

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC
12/23/91

RULE REVIEW CHECKLIST

File No. 1881
DATE RECEIVED 12-20-91
REVIEW DATE 12-30-91
DUE DATE 1-3-92
(DIS)APPROVED 1-2-92 mjc
WITHDRAWN

Docket No. 05.0009.0448
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 12-23-91
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE 1-2-92
RETURNED TO AGENCY 1/6/92 (memo dated 1/2/92)

✓ 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 18, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
136A.16 (subd 2) Statutory Authority
no statement Small Business Statement
Expenditure of public money statement
9-18-91 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Oct 4, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
Oct 7, 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)

✓ Resolution Adopting
Dec 12, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Dec 12, 1991 Date

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)

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: January 2, 1992

TO: MARY LOU DRESBACH
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Postsecondary Financial Assistance

The above-referenced rule has been approved as to its legality by the Attorney General on January 2, 1992.

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

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

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

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

MJC:jj

cc: Nancy J. Joyer, Esq.
William Brown, Chief Judge
MaryAnn Hruby

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Postsecondary Financial Assistance

Rules as Adopted

4800.8100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

Subp. 3. **Eligible institution.** "Eligible institution" shall be any public or private institution of higher education in Minnesota which is eligible for the state grant program as defined in Minnesota Statutes, section 136A.101, subdivision 4 and part 4830.0300 and that has foreign students enrolled.

[For text of subps 4 to 8, see M.R.]

Subp. 9. [See repealer.]

[For text of subps 10 and 11, see M.R.]

Subp. 12. **Total cost of education.** "Total cost of education" shall be defined as the institutional budget established for the state grant program adjusted to include out-of-state tuition fee.

[For text of subp 13, see M.R.]

Subp. 14. [See repealer.]

4800.8300 EXECUTIVE DIRECTOR.

The executive director is hereby delegated necessary authority and responsibility for administration of the program in accordance with these rules, state law, and applicable federal laws and regulations, including issuing public information, and establishing such policies and practices as the executive director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota foreign student assistance program.

4800.8400 GRANTING RESIDENT STATUS.

[For text of subpart 1, see M.R.]

Subp. 2. **Scholarship and grant recipients.** Eligible institutions shall have the authority to grant resident status to any foreign student who is a recipient of scholarship or grant funds contributed by Minnesota individuals, organizations, or corporations in sufficient amounts to cover such resident tuition fees provided that the institution documents that the scholarship or grant funds did not originate from the student or any member of the student's family.

4830.0400 APPLICATION DATES AND STUDENT ELIGIBILITY.

[For text of subps 1 and 2a, see M.R.]

Subp. 4. **Eligibility for initial grant.** To be eligible for an initial grant a student must be an eligible student, as defined in part 4830.0100, subpart 5, and:

A. demonstrate financial need;

B. if under 17 years old, hold a high school diploma or the equivalent;

C. pursuing a program or course of study that applies to a degree, diploma, or certificate;

D. must not have received a previous Minnesota state grant; and

E. is not more than 30 days in arrears for any child support payments owed to a public agency responsible for child support enforcement or, if the student is more than 30 days in arrears, is complying with a payment plan for arrearages.

Subp. 5. **Renewal awards.** A grant is renewable for a maximum of six semesters, nine quarters, or the equivalent, but must not continue after the first of the following occurrences:

A. the recipient has obtained a baccalaureate degree; or

B. the recipient has been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent.

To be eligible to renew a grant a student must apply each year and continue to meet the requirements for an initial grant, except for subpart 4, item D. A student must have made satisfactory academic progress as defined in Minnesota Statutes,

section 136A.101, subdivision 10.

Subp. 5a. **Child support arrearages.** A grant is not renewable if the recipient is more than 30 days in arrears for any child support payment owed to a public agency responsible for child support enforcement and not subject to a payment plan for arrearages or not in compliance with a payment plan for the arrearages.

[For text of subp 6, see M.R.]

4830.2300 WORK-STUDY GRANTS.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must meet the requirements of part 4830.0100, subpart 5, items B, C, E, and F. A student employed during periods of nonenrollment must sign a statement of intent to enroll full-time the next term or provide proof of registration for the next term.

4830.2400 EMPLOYMENT TERMS; AMOUNT OF GRANTS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Hourly wages.** Not less than 30 percent of the amount earned by a student shall be paid by the employer, with the actual percentage determined by the school in consultation with the employer. A student shall be paid for hours actually worked at an hourly rate agreed to by the employer and the student, with the approval of the school. However, the student must be paid at least the state minimum wage, if the federal minimum wage is not applicable. Student earnings must be paid according to federal regulations governing payment of student earnings under the federal work-study program.

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. The minimum award

amount is $100.

REPEALER. Minnesota Rules, parts 4800.8100, subparts 2, 9, and 14; 4800.8500; 4800.8600; 4800.8700; and 4800.8800, are repealed.

APPROVED AS TO FORM AND LEGALITY
January 2 19 92
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassely
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 02 1992
Joan Anderson Growe
Secretary of State

1:57P
RC

Minn Stat 136A.04 subd 1(9)
no such cite
DBA 136A.04 subd 1(a)

136A.16 (subd 2)
The board shall adopt policies and prescribe appropriate rules to carry out the purposes of sections 136A.B to 136A.D 1702.

end of comment period Nov 6, 1991

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing State Grants, Foreign Student Assistance, Work Study Grants, and Prenursing Grants, Minn. Rules Parts 4830.0200-4830.0600, 4800.8100-4800.880, 4830.2300-4830.2400, 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 12th day of December, 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) 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 October 7, 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.

