

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: March 26, 1991

TO: MARY LOU DRESBACH
Minnesota Higher Education Coor. Bd.

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

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Public Safety Officer's Survivor Grant Program; Prenursing Grant Program

The above-referenced rule has been approved as to its legality by the Attorney General on March 25, 1991.

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.

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

3/13 CH

RULE REVIEW CHECKLIST

File No. 1806
DATE RECEIVED 3-12-91
REVIEW DATE 3-21-91
DUE DATE 3-26-91
(DIS)APPROVED 3-26-91
WITHDRAWN _____

Docket No. 05-0009-0448
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 3-14-91
REVISOR (DIS)APPROVED 3-18-91
FILED W/SEC. OF STATE 3-25-91
RETURNED TO AGENCY 3-26-91

✓ 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
December 13, 1990 Date adopted

✓ Proposed Rule

✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
136A.04 subd 1(9) Statutory Authority 136A.16, 136A.234
_____ Small Business Statement
_____ Expenditure of public money statement
12-18-90 Signature

✓ Statement of Need and Reasonableness (if applicable)
no statement Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
January 11, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
January 14, 1991 Date 30/25 days before adoption

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

* These were emergency rules made permanent See notes

✓ Resolution Adopting
February 21, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
February 21, 1991 Date

✓ ~~Written Requests, Submissions or Comments~~

✓ Declaration of Attorney
Nancy Joyce Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Public Safety Officer's Survivor Grant Program; Prenursing Grant Program

Rules as Adopted

PUBLIC SAFETY OFFICER'S SURVIVOR GRANT PROGRAM

4830.8000 SCOPE.

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

4830.8010 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 ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

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

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 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 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.

PRENURSING GRANT PROGRAM

4830.8510 SCOPE.

Parts 4830.8510 to 4830.8580 apply to the program of state grants for prenursing students.

4830.8520 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.

4830.8530 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.

4830.8540 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.

4830.8550 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.

4830.8560 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.

4830.8570 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.

4830.8580 INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or an agent may require additional information not inconsistent with parts 4830.8510 to 4830.8570 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 4830.8510 to 4830.8570 as a condition of receiving the grant.

An additional term must not be inconsistent with the terms required by parts 4830.8510 to 4830.8570. 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.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 25 1991
Secretary of State

APPROVED AS TO LEGALITY

March 26, 19 91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 25 1991 3:58 P.M.

Joan Anderson Growe
Secretary of State

136A.04 Subd 1(9)

The higher education coordinating board shall: (9) prescribe policies, procedures, and rules necessary to administer the programs under its supervision

136A.16

Subd 2

The board shall adopt policies and prescribe appropriate rules to . . .

136A.234

The higher education coordinating board shall adopt rules concerning agencies eligible to participate

Emergency rules became effective Dec, 1990

SOLAR - Chapter III is for the beginning rules

~~There is nothing in the SOLAR~~

~~about 4830.8000 to 4830.8040~~

Affidavit of mailing indicates comment period ended February 13

#180 day rule
These rules were emergency rules made permanent so I think they made the 180 day deadline

Minnesota
Higher Education
Coordinating Board

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

612-296-3974

Received
3-12-91

February 21, 1991

Nancy Joyer
Special Asst. Attorney General
Bremer Tower, 11th Floor
St. Paul, MN 55101

Dear Nancy:

Enclosed are documents pertaining to the Permanent Rules for the Prenursing Grant and Public Safety Officer's Survivor Grant Programs.

I trust they will meet with your approval so that you can issue your Declaration of Counsel, and forward them to the Attorney General for final approval.

As always, I appreciate your assistance with this rulemaking process.

Sincerely,

Mary Lou Dresbach

Mary Lou Dresbach
Administrative Liaison

Enclosures

FEB 2 2 91

ATTORNEY GE
1100 BR
7TH PLACE /
ST. P

STATEMENTS OF NEED AND REASONABLENESS

PERMANENT RULES RELATING TO

FINANCIAL AID

as administered by

the Minnesota Higher Education Coordinating Board

In the Matter of the Proposed Adoption of the Rules of the
Minnesota Higher Education Coordinating Board
Governing the Prenursing Grant Program, and
the Public Safety Officer's Survivor Grant Program

CHAPTER I: INTRODUCTION

AUTHORITY TO PRESCRIBE RULES

The Minnesota Higher Education Coordinating Board is authorized by statute to adopt policies and prescribe rules and regulations for student financial aid programs, including the prenursing grant program and the public safety officer's survivor grant program [Minnesota Statutes 136A.04, subd. 1(9), and 136A.1355, Section 7].

