 1, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on October 1, 1990.

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

(5) NOW, THEREFORE, IT IS ORDERED that the rule identified as Prenursing Grant Program is adopted this 15th day of November, 1990, 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

CERTIFICATE OF THE

HIGHER EDUCATION COORDINATING BOARD

RESOLUTION ADOPTING THE RULE

I, Mona Hintzman, 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 following is a true, complete, and correct copy of a resolution adopted at a meeting of the Higher Education Coordinating Board, duly and properly called and held on the 15th day of November, 1990, 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 Prenursing Grants is approved and adopted pursuant to authority vested in the Higher Education Coordinating Board by MN Statutes 136A.04, Subd. 1(9).
>
> 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 subscribed my name this 15th day of November, 1990.

Mona Hintzman
Officer of the Board

Peter X. Fugina
Attest by other Board member

Rules as Proposed (all new material)

4830.8000 [Emergency] SCOPE.

Parts 4830.8000 to 4830.8040 [Emergency] govern state postsecondary education grants to spouses and dependent children of public safety officers killed in the line of duty.

4830.8010 [Emergency] ELIGIBLE INSTITUTIONS.

A student receiving a grant from the Public Safety Officer's Survivor Grant Program must attend a postsecondary institution that is an eligible institution as defined in Minnesota Statutes, section 136A.101, subdivision 4, and part 4830.0300, subparts 1 and 2, as limited by Minnesota Statutes, section 299A.45, subdivision 1.

4830.8020 [Emergency] ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

A. be enrolled in an eligible institution as specified in part 4830.8010 [Emergency];

B. not have received a baccalaureate degree, nor have been enrolled full time or the equivalent for eight semesters or 12 quarters, whichever occurs first; and

C. provide a copy of the certification of eligibility received from the commissioner of public safety to the eligible institution.

4830.8030 [Emergency] INSTITUTIONAL REQUEST AND DISBURSEMENT OF FUNDS FOR GRANTS.

Subpart 1. **Institutional request.** After verifying a student's eligibility, the institution must submit a written request to the executive director for payment of grant money for the student. A separate request must be submitted for each academic term the student is enrolled. A copy of the student's certificate of eligibility from the commissioner of public safety must accompany the institution's first request for payment.

Subp. 2. **Deadline.** The request for grant money for a student must be received by the executive director no later than the last day of classes for the academic year for which grant money is requested.

Subp. 3. **Disbursement of funds.** An institution must not disburse grant money for a student unless the student is enrolled in or has completed the academic term for which payment is intended.

Subp. 4. **Refunds.** A grant award is made for a student's attendance at a specific institution for the nine-month academic year within the state fiscal year. If a recipient fails to enroll or reduces enrollment, the institution must refund the unused portion of the award to the executive director. Refunded money is available for awards to other eligible students.

4830.8040 [Emergency] PAYMENTS TO INSTITUTIONS.

Subpart 1. **Time of payment.** The executive director shall send grant money for an eligible student to the institution within 30 days of receipt of a request for payment, but not before July 1 of the academic year for which payment is intended.

Subp. 2. **Withholding payment.** The executive director shall withhold payment for a student until the institution's request for payment is complete and the student's eligibility is verified.

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Prenursing Grant 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 rules is contained in *Laws of Minnesota for 1990*, Chapter 591, Article 4, Section 7. 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 rules or any part or subpart of the rules 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 submitted 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: 20 September 1990

David R. Powers, Executive Director
Higher Education Coordinating Board

Rules as Proposed (all new material)

PRENURSING GRANT PROGRAM

4830.7000 [Emergency] SCOPE.

Parts 4830.7000 to 4830.8000 [Emergency] apply to the program of state grants for prenursing students.

4830.7010 [Emergency] STUDENT MUST AGREE TO SERVE IN RURAL AREA.

Before a student receives a grant under the program, the student must agree to serve in a designated rural area in Minnesota. The agreement must be to serve there at least three of the first five years after receiving the license that the grant is used to get.

4830.7020 [Emergency] SERVICE CREDIT AFTER DESIGNATION REMOVED.

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D. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area;

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K. initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework; and

L. initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework.

Applicants will be awarded in the order of the classifications listed above.

Subp. 2. **Ranking of applicants.** Within each of the classifications specified in subpart 1, grant applicants are ranked according to parental contribution. Applicants with the least parental contribution are awarded first.

Subp. 3. **Insufficient funds.** If insufficient funds are available to meet the needs of all eligible applicants, the executive director shall make award to applicants in the order specified in subparts 1 and 2.