(2) 2. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

(4) 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 November 6, 1991.

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

(7) 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.

(8) 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. 4830.0200-4830.0600, 4800.8100-4800.8800, 4830.2300-4830.2400, 4830.8510-4830.8580 governing State Grants, Foreign Student Assistance, Work Study Grants, and Prenursing Grants 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).

(9)

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

DAVID R. POWERS
Executive Director

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing State Grants, Foreign Student Assistance, Work Study Grants, and Prenursing Grants, Minn. Rules Parts 4830.0200-4830.0600, 4800.8100-4800.880, 4830.2300-4830.2400, 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 12th day of December, 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 October 7, 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.

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 November 6, 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. 4830.0200-4830.0600, 4800.8100-4800.8800, 4830.2300-4830.2400, 4830.8510-4830.8580 governing State Grants, Foreign Student Assistance, Work Study Grants, and Prenursing Grants 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

DAVID R. POWERS
Executive Director

CERTIFICATE OF AUTHORIZING RESOLUTION

I, Duane Scribner, 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 18th day of September, 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 David R. Powers, Executive Director of the Minnesota Higher Education Coordinating Board is hereby granted the authority and directed to sign and to give notice of the Board's intent to adopt without a public hearing, the attached amendments to rules, governing State Grants, Foreign Student Assistance Program, Work Study Grants, and Prenursing Grant Program, Minn. Rules Parts 4830.0200-4830.0600, 4800.8100-4800.8800, 4830.2300-4830-2400, and 4830.8510-4830.8580 to all persons who have registered their names with the Board for that purpose and publish the Notice and the rule in the State Register, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Board to make in order to obtain the Revisor's certification as required by Minn. Statutes 14.07, subd. 2 (1990).
>
> BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Executive Director is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as to perform any and all acts incidental hereto, including but not limited to signing an Order for a Notice of Hearing, as well as acting as the Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of September, 1991.

Duane C. Scribner

President of the Board

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing State Grants, Foreign Student Assistance, Work Study Grants, and Prenursing Grants, Minn. Rules Parts 4830.0200-4830.0600, 4800.8100-4800.8800, 4830.2300-4830.2400, 4830.8510-4830.8580

NOTICE OF INTENT TO ADOPT RULES 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 Minn. Statutes 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in Minn. Statutes 136A.04, Subd. 1(9) and 136A.16 (1990).

(2) All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on November 6, 1991 at 4:30p.m. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 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 requests 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 rules addressed, the reason for the request, and any change proposed. (5) If a public hearing is required, the Board will proceed pursuant to Minn. Statutes 14.131 to 14.20 (1990).

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

(3)

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101

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

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

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules 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.

* NOTE: THIS NOTICE WILL APPEAR IN THE 10/7/91 ISSUE OF THE STATE REGISTER

(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 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 rule, must submit the written request to Mary Lou Dresbach.

9/18/91
DATE

DAVID R. POWERS
Executive Director

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Postsecondary Financial Assistance

Rules as Proposed

4800.8100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

Subp. 3. **Eligible institution.** "Eligible institution" shall be any public or private institution of higher education in Minnesota which is eligible for the state ~~grant-in-aid~~ grant program as defined in Minnesota Statutes, section 136A.101, subdivision 4 and part ~~4800.0200~~ 4830.0300 and that has foreign students enrolled.

[For text of subps 4 to 8, see M.R.]

Subp. 9. [See repealer.]

[For text of subps 10 and 11, see M.R.]

Subp. 12. **Total cost of education.** "Total cost of education" shall be defined as the institutional budget established for the state ~~grant-in-aid~~ grant program adjusted to include out-of-state tuition fee.

[For text of subp 13, see M.R.]

Subp. 14. [See repealer.]

4800.8300 EXECUTIVE DIRECTOR.

The executive director is hereby delegated necessary authority and responsibility for administration of the program in accordance with these rules, state law, and applicable federal laws and regulations, including issuing public information, ~~designing-related-forms,-prescribing-application procedures,-prescribing-procedures-and-terms-for-collection-and repayment-of-loans,-prescribing-terms-and-conditions-for agreements-with-eligible-institutions,-approving-and disapproving-applications,~~ and establishing such policies and practices as the executive director may deem necessary for

Approved by Revisor

effective administration in accordance with the purposes and requirements of the Minnesota foreign student assistance program.

4800.8400 GRANTING RESIDENT STATUS.

[For text of subpart 1, see M.R.]

Subp. 2. **Scholarship and ~~grant-in-aid~~ grant recipients.** Eligible institutions shall have the authority to grant resident status to any foreign student who is a recipient of scholarship or grant funds contributed by Minnesota individuals, organizations, or corporations in sufficient amounts to cover such resident tuition fees provided that the institution documents that the scholarship or grant funds did not originate from the student or any member of the student's family.

4830.0400 APPLICATION DATES AND STUDENT ELIGIBILITY.

[For text of subps 1 and 2a, see M.R.]

Subp. 4. **Eligibility for initial grant.** To be eligible for an initial grant a student must be an eligible student, as defined in part 4830.0100, subpart 5, ~~except E,~~ and:

A. demonstrate financial need;

B. if under 17 years old, hold a high school diploma or the equivalent;

C. ~~be enrolled in a program that is at least ten weeks long, and involves at least 12 academic credits or 300 clock hours, and~~ pursuing a program or course of study that applies to a degree, diploma, or certificate;

D. must not have received a previous Minnesota state grant; and

E. is not more than 30 days in arrears for any child support payments owed to a public agency responsible for child support enforcement or, if the student is more than 30 days in arrears, is complying with a payment plan for arrearages.

Subp. 5. **Renewal awards.** A grant is renewable for a maximum of six semesters, nine quarters, or the equivalent, but must not continue after the first of the following occurrences:

A. the recipient has obtained a baccalaureate degree; or

Approved by Revisor _____

B. the recipient has been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent. To be eligible to renew a grant a student must apply each year and continue to meet the requirements for an initial grant, except for subpart 4, item D. A student must have made satisfactory academic progress as ~~determined by the school~~ defined in Minnesota Statutes, section 136A.101, subdivision 10.

Subp. 5a. **Child support arrearages.** A grant is not renewable if the recipient is more than 30 days in arrears for any child support payment owed to a public agency responsible for child support enforcement and not subject to a payment plan for arrearages or not in compliance with a payment plan for the arrearages.

[For text of subp 6, see M.R.]

4830.2300 WORK-STUDY GRANTS.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must meet the requirements of part 4830.0100, subpart 5, items B ~~to~~, C, E, and F. A student employed during periods of nonenrollment must sign a statement of intent to enroll full-time the next term or provide proof of registration for the next term.

4830.2400 EMPLOYMENT TERMS; AMOUNT OF GRANTS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Hourly wages.** Not less than ~~20~~ 30 percent of the amount earned by a student shall be paid by the employer, with the actual percentage determined by the school in consultation with the employer. A student shall be paid for hours actually worked at an hourly rate agreed to by the employer and the student, with the approval of the school. However, the student must be paid at least the state minimum wage, if the federal minimum wage is not applicable. Student earnings must be paid according to federal regulations governing payment of student earnings under the federal work-study program.

4830.8550 AWARDS.

Approved
by Revisor _____

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. The minimum award amount is $100.

REPEALER. Minnesota Rules, parts 4800.8100, subparts 2, 9, and 14; 4800.8500; 4800.8600; 4800.8700; and 4800.8800, are repealed.

Approved
by Revisor _____

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing State Grants, Foreign Student Assistance Program, Work Study Grants, and Prenursing Grant Program, Minn. Rules 4830.0200-4830.0600, 4800.8100-4800.8800, 4830.2300-4830.2400, 4830.8510-4830.8580

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 4th day of October, 1991.

That on the 4th day of October, 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 4th day of October, 1991.

Katherine A. Fisch
Notary Public

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

A. the equivalent of at least two semesters, two trimesters, or three quarters at an institution that measures academic progress in credit hours and uses a semester, trimester, or quarter system;

B. before July 1, 1992, at least 24 semester hours or 36 quarter hours at an institution that measures academic progress in credit hours but does not use a semester, trimester, or quarter system;

C. after June 30, 1992, at least 30 semester hours or 45 quarter hours at an institution that measures academic progress in credit hours but does not use a semester, trimester, or quarter system; or

D. at least 900 clock hours at an institution that measures academic progress in clock hours.

[For text of subp 2, see M.R.]

Subp. 2a. **Certificate program.** After June 30, 1992, "certificate program" means a program that is:

A. offered by an eligible school as defined in part 4830.0300, subpart 1;

B. at least 12 quarter credits or the equivalent, or 300 clock hours for clock hour schools; and

C. at least ten weeks long.

[For text of subp 3, see M.R.]

Subp. 3a. **Designated rural area.** "Designated rural area" means the area outside the cities of Duluth, Mankato, Rochester, St. Cloud, and outside the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

[For text of subp 4, see M.R.]

Subp. 5. **Eligible student.** "Eligible student" means a student who meets, at a minimum, all of the following requirements:

[For text of items A to D, see M.R.]

E. is in good standing and making satisfactory academic progress, as ~~determined by the school~~ defined in *Minnesota Statutes*, section 136A.101, subdivision 10;

[For text of items F and G, see M.R.]

[For text of subps 6 to 8, see M.R.]

Subp. 8a. **Full-time.** Before July 1, 1992, "full-time" means enrollment in a minimum of 12 credits per quarter or semester, or the equivalent. After June 30, 1992, full-time means enrollment in a minimum of 15 credits per quarter or semester, or the equivalent.

[For text of subp 9, see M.R.]

Subp. 10. **Minnesota resident.** "Minnesota resident" means:

[For text of items A and B, see M.R.]

C. a student who graduated from a Minnesota high school, unless the student is a resident of a bordering state while attending a Minnesota high school; or

[For text of item D, see M.R.]

[For text of subps 10a to 12, see M.R.]

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Postsecondary Financial Assistance

Notice of Intent to Adopt Rules 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* 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in *Minnesota Statutes* 136A.04, Subd. 1(9) and 136A.16 (1990).

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.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on November 6, 1991 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 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 requests 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20 (1990).

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

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

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

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules 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 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 rule, must submit the written request to Mary Lou Dresbach.

Dated: 18 September 1991

David R. Powers
Executive Director

Rules as Proposed

4800.8100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

Subp. 3. **Eligible institution.** "Eligible institution" shall be any public or private institution of higher education in Minnesota which is eligible for the state ~~grant in aid~~ grant program as defined in *Minnesota Statutes*, section 136A.101, subdivision 4 and part ~~4800.0200~~ 4830.0300 and that has foreign students enrolled.

[For text of subps 4 to 8, see M.R.]

Subp. 9. [See repealer.]

[For text of subps 10 and 11, see M.R.]

Subp. 12. **Total cost of education.** "Total cost of education" shall be defined as the institutional budget established for the state ~~grant in aid~~ grant program adjusted to include out-of-state tuition fee.

[For text of subp 13, see M.R.]

Subp. 14. [See repealer.]

4800.8300 EXECUTIVE DIRECTOR.

The executive director is hereby delegated necessary authority and responsibility for administration of the program in accordance with these rules, state law, and applicable federal laws and regulations, including issuing public information, ~~designing related forms, prescribing application procedures, prescribing procedures and terms for collection and repayment of loans, prescribing terms and conditions for agreements with eligible institutions, approving and disapproving applications,~~ and establishing such policies and practices as the executive director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota foreign student assistance program.

4800.8400 GRANTING RESIDENT STATUS.

[For text of subpart 1, see M.R.]

Subp. 2. **Scholarship and ~~grant in aid~~ grant recipients.** Eligible institutions shall have the authority to grant resident status to any foreign student who is a recipient of scholarship or grant funds contributed by Minnesota individuals, organizations, or corporations in sufficient amounts to cover such resident tuition fees provided that the institution documents that the scholarship or grant funds did not originate from the student or any member of the student's family.

4830.0400 APPLICATION DATES AND STUDENT ELIGIBILITY.

[For text of subps 1 and 2a, see M.R.]

Subp. 4. **Eligibility for initial grant.** To be eligible for an initial grant a student must be an eligible student, as defined in part 4830.0100, subpart 5. ~~except E,~~ and:

A. demonstrate financial need;

B. if under 17 years old, hold a high school diploma or the equivalent;

C. ~~be enrolled in a program that is at least ten weeks long, and involves at least 12 academic credits or 300 clock hours; and~~ pursuing a program or course of study that applies to a degree, diploma, or certificate;

D. must not have received a previous Minnesota state grant; and

E. is not more than 30 days in arrears for any child support payments owed to a public agency responsible for child support enforcement or, if the student is more than 30 days in arrears, is complying with a payment plan for arrearages.

Subp. 5. **Renewal awards.** A grant is renewable for a maximum of six semesters, nine quarters, or the equivalent, but must not continue after the first of the following occurrences:

A. the recipient has obtained a baccalaureate degree; or

B. the recipient has been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent. To be eligible to renew a grant a student must apply each year and continue to meet the requirements for an initial grant, except for subpart 4, item D. A student must have made satisfactory academic progress as ~~determined by the school~~ defined in *Minnesota Statutes*, section 136A.101, subdivision 10.

Subp. 5a. **Child support arrearages.** A grant is not renewable if the recipient is more than 30 days in arrears for any child support payment owed to a public agency responsible for child support enforcement and not subject to a payment plan for arrearages or not in compliance with a payment plan for the arrearages.

[For text of subp 6, see M.R.]

4830.2300 WORK-STUDY GRANTS.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must meet the requirements of part 4830.0100, subpart 5, items B ~~to~~, C, D, and F. A student employed during periods of nonenrollment must sign a statement of intent to enroll full-time the next term or provide proof of registration for the next term.

4830.2400 EMPLOYMENT TERMS; AMOUNT OF GRANTS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Hourly wages.** Not less than ~~20~~ 30 percent of the amount earned by a student shall be paid by the employer, with the actual percentage determined by the school in consultation with the employer. A student shall be paid for hours actually worked at an hourly rate agreed to by the employer and the student, with the approval of the school. However, the student must be paid at least the state minimum wage, if the federal minimum wage is not applicable. Student earnings must be paid according to federal regulations governing payment of student earnings under the federal work-study program.

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. The minimum award amount is $100.

REPEALER. *Minnesota Rules*, parts 4800.8100, subparts 2, 9, and 14; 4800.8500; 4800.8600; 4800.8700; and 4800.8800, are repealed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing State Grants, Foreign Student Assistance, Work Study Grants, and Prenursing Grants, Minn. Rules Parts 4830.0200-4830.0600, 4800.8100-4800.8800, 4830.2300-4830.2400, 4830.8510-4830.8580

NOTICE OF INTENT TO ADOPT RULES 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 Minn. Statutes 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in Minn. Statutes 136A.04, Subd. 1(9) and 136A.16 (1990).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on November 6, 1991 at 4:30p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 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 requests 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to Minn. Statutes 14.131 to 14.20 (1990).

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

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules 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 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 rule, must submit the written request to Mary Lou Dresbach.

9/18/91
DATE

DAVID R. POWERS
Executive Director

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Postsecondary Financial Assistance

Rules as Proposed

4800.8100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

Subp. 3. **Eligible institution.** "Eligible institution" shall be any public or private institution of higher education in Minnesota which is eligible for the state ~~grant-in-aid~~ grant program as defined in Minnesota Statutes, section 136A.101, subdivision 4 and part ~~4800.0200~~ 4830.0300 and that has foreign students enrolled.

[For text of subps 4 to 8, see M.R.]

Subp. 9. [See repealer.]

[For text of subps 10 and 11, see M.R.]

Subp. 12. **Total cost of education.** "Total cost of education" shall be defined as the institutional budget established for the state ~~grant-in-aid~~ grant program adjusted to include out-of-state tuition fee.

[For text of subp 13, see M.R.]

Subp. 14. [See repealer.]

4800.8300 EXECUTIVE DIRECTOR.

The executive director is hereby delegated necessary authority and responsibility for administration of the program in accordance with these rules, state law, and applicable federal laws and regulations, including issuing public information, ~~designing-related-forms,-prescribing-application procedures,-prescribing-procedures-and-terms-for-collection-and repayment-of-loans,-prescribing-terms-and-conditions-for agreements-with-eligible-institutions,-approving-and disapproving-applications,~~ and establishing such policies and practices as the executive director may deem necessary for

Approved by Revisor

effective administration in accordance with the purposes and requirements of the Minnesota foreign student assistance program.

4800.8400 GRANTING RESIDENT STATUS.

[For text of subpart 1, see M.R.]

Subp. 2. **Scholarship and ~~grant-in-aid~~ grant recipients.** Eligible institutions shall have the authority to grant resident status to any foreign student who is a recipient of scholarship or grant funds contributed by Minnesota individuals, organizations, or corporations in sufficient amounts to cover such resident tuition fees provided that the institution documents that the scholarship or grant funds did not originate from the student or any member of the student's family.

4830.0400 APPLICATION DATES AND STUDENT ELIGIBILITY.

[For text of subps 1 and 2a, see M.R.]

Subp. 4. **Eligibility for initial grant.** To be eligible for an initial grant a student must be an eligible student, as defined in part 4830.0100, subpart 5, ~~except E~~, and:

A. demonstrate financial need;

B. if under 17 years old, hold a high school diploma or the equivalent;

C. ~~be enrolled in a program that is at least ten weeks long, and involves at least 12 academic credits or 300 clock hours, and~~ pursuing a program or course of study that applies to a degree, diploma, or certificate;

D. must not have received a previous Minnesota state grant; and

E. is not more than 30 days in arrears for any child support payments owed to a public agency responsible for child support enforcement or, if the student is more than 30 days in arrears, is complying with a payment plan for arrearages.

Subp. 5. **Renewal awards.** A grant is renewable for a maximum of six semesters, nine quarters, or the equivalent, but must not continue after the first of the following occurrences:

A. the recipient has obtained a baccalaureate degree; or

Approved by Revisor _____

B. the recipient has been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent. To be eligible to renew a grant a student must apply each year and continue to meet the requirements for an initial grant, except for subpart 4, item D. A student must have made satisfactory academic progress as ~~determined by the school~~ defined in Minnesota Statutes, section 136A.101, subdivision 10.

Subp. 5a. **Child support arrearages.** A grant is not renewable if the recipient is more than 30 days in arrears for any child support payment owed to a public agency responsible for child support enforcement and not subject to a payment plan for arrearages or not in compliance with a payment plan for the arrearages.

[For text of subp 6, see M.R.]

4830.2300 WORK-STUDY GRANTS.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must meet the requirements of part 4830.0100, subpart 5, items B ~~to~~, C, E, and F. A student employed during periods of nonenrollment must sign a statement of intent to enroll full-time the next term or provide proof of registration for the next term.

4830.2400 EMPLOYMENT TERMS; AMOUNT OF GRANTS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Hourly wages.** Not less than ~~20~~ 30 percent of the amount earned by a student shall be paid by the employer, with the actual percentage determined by the school in consultation with the employer. A student shall be paid for hours actually worked at an hourly rate agreed to by the employer and the student, with the approval of the school. However, the student must be paid at least the state minimum wage, if the federal minimum wage is not applicable. Student earnings must be paid according to federal regulations governing payment of student earnings under the federal work-study program.

4830.8550 AWARDS.

Approved by Revisor _____

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. The minimum award amount is $100.

REPEALER. Minnesota Rules, parts 4800.8100, subparts 2, 9, and 14; 4800.8500; 4800.8600; 4800.8700; and 4800.8800, are repealed.

Approved
by Revisor _____

CERTIFICATE OF RESOLUTION ADOPTING RULE

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

I, Duane Scribner, do 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 12th day of December, 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 amendments to rules governing State Grants, Foreign Student Assistance, Work Study, and Prenursing Grants pursuant to the authority vested in the Board by Minn. Statutes 136A.04, Subd. 1(9), and 136A.16 (1990).
>
> BE IT FURTHER RESOLVED, that prior to publishing the rule as adopted in the State Register, the executive director 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 Rule Amendments 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 12th day of December, 1991.

Duane C. Scribner

President of the Board

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Rules Governing State Grants,
Foreign Student Assistance,
Work Study, and Prenursing Grants,
Minn. Rules Parts 4830.0200-4830.0600,
4800.8100-4800.8800, 4830.2300-4830.2400,
and 4830.8510-4830.8580

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

.DH4

State Grants, Foreign Student Assistance, Work Study, Treasury Grants

CHECK LIST: PERMANENT RULES WITHOUT A PUBLIC HEARING

DATE	DOCUMENT	NOTES
9/18	(C) Authorizing Resolution (Board)	
9/[illegible]	(D) Copy of Proposed rule with certificate of approval as to form by the Revisor of Statutes (Revisor)	
9/18	(E) Notice of Intent to Adopt a Rule without a public hearing ~~(Board)~~ Exec. Director	OK
10/2	(F) Statement of Need & Reasonableness (MLD)	Send copy to LCRAR (inter-office) 10/2/91
10/4	(G) Affidavit of mailing the Notice of Intent to adopt a rule w/o a public hearing (MLD)	OK
10/7	Date of publication of Notice of Intent to adopt rule w/o public hearing in the State Register	To ~~State~~ Register 9/23/91
"	(H) Photocopy of Notice of Intent from State Register	OK
11/6	End of 30 day comment period	OK Affidavit concerning Comments (none received)
OK 10/7/91	(I) 4 copies of rule as adopted (revisor)	
12/12	(J) Resolution Adopting the Rule (Board)	
12/12	(K) Findings of fact, conclusion, and Order (Executive Director)	
N/A	(L) Written requests, comments, submissions	None received
12/16	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.

Office of the Revisor of Statutes
Administrative Rules

Richard J. Sands
Senior Assistant Revisor
296-2798

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

November 13, 1991

Mary Lou Dresbach
Higher Education Coordinating Board
400 Capitol Square Building
St. Paul, MN 55101

RE: File No. 1933

Dear Ms. Dresbach:

Enclosed are stripped copies of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

Richard J. Sands

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Rules Governing State Grants,
Foreign Student Assistance,
Work Study, and Prenursing Grants,
Minn. Rules Parts 4830.0200-4830.0600,
4800.8100-4800.8800, 4830.2300-4830.2400,
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 (16 S.R. 831, October 7, 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 4:30 P.M. on November 6, 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 16 day of December, 1991.

Kathleen A. Fisch
Notary Public

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

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 Rule of the Minnesota Higher Education Coordinating Board Governing Foreign Student Assistance Program, State Grants, Work Study Grants, and Prenursing Grant Program

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Foreign Student Assistance Program, State Grants, Work Study Grants, and Prenursing Grant Program (Minn. Rules 4800.8100-4800.8800, 4830.0200-4830.0600, 4830.2300-4830.2600, 4830.8510-4830.8580)

STATEMENTS OF NEED AND REASONABLENESS

SECTION I: 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 state grants, foreign student assistance, work study grants, and prenursing grants [Minnesota Statutes 1990, 136A.04, Subd. 1(9) and 136A.16].

SECTION II: BACKGROUND

Most of the proposed changes are due to 1991 statutory changes. In order that the rules correctly reflect the current statutory regulations, the rules must be changed through the proposed rulemaking action. Minor grammatical and punctuation changes are to "clean up" the current language for clarity and understanding. Sections governing types of foreign student assistance no longer operationable due to statutory repeal have been deleted for clarity and correctness. Appropriate language changes have been made to reflect current operating procedures, and to ensure that all students are treated equitably in the determination of eligibility for state financial aid programs. Modifications, additions, or deletions to current rules protect the rights of all students applying for such assistance, and attempt to clarify program operations for financial aid officers handling the disbursement of state financial aid monies to eligible students.

SECTION III: PROPOSED CHANGES

The proposed changes to current rules are summarized below:

Foreign Student Assistance Program not listed on rules

* Delete subpart defining the allocation formula since the Board no longer makes allocations for any type of foreign student assistance. The statutory language pertinent to any such allocations was repealed in 1983.

* Delete words "grant-in-aid" and add "grant." This is due to a statutory change when referencing the State Grant Program.

* Delete the incorrect numbering and add the correct numbering of the agency rules pertaining to "eligible institutions" due to the re-numbering of the rules. This is necessary for citation correctness.

* Delete the definition of "participating institutions" since the type of assistance referenced in the definition is no longer available due to the repeal of statutory language.

* Delete words "grant-in-aid" and add "grant." This is due to a statutory change when referencing the State Grant Program.

* Delete definition of "unexpected financial needs". This definition is no longer pertinent to the remaining type of financial assistance under this program.

* Delete language referring to specific duties and actions of the executive director related to types of assistance no longer operational due to statutory repeals.

* Delete words "grant-in-aid" and add "grant." This is due to a statutory change when referencing the State Grant Program.

* Delete section on "unexpected financial need" because this type of assistance was statutorily repealed.

* Delete section on "terms of loans and grants" due to statuory repeal. All pertinent repayments to the Board have been made, and therefore this section is unnecessary.

* Delete section on "allocation of funds" because the Board no longer makes any program allocations to institutions. All such types of assistance have been terminated by statutory repeal.

* Delete section on "disbursement of funds" because the Board no longer makes any disbursements to institutions due to statutory repeal of any such assistance.

State Grants

* Delete words which allow an exception to one of the requirements for student eligibility. This change is required by statute and clarifies the student eligibility requirements for this program.

* Delete and add language pertaining to the type of porgram a student must be pursuing for state grant eligibility. This change is to avoid confusion and to clarify this eligibility requirement.

* Delete/add conjunction "and" for grammatical purposes.

* Add requirement that a state grant initial awardee must not be more than 30 days in arrears for any child support payments or is complying with a payment plan for arrearages. This is a statutory change.

* Add and delete language pertaining to "satisfactory academic progress," which is necessitated by a statutory language change.

* Add requirement that a state grant renewal awardee must not be more than 30 days in arrears for any child support payments or is complying with a payment plan for arrreages. This is a statutory change.

Work Study Grants

* Delete and add language specifying item letters pertaining to student eligibility for completeness and correctness of reference.

* Delete the number "20" and add the number "30" in the subpart on "hourly wages" due to statutory change.

Prenursing Grants

* Add language specifying minimum award amount for clarity, and to reflect current program operating procedures.

CHAPTER II: Part-by-Part Explanation

This chapter provides an explanation for each proposed change to the rules relating to financial aid programs, including state grants, foreign student assistance, work study, and prenursing grants.

FOREIGN STUDENT ASSISTANCE PROGRAM

4800.8100 **DEFINITIONS.**

Subpart 2. **Allocation formula.** Deletion due to statutory repeal of type of assistance necessitating this definition. [136A.144 repealed, 1983 c 258 s 72]

Subpart 3. **Eligible institution.** Deletion due to statutory change when referring to the state grant program (136A.121). Deletion and addition of reference number to agency rules is for correctness due to renumbering.

Subpart 9. **Participating institution.** Deletion due to statutory repeal of type of assistance necessitating this definition. [136A.144 repealed, 1983 c 258 s 72]

Subpart 12. **Total cost of education.** Deletion due to statuory change when referring to the state grant program. (136A.121)

Subpart 14. **Unexpected financial needs.** Deletion due to statutory repeal of type of assistance necessitating this definition. [136A.144 repealed, 1983 c 258 s 72]

4800.8300 **EXECUTIVE DIRECTOR.**

Deletion of tasks no longer performed by the executive director are due to statutory repeal of type of assistance necessitating such activities. [136A.144 repealed, 1983 c 258 s 72]

4800.8400 **GRANTING RESIDENT STATUS.**

Subpart 2. **Scholarship and grant recipients.** Deletion for consistency of language used within this subpart.

4800.8500 **UNEXPECTED FINANCIAL NEED.** Deletion due to statutory repeal of this type of assistance. [136A.144 repealed, 1983 c 258 s 72] not in rule

4800.8600 **TERMS OF LOANS AND GRANTS.**

Subpart 1. **Conversion of loan to grant.** Deletion due to statutory repeal of types of assistance necessitating this subpart. [136A.144, 136A.145, 136A.146 repealed, 1983 c 258 s 72]

not in rule

Subpart 2. **Procedures.** Deletion due to statutory repeal of types of assistance necessitating this subpart. [136A.144, 136A.145, 136A.146 repealed, 1983, c 258 s 72]

Subpart 3. **Note and interest.** Deletion due to statutory repeal of types of assistance necessitating this subpart. [136A.144, 136A.145, 136A.146 repealed, 1983, c 258 s 72]

Subpart 4. **Accelerated payment.** Deletion due to statutory repeal of types of assistance necessitating this subpart. [136A.144, 136A.145, 136A.146 repealed, 1983, c 258 s 72]

Subpart 5. **Board repayment.** Deletion due to statutory repeal of types of assistance necessitating this subpart [136A.144, 136A.145, 136A.146 repealed, 1983, c 258 s 72], and all applicable repayments have been made to the Board.

Subpart 6. **Reports.** Deletion due to statuory repeal of types of assistance necessitating this subpart. [136A.144, 136A.145, 136A.146 repealed, 1983, c 258 s 72]

4800.8700 **ALLOCATION OF FUNDS.**

not in rule

Subpart 1. **Notice of availability.**
Subpart 2. **Request for participation.**
Subpart 3. **Allocation formula.**

Deletion of these three subparts is due to statutory repeal of the type of assistance necessitating these subparts. [136A.144 repealed 1983, c 258 s 72]

4800.8800 **DISBURSEMENT OF FUNDS.**

Deletion of this section is due to statutory repeal of the type of assistance necessitating this section. [136A.144 repealed, 1983, c 258 s 72]

STATE GRANTS

4830.0400 **APPLICATION DATES AND STUDENT ELIGIBILITY.** not in rule

Subpart 4. **Eligibility for initial grant.** First deletion is for correctness to reflect current program eligibility requirements. Deletion and addition of new language to subpart 4C is to clarify the type of program a student must be pursuing for state grant eligibility to avoid confusion and ensure the equitable treatment of students applying for a state grant. Addition to subpart 4D is for correct punctuation and grammatical correctness. Addition of subpart 4E is due to a statutory change. (136A.121, subd. 2)

Subpart 5. **Renewal awards.** Additions and deletions in subpart 5B are necessary to incorporate statutory language change. (136A.101, subd. 10)

Subpart 5a. **Child support arrearages.** This added subpart is due to statutory language change. (136A.121, subd. 2)

WORK STUDY GRANTS

4830.2300 **WORK STUDY GRANTS**

Additions and deletion are for completeness and correctness of student eligibility requirements under this program, and to ensure the equitable treatment of all students applying for assistance from this program.

4830.2400 **EMPLOYMENT TERMS; AMOUNT OF GRANTS.**

Subpart 3. **Hourly wages.** Change of percentage from 20 percent to 30 percent is due to statutory language change. (136A.233, subd. 3)

PRENURSING GRANTS

4830.8550 **AWARDS.**

not in rule

Addition is for clarity, to ensure the equitable treatment of all students receiving awards under this program, and to reflect current program operating procedures.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Postsecondary Financial Assistance

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapters 4800 and 4830

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Postsecondary Financial Assistance

Rules as Proposed

4800.8100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

Subp. 3. **Eligible institution.** "Eligible institution" shall be any public or private institution of higher education in Minnesota which is eligible for the state ~~grant-in-aid~~ grant program as defined in Minnesota Statutes, section 136A.101, subdivision 4 and part ~~4800.0200~~ 4830.0300 and that has foreign students enrolled.

[For text of subps 4 to 8, see M.R.]

Subp. 9. [See repealer.]

[For text of subps 10 and 11, see M.R.]

Subp. 12. **Total cost of education.** "Total cost of education" shall be defined as the institutional budget established for the state ~~grant-in-aid~~ grant program adjusted to include out-of-state tuition fee.

[For text of subp 13, see M.R.]

Subp. 14. [See repealer.]

4800.8300 EXECUTIVE DIRECTOR.

The executive director is hereby delegated necessary authority and responsibility for administration of the program in accordance with these rules, state law, and applicable federal laws and regulations, including issuing public information, ~~designing-related-forms,-prescribing-application procedures,-prescribing-procedures-and-terms-for-collection-and repayment-of-loans,-prescribing-terms-and-conditions-for agreements-with-eligible-institutions,-approving-and disapproving-applications,~~ and establishing such policies and practices as the executive director may deem necessary for

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effective administration in accordance with the purposes and requirements of the Minnesota foreign student assistance program.

4800.8400 GRANTING RESIDENT STATUS.

[For text of subpart 1, see M.R.]

Subp. 2. **Scholarship and ~~grant-in-aid~~ grant recipients.** Eligible institutions shall have the authority to grant resident status to any foreign student who is a recipient of scholarship or grant funds contributed by Minnesota individuals, organizations, or corporations in sufficient amounts to cover such resident tuition fees provided that the institution documents that the scholarship or grant funds did not originate from the student or any member of the student's family.

4830.0400 APPLICATION DATES AND STUDENT ELIGIBILITY.

[For text of subps 1 and 2a, see M.R.]

Subp. 4. **Eligibility for initial grant.** To be eligible for an initial grant a student must be an eligible student, as defined in part 4830.0100, subpart 5, **~~except E,~~** and:

A. demonstrate financial need;

B. if under 17 years old, hold a high school diploma or the equivalent;

C. **~~be enrolled in a program that is at least ten weeks long, and involves at least 12 academic credits or 300 clock hours, and~~** pursuing a program or course of study that applies to a degree, diploma, or certificate;

D. must not have received a previous Minnesota state grant; and

E. is not more than 30 days in arrears for any child support payments owed to a public agency responsible for child support enforcement or, if the student is more than 30 days in arrears, is complying with a payment plan for arrearages.

Subp. 5. **Renewal awards.** A grant is renewable for a maximum of six semesters, nine quarters, or the equivalent, but must not continue after the first of the following occurrences:

A. the recipient has obtained a baccalaureate degree; or

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B. the recipient has been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent. To be eligible to renew a grant a student must apply each year and continue to meet the requirements for an initial grant, except for subpart 4, item D. A student must have made satisfactory academic progress as ~~determined by the school~~ defined in Minnesota Statutes, section 136A.101, subdivision 10.

Subp. 5a. **Child support arrearages.** A grant is not renewable if the recipient is more than 30 days in arrears for any child support payment owed to a public agency responsible for child support enforcement and not subject to a payment plan for arrearages or not in compliance with a payment plan for the arrearages.

[For text of subp 6, see M.R.]

4830.2300 WORK-STUDY GRANTS.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must meet the requirements of part 4830.0100, subpart 5, items B ~~to~~, C, E, and F. A student employed during periods of nonenrollment must sign a statement of intent to enroll full-time the next term or provide proof of registration for the next term.

4830.2400 EMPLOYMENT TERMS; AMOUNT OF GRANTS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Hourly wages.** Not less than ~~20~~ 30 percent of the amount earned by a student shall be paid by the employer, with the actual percentage determined by the school in consultation with the employer. A student shall be paid for hours actually worked at an hourly rate agreed to by the employer and the student, with the approval of the school. However, the student must be paid at least the state minimum wage, if the federal minimum wage is not applicable. Student earnings must be paid according to federal regulations governing payment of student earnings under the federal work-study program.

4830.8550 AWARDS.

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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. The minimum award amount is $100.

REPEALER. Minnesota Rules, parts 4800.8100, subparts 2, 9, and 14; 4800.8500; 4800.8600; 4800.8700; and 4800.8800, are repealed.

Approved
by Revisor _____