Emergency rules for these programs became effective December, 1990. The Board is now proposing to adopt permanent rules. This document provides information on the background of these programs, and provides a part-by-part explanation for the proposed permanent rules.

BACKGROUND -- RURAL HEALTH PROGRAMS

The 1990 Legislature created four rural health programs to encourage health care professionals to practice in greater Minnesota. The Prenursing Grant Program is operational for the 1990-91 academic year.

The Minnesota Higher Education Coordinating Board (MHECB) was designated as the state agency responsible for the administration of the Prenursing Grant Program. The legislature appropriated $120,000 for grants.

The Minnesota Higher Education Coordinating Board is proposing permanent rules for administration of this rural health care program.

BACKGROUND -- PUBLIC SAFETY OFFICER'S SURVIVOR GRANT PROGRAM

The Minnesota Higher Education Coordinating Board (MHECB) was designated as the state agency responsible for the education benefit portion of the Public Safety Officer's Survivor Benefits.

The Education Benefit portion of the public safety officer's survivor benefits is funded up to $100,000 per year from the State Grant Program appropriation. The Commissioner of Public Safety issues a certificate to each eligible dependent of public safety officers killed in the line of duty. This certification is required in order for such dependents to qualify for education benefits under this program.

The Minnesota Higher Education Coordinating Board is proposing permanent rules for administration of the education benefit portion of this program.

CHAPTER II: PART-BY-PART EXPLANATION/PRENURSING GRANT PROGRAM

This chapter provides an explanation for each part of the rules relating to the prenursing grant program.

4830.8510 **SCOPE.** This defines the parameters of applicability for the rules that follow.

4830.8520 **STUDENT MUST AGREE TO SERVE IN RURAL AREA.** The language in this section is consistent with the statutory language addressing the issue of service requirements after receipt of licensure. The Board felt it necessary to clarify the requirement that the student must agree to this service commitment prior to the disbursement of grant monies.

4830.8530 **SERVICE CREDIT AFTER DESIGNATION REMOVED.** The statutory language does not address the issue of satisfaction of service requirement if an area once designated as being eligible for fulfillment of the service requirement under this program becomes ineligible during the period in which a recipient is attempting to fulfill his/her service commitment. The Board felt that a recipient who makes a commitment to serve in an eligible designated area should not be penalized if circumstances in that area change, thus making it ineligible for fulfillment of the service requirement for this program. If the area was eligible at the time the recipient commences service, the recipient should continue to receive credit for serving in that area. The recipient has no control over factors influencing designated area eligibility, and should not be penalized for a change in conditions in that area. This section is an attempt to treat all program participants fairly and equitably, and yet fulfill the intent of this program.

4830.8540 **RANKING APPLICANTS.**

Subpart 1. **Classification of applicants.** The language in this section is an attempt to clarify and expand upon statutory language pertinent to ranking applicants. In addition to the statutory language, the Board felt that renewal applicants should have priority for program awards over new applicants to the program should there be insufficient funds to award all eligible applicants. The priority of renewal applicants over new applicants is comparable to the award process used in the state grant program. This subpart is an attempt to avoid confusion and misunderstanding by applicants to the program. It will also provide an efficient, objective method for classifying applicants for awards.

Subpart 2. **Ranking of applicants.** The statutory language specifies that the determination of need and the award amount must be patterned after the process used for the state grant program. This section clarifies that requirement by stating that applicants will be ranked according to parental contribution within the classifications in subpart 1 above. Using that methodology, applicants demonstrating the most need will be awarded first.

Subpart 3. **Insufficient funds.** The Board felt it necessary to explain the procedure that would be used should there be insufficient program funds to award all eligible applicants. Applicants will be awarded using the classification and ranking processes explained in subparts 1 and 2 until all available monies have been awarded. This section is added to protect the integrity of the program and ensure the equitable treatment of all applicants in regard to the award process.

4830.8550 **AWARDS.** This section explains how an award will be calculated. The Board felt it necessary to explain the process that would be used in order to ensure that all applicants are treated equitably in the award process and to protect the integrity of the program. The formula provides an objective, uniform methodology for calculating program awards within the statutory requirements for this program.

4830.8560 **METHOD OF PAYMENT.**

Subpart 1. **Payments to schools.** The method of disbursing individual awards to students described in this subpart is patterned after the disbursement requirements in the state grant program. The statutory language governing this program indicates that the criteria used to perform this process must be based on the state grant program. The Board felt it necessary to provide a specific description regarding the disbursement of program monies to students in order to avoid confusion by the student and the school, to ensure the equitable treatment of all award recipients, and to protect the integrity of the program. It also provides auditors with specific criteria to be applied when reviewing the institution's disbursement of program monies to students.

Subpart 2. **Refunds.** This methodology of calculating refunds to the Prenursing Grant Program is consistent with the methodology used in other state financial aid programs administered by the Board. It provides efficient use of program monies and equitable treatment of all student participating in this program.

Subpart 3. **School accounting requirements.** This subpart specifies the exact method an institution must follow for handling Prenursing Grant monies once the monies arrive at the institution, and the required documentation that must accompany refunds to this program. The Board felt it necessary to specify these procedures to ensure uniform treatment of program monies by institutions, to create an audit trail for such monies, provide efficient program operations, and maintain the integrity of the program.

4830.8570 **RECIPIENT RESPONSIBILITIES**

Subpart 1. **Change of address.** In order to verify that the grant recipient fulfills the service requirement under this program, it is necessary for the Board to maintain an accurate recipient address list. The Board felt it necessary to include timely notification of address changes as a recipient's responsibility in order to provide efficient program operation and ensure the integrity of the program.

Subpart 2. **Service status verification.** In order to document a recipient's service in a designated rural area, the Board felt it necessary to provide a form which the recipient would complete and return annually until the three year service requirement has been fulfilled. The inclusion of this subpart is meant to clarify a recipient's reporting requirements to avoid confusion and misunderstanding. It also provides a uniform method of reporting for efficient program operations and record-keeping.

4830.8580 **INFORMATION; FORMS; TERMS.**

Subpart 1. **Additional information.** At some point it may be necessary for the Board to collect additional information from applicants, recipients, and/or institutions which is not currently needed. The Board felt it necessary to provide for collection of additional data collection should it become necessary for program administration. Such information must be pertinent to program information necessary for program administration as specified in statute.

Subpart 2. **Additional requirements.** It may be necessary for the Board to specify additional requirements of the grant recipient in order to ensure efficient program administration. Such requirements would be consistent with the rules governing this program, and would be indicated in the agreement signed by the recipient prior to receiving any award under this program. The Board felt it necessary to provide for such additional requirements pertinent to the program and its administration. This subpart also ensures the equitable treatment of all recipients and the integrity of the program.

Subpart 3. **Forms.** The use of uniform forms is consistent with the administration of other financial aid programs administered by the Board. This requirement ensures the consistent collection of data, and that any changes in student status are made in a timely and efficient manner. This ensures efficient program operations, and provides the Board with data necessary for policy planning and implementation as required by statute.

CHAPTER III: PART-BY-PART EXPLANATION/PUBLIC SAFETY OFFICER'S SURVIVOR GRANT PROGRAM

4830.8000 **SCOPE.** This defines the parameters of applicability for the rules that follow.

4830.8010 **ELIGIBLE INSTITUTIONS.** This section clarifies the eligibility of institutions that a recipient may attend. This eligiblity is consistent with the eligibility of the state grant program and the statutory language governing this program. The Board felt it necessary to specify the institutional eligibility requirements to avoid confusion and misunderstanding by eligible students receiving monies under this program. It also ensures the equitable treatment of all award recipients, and the integrity of the program.

4830.8020 **ELIGIBLE RECIPIENTS.** This section clarifies the statutory eligibility requirements of students applying for awards under this program. The Board felt it necessary to summarize these requirements to avoid confusion or misunderstanding by applicants, and to ensure the equitable treatment of all applicants.

4830.8030. **INSTITUTIONAL REQUEST AND DISBURSEMENT OF FUNDS FOR GRANTS.**

Subpart 1. **Institutional request.** The statutory language governing this program specifies that an eligible institution shall request payment of the award for the student. The Board felt it necessary to clarify the procedures that must be followed in order to request such payments. A uniform method of requesting such payments from the Board must be followed in order for the Board to provide efficient internal processing standards, and record-keeping for program administration purposes. Such set procedures are necessary to provide an auditable trail and ensure the integrity of the program.

Subpart 2. **Deadline.** In order to provide timely disbursements of program monies within the academic year, the Board felt it necessary to specify a deadline date by which student award monies must be requested by the institution. This deadline date provides for the maximum amount of time within the academic year for the institution to get its request for monies to the Board. The Board felt it reasonable to be as lenient as possible in setting the deadline date, and yet provide the Board with ample time to get the monies to the institution for disbursement to the student within the academic year for which the monies are requested.

Subpart 3. **Disbursement of funds.** The statutory language governing this program addresses the issue of disbursement of funds. The Board felt it necessary to clarify the statutory intent in this subpart in order to avoid confusion and misunderstanding by students and institutions. This subpart will ensure efficient program operation and disbursement of funds to eligible students.

Subpart 4. **Refunds.** This requirement to refund the unused portion of a student's award is consistent with the procedure used for other financial aid programs administered by the Board. This is an attempt by the Board to monitor the use of program monies, and assure that monies are made available to students throughout the academic year.

4830.8040 **PAYMENTS TO INSTITUTIONS.**

Subpart 1. **Time of payment.** The Board felt it useful to specify the time period an institution and student could expect to wait for award monies to be sent to an institution once the request is made to the Board. Timely payment is necessary for efficient program operation, and the 30 day time period will provide ample time for all internal paper work and documentation to be prepared by Board staff prior to authorization of payment through state finance. Because program monies are appropriated according to fiscal year limitations, such monies cannot be disbursed prior to the July 1st start of the fiscal year. This subpart is added in an attempt to avoid confusion by the institution or student regarding the timely disbursement of program monies by the Board.

Subpart 2. **Withholding payment.** Since the Board is responsible for the administration of this program, the Board felt it necessary to specify that no payments would be made until the Board was satisfied that the student is eligible to receive monies under this program, and the institution has provided a completed request for program funds as specified in 4830.8030, subpart 1.

CERTIFICATE OF THE
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 13th day of December, 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 rules without a public hearing governing the Prenursing Grant and Public Safety Officer's Survivor Grant Program to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of December, 1990.

Mona Hintzman
(Officer of the Board)

(Attest by one other Board member)

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Public Safety Officer's Survivor Grant Program; Prenursing Grant Program

Rules as Proposed (all new material)

PUBLIC SAFETY OFFICER'S SURVIVOR GRANT PROGRAM

4830.8000 SCOPE.

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

4830.8010 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 ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

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

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 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

Approved by Revisor

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 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.

PRENURSING GRANT PROGRAM

4830.8510 SCOPE.

Parts 4830.8510 to 4830.8580 apply to the program of state grants for prenursing students.

4830.8520 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

Approved
by Revisor _____

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.

4830.8530 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.

4830.8540 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;

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by Revisor _____

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.

4830.8550 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

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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.

4830.8560 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

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by Revisor _____

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.

4830.8570 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.

4830.8580 INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or an agent may require additional information not inconsistent with parts 4830.8510 to 4830.8570 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 4830.8510 to 4830.8570 as a condition of receiving the grant.

An additional term must not be inconsistent with the terms required by parts 4830.8510 to 4830.8570. 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

Approved
by Revisor _____

program.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Public Safety Officer's Survivor Grant Program; 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

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Prenursing Grant and Public Safety Officer's Survivor Grant Programs, Minn. Rules Parts 4830.8000-4830.8040, and 4830.8510-4830.8580

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE

The above-entitled matter came on for decision before the Minnesota Higher Education Coordinating Board on the 21st day of February, 1991. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Board, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering all of the evidence adduced upon the records, files and proceedings herein, the Board, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Higher Education Coordinating Board's intent to adopt the above-entitled rule without a public hearing was published in the State Register on January 14, 1991, and was sent by mail to all persons on the list maintained by the Board pursuant to Minnesota Statutes 14.14, subd. 1a and 14.22 on January 11, 1991.

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.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30-day comment period, as set out in the notice, expired on February 13, 1991.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission to the Attorney General were received by the Board.

6. During the comment period the Board received no written comments.

7. The Board finds that no modifications to the proposed rules are needed.

8. The Board adopts the Statements of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Board hereby incorporates the Statement of Need and Reasonableness into these findings.

9. The above-captioned rule is needed and reasonable.

CONCLUSIONS

1. The Minnesota Higher Education Coordinating Board duly acquired and has jurisdiction over this proceeding.

2. The Board published and served due, timely and adequate notice of the intent to adopt the rules without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Minn. Rules pts. 4830.8000-4830.8040 and 4830.8510-4830.8570 governing the prenursing grant and safety officer's survivor grant programs are adopted pursuant to the authority vested in the Minnesota Higher Education Coordinating Board by Minn. Statutes 136A.04, Subd. (9), and 136A.16 (1990).

MINNESOTA HIGHER EDUCATION COORDINATING BOARD (9)

Date in first paragraph of findings

DAVID R. POWERS
Executive Director

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Public Safety Officer's Survivor Grant Program; Prenursing Grant Program

Rules as Adopted

PUBLIC SAFETY OFFICER'S SURVIVOR GRANT PROGRAM

4830.8000 SCOPE.

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

4830.8010 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 ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

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

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 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 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.

PRENURSING GRANT PROGRAM

4830.8510 SCOPE.

Parts 4830.8510 to 4830.8580 apply to the program of state grants for prenursing students.

4830.8520 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.

4830.8530 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.

4830.8540 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.

4830.8550 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.

4830.8560 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.

4830.8570 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.

4830.8580 INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or an agent may require additional information not inconsistent with parts 4830.8510 to 4830.8570 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 4830.8510 to 4830.8570 as a condition of receiving the grant.

An additional term must not be inconsistent with the terms required by parts 4830.8510 to 4830.8570. 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.

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing the Prenursing Grant Program and the Public Safety Officer's Survivor Grant Program

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Lou Dresbach, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Statutes 14.14, subd. 1a and 14.22 that their names be placed on the Minnesota Higher Education Coordinating Board's rulemaking mailing list is accurate, complete, and current as of this 11th day of January, 1991.

That on the 11th day of January, 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States Mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Mary Lou Dresbach

Subscribed and sworn to before me this 11th day of January, 1991.

Katherine A. Fisch
Notary Public

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 the Rule of the Minnesota Higher Education Coordinating Board Governing the Prenursing Grant Program, and Public Safety Officer's Survivor Grant 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 in Minnesota Statutes 136A.04, Subd. 1(9), 136A.16, and 136A.234.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules 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. (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:

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

(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 the 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 Mary Lou Dresbach 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 Mary Lou Dresbach.

12/18/90
Date

DAVID R. POWERS
Executive Director
Minnesota Higher Education
Coordinating Board

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Public Safety Officer's Survivor Grant Program; Prenursing Grant Program

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 in *Minnesota Statutes* 136A.04, Subd. 1(9), 136A.16, and 136A.234.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules 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.

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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 the 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 Mary Lou Dresbach 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 Mary Lou Dresbach.

Dated: 18 December 1990

David R. Powers
Executive Director
Minnesota Higher Education
Coordinating Board

Rules as Proposed (all new material)

PUBLIC SAFETY OFFICER'S SURVIVOR GRANT PROGRAM

4830.8000 SCOPE.

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

4830.8010 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 ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

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

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 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 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.

PRENURSING GRANT PROGRAM

4830.8510 SCOPE.

Parts 4830.8510 to 4830.8580 apply to the program of state grants for prenursing students.

4830.8520 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.

4830.8530 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.

4830.8540 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;

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.

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;

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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.

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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.

4830.8560 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.

4830.8570 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.

4830.8580 INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or an agent may require additional information not inconsistent with parts 4830.8510 to 4830.8570 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 4830.8510 to 4830.8570 as a condition of receiving the grant.

An additional term must not be inconsistent with the terms required by parts 4830.8510 to 4830.8570. 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.

Department of Human Services

Proposed Permanent Rules Relating to Surveillance and Utilization Review of Medical Assistance Services

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in the Department of Human Services, Rooms 5A and 5B, 444 Lafayette Road, St. Paul, MN 55155 on February 13, 1991 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606 either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge, may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.01 to 14.56 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9505.2160 to 9505.2245 govern the procedures used by the department in identifying and investigating fraud, theft, or abuse by providers or recipients of health services through the medical assistance, general assistance medical care, consolidated chemical dependency treatment, children's health plan, and catastrophic health expense protection programs, home and community-based services, or any other health service program administered by the department. Additionally, parts 9505.2160 to 9505.2245 establish standards applicable to the imposition of sanctions against providers and recipients. The proposed parts will: define abuse, fraud, primary care case manager, restriction of a provider, restriction of a recipient, suspension, terminating participation, and theft; set standards for health service records kept by providers; set standards for financial records required of providers including long-term care facilities; require recipients and providers to grant the department access to health service and financial records; set standards for retention and copying of records; authorize activities related to the department's monitoring and investigative functions; authorize the department to take certain postinvestigative actions; specify the administrative sanctions the commissioner may impose and the factors to be considered in imposing the administrative sanctions; authorize monetary recovery from providers;

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.