4830.7040 [Emergency] AWARDS.

The amount of the grant award is a percentage of the sum of the student's Pell grant and state grant for which the student is currently eligible. The percentage must be determined annually by the executive director based upon the money available to the program from state appropriations and the estimated financial need of the student.

4830.7050 [Emergency] METHOD OF PAYMENT.

Subpart 1. **Payments to schools.** After a grant award is determined, the award must be sent to the eligible school chosen by the recipient. A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school shall apply each disbursement to the recipient's educational costs in the following order: tuition, fees, books, supplies, and other expenses. The costs must be prorated for each term of the academic year. The school shall notify the recipient when each term payment arrives at the school.

Subp. 2. **Refunds.** A grant is awarded for full-time attendance at a specified school for the academic year of nine months within a state fiscal year. If a recipient fails to enroll or reduces enrollment, the school must refund the unused portion of the award. Refunds to the prenursing grant program are determined as provided in items A and B:

A. calculate the percentage that the prenursing grant award represents of the student's total financial aid package for the applicable term; and

B. multiply that percentage by the amount determined to be refunded to the student under the school's refund policy.

The result yields the amount to be refunded to the executive director. Refunded money is available for reassignment to other qualified applicants.

Subp. 3. **School accounting requirements.** Schools shall maintain separate accounts for prenursing grant funds. Refunds to the prenursing grant program must be sent to the executive director with a list stating the social security number, name, award type, amount of refund, term, and refund code for each student included in the refund. The refund must be made within 30 days from the end of the academic term, or 30 days from the date the school is notified of a student's withdrawal, whichever is less. Schools must provide evidence, prepared according to generally accepted accounting principles, that all grant payments have either been disbursed or refunded to the prenursing grant program.

4830.7060 [Emergency] RECIPIENT RESPONSIBILITIES.

Subpart 1. **Change of address.** From the time a grant recipient first receives a grant until five years after the nursing license is received, the recipient must notify the executive director in writing of a change of address within 30 days of the change.

Subp. 2. **Service status verification.** Each year for up to five years after the nursing license is received, on request of the executive director, a grant recipient must complete and return to the executive director a service status verification form provided by the executive director.

4830.7070 [Emergency] INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or an agent may require additional information not inconsistent with parts 4830.7000 to 4830.7060 [Emergency] to administer the program. The additional information may be required from grant applicants or recipients or eligible institutions.

Subp. 2. **Additional requirements.** The executive director may impose on a grant recipient under the program terms in an agreement required to be signed by the grant recipient in addition to those set out in parts 4830.7000 to 4830.7060 [Emergency] as a condition of receiving the grant.

An additional term must not be inconsistent with the terms required by parts 4830.7000 to 4830.7060 [Emergency]. An additional term must be helpful, in the judgment of the director, to administer or enforce the program.

Subp. 3. **Forms.** The executive director may provide to grant applicants and recipients and eligible institutions and require the use of uniform forms in the administration of the program.

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Higher Education Coordinating Board Governing the Prenursing Grant 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 1st day of October, 1990.

That on the 1st day of October, 1990, 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

Administrative Liaison
Title

Subscribed and sworn to before me this 1ST day of October, 1990.

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

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of Emergency Rules of the Minnesota Higher Education Coordinating Board Governing the Prenursing Grant 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 rules is contained in Laws of Minnesota for 1990, Chapter 591, Article 4, Section 7. 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) All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing.
(3) 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. 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.

(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.

9/20/90
Date

DAVID R. POWERS, Executive Director
Higher Education Coordinating Board

CERTIFICATE OF THE
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

AUTHORIZING RESOLUTION

I, Charles Neerland, do hereby certify that I am a member and the Chairman 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 20th day of September, 1990, 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 Pre-Nursing 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 20th day of September, 1990.

Charles Neerland
(Officer of the Board)

M. Stores
(Attest by one other Board member)

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

11-21-90

In the Matter of the Proposed
Emergency Rules Relating to
Prenursing Grant Program,
Minn. Rules Parts 4830.7000 to 4830.8000

DECLARATION OF COUNSEL

I, Nancy J. Joyer, 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 ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0448.

11/20/90

Nancy J. Joyer
Special Assistant Attorney General

.BJ1

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Prenursing Grant Program

Rules as Proposed (all new material)

PRENURSING GRANT PROGRAM

4830.7000 [Emergency] SCOPE.