CERTIFICATE OF RESOLUTION ADOPTING THE RULE

I, Mona Hintzman , do hereby certify that I am the President of the Minnesota Higher Education Coordinating Board, an agency 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 21st day of February, 1991, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that the Minnesota Higher Education Coordinating Board hereby approves and adopts the rule governing the Prenursing Grant Program and the Public Safety Officer's Survivor Grant Program pursuant to the authority vested in the Board by Minnesota Statutes 136A.04, Subd. (9), and 136A.16.

BE IT FURTHER RESOLVED, that prior to publishing the rule as adopted in the State Register, David R. Powers, Executive Director of the Minnesota Higher Education Coordinating Board, is authorized to make any form changes in the rule that the Revisor of Statutes or the Attorney General requires the Board to make.

BE IT FURTHER RESOLVED, that the Board adopts the attached Findings of Fact, Conclusions and Order Adopting Rules and that the Executive Director is hereby authorized to sign the above-mentioned document on behalf of the Board 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 February, 1991.

Mona Hintzman

President of the Board

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Prenursing Grants and Public Safety Officer's Survivor Grant Programs, Minn. Rules Parts 4830.8000-4830.8040, and 4830.8510-4830.8580

AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Lou Dresbach, being duly sworn on oath deposes and says:

1. That Mary Lou Dresbach is the person named in the Notice of Intent to Adopt Rules Without a Public Hearing (Cite 15 S.R. 1576, January 14, 1991) as the person to receive comments on the Board's intent to adopt rules concerning the above-entitled subject.

2. That the comment period set forth in the notice terminated at 4:30PM on February 13, 1991.

3. That during the public comment period no comments were received by the Board.

Mary Lou Dresbach

Subscribed and sworn to before me this 14th day of February, 1991.

Katherine A. Fisch
Notary Public

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

Permanent Rules
Prenursing Grant +
Public Safety Officers

CHECK LIST: PERMANENT RULES WITHOUT A PUBLIC HEARING

DATE	DOCUMENT	NOTES
12/13/90	(C) Authorizing Resolution (Board)	OK
12/19/90	(D) Copy of Proposed rule with certificate of approval as to form by the Revisor of Statutes (Revisor)	OK
12/18/90	(E) Notice of Intent to Adopt a Rule without a public hearing (~~Board~~) Exec. Director	OK
OK	(F) Statement of Need & Reasonableness (MLD)	
1/11/91	(G) Affidavit of mailing the Notice of Intent to adopt a rule w/o a public hearing (MLD)	
1/14/91	Date of publication of Notice of Intent to adopt rule w/o public hearing in the State Register	
~~OK~~	(H) Photocopy of Notice of Intent from State Register	1/14/91
2/13/91	End of 30 day comment period	
—	(I) 4 copies of rule as adopted (revisor)	OK
2/21	(J) Resolution Adopting the Rule (Board)	
2/21	(K) Findings of fact, conclusion, and Order (Executive Director)	
	(L) Written requests, comments, submissions	none - Affidavit regarding comments (L)
2/22	Forwarding of all documents to agency legal counsel	
	(M) Declaration of agency legal counsel	
**	(N) Notice of submission of rule to AG	
**	(O) Affidavit of mailing notice of submission of rule to AG	

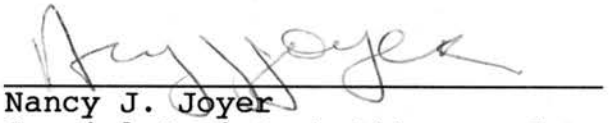
** This is not necessary unless requested by commentors.

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Permanent Rules Governing
Prenursing Grant Program,
Minn. Rules Parts 4830.8510-4830.8580
and Public Safety Officer's
Survivor Grant Program
Minn. Rules Parts 4830.8000-4830.8040

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.



Nancy J. Joyer
Special Assistant Attorney General

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