Parts 4830.7000 to 4830.8000 [Emergency] apply to the program of state grants for prenursing students.

4830.7010 [Emergency] STUDENT MUST AGREE TO SERVE IN RURAL AREA.

Before a student receives a grant under the program, the student must agree to serve in a designated rural area in Minnesota. The agreement must be to serve there at least three of the first five years after receiving the license that the grant is used to get.

4830.7020 [Emergency] SERVICE CREDIT AFTER DESIGNATION REMOVED.

In satisfying the service requirements under the program, a grant recipient shall continue to receive credit for serving in a designated rural area even if the designation is removed after the recipient begins serving there.

4830.7030 [Emergency] RANKING APPLICANTS.

Subpart 1. **Classification of applicants.** Each applicant must be placed in one of the following classifications:

A. renewal applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area;

B. renewal applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area;

C. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area;

D. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution

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within the seven-county metropolitan area;

E. initial applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

F. initial applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

G. initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

H. initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

I. initial applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework;

J. initial applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework;

K. initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework; and

L. initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework.

Applicants will be awarded in the order of the

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classifications listed above.

Subp. 2. **Ranking of applicants.** Within each of the classifications specified in subpart 1, grant applicants are ranked according to parental contribution. Applicants with the least parental contribution are awarded first.

Subp. 3. **Insufficient funds.** If insufficient funds are available to meet the needs of all eligible applicants, the executive director shall make award to applicants in the order specified in subparts 1 and 2.

4830.7040 [Emergency] AWARDS.

The amount of the grant award is a percentage of the sum of the student's Pell grant and state grant for which the student is currently eligible. The percentage must be determined annually by the executive director based upon the money available to the program from state appropriations and the estimated financial need of the student.

4830.7050 [Emergency] METHOD OF PAYMENT.

Subpart 1. **Payments to schools.** After a grant award is determined, the award must be sent to the eligible school chosen by the recipient. A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school shall apply each disbursement to the recipient's educational costs in the following order: tuition, fees, books, supplies, and other expenses. The costs must be prorated for each term of the academic year. The school shall notify the recipient when each term payment arrives at the school.

Subp. 2. **Refunds.** A grant is awarded for full-time attendance at a specified school for the academic year of nine months within a state fiscal year. If a recipient fails to enroll or reduces enrollment, the school must refund the unused portion of the award. Refunds to the prenursing grant program are determined as provided in items A and B:

A. calculate the percentage that the prenursing grant award represents of the student's total financial aid package

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for the applicable term; and

B. multiply that percentage by the amount determined to be refunded to the student under the school's refund policy.

The result yields the amount to be refunded to the executive director. Refunded money is available for reassignment to other qualified applicants.

Subp. 3. **School accounting requirements.** Schools shall maintain separate accounts for prenursing grant funds. Refunds to the prenursing grant program must be sent to the executive director with a list stating the social security number, name, award type, amount of refund, term, and refund code for each student included in the refund. The refund must be made within 30 days from the end of the academic term, or 30 days from the date the school is notified of a student's withdrawal, whichever is less. Schools must provide evidence, prepared according to generally accepted accounting principles, that all grant payments have either been disbursed or refunded to the prenursing grant program.

4830.7060 [Emergency] RECIPIENT RESPONSIBILITIES.

Subpart 1. **Change of address.** From the time a grant recipient first receives a grant until five years after the nursing license is received, the recipient must notify the executive director in writing of a change of address within 30 days of the change.

Subp. 2. **Service status verification.** Each year for up to five years after the nursing license is received, on request of the executive director, a grant recipient must complete and return to the executive director a service status verification form provided by the executive director.

4830.7070 [Emergency] INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or an agent may require additional information not inconsistent with parts 4830.7000 to 4830.7060 [Emergency] to administer the program. The additional information may be required from grant applicants or recipients or eligible institutions.

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by Revisor _____

Subp. 2. **Additional requirements.** The executive director may impose on a grant recipient under the program terms in an agreement required to be signed by the grant recipient in addition to those set out in parts 4830.7000 to 4830.7060 [Emergency] as a condition of receiving the grant.

An additional term must not be inconsistent with the terms required by parts 4830.7000 to 4830.7060 [Emergency]. An additional term must be helpful, in the judgment of the director, to administer or enforce the program.

Subp. 3. **Forms.** The executive director may provide to grant applicants and recipients and eligible institutions and require the use of uniform forms in the administration of the program.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Emergency Rules Relating to Prenursing Grant Program

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4830

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor