

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATEMENT 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 the Prenursing Grant Program

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules
Governing Prenursing Grant Program
(Minn. Rules 4830.8510-4830.8575)

STATEMENT 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. [Minnesota Statutes 1990, 136A.04, Subd. 1(9) and 136A.16].

SECTION II: BACKGROUND

The proposed changes are to make this program campus-based. Currently the Minnesota Higher Education Coordinating Board staff determine student eligibility and calculate individual student awards. By making the program campus-based, eligible schools/nursing programs would receive allocations from the Minnesota Higher Education Coordinating Board and would determine student eligibility and calculate individual student awards. The Prenursing Grant award is a percentage of the student's Pell Grant and State Grant. Changes in financial circumstances affect the Pell Grant and State Grant awards, which in turn affect a student's Prenursing Grant award. The financial aid officer can make these changes more quickly and efficiently than MHECB staff because the student's file is maintained by the financial aid office. Also, the financial aid officer knows the student applicants and should be better able to determine which of the eligible applicants is more likely to serve in a designated rural area, which is a program requirement. Therefore, to expedite the awarding process and to better serve students receiving awards from this program, the Minnesota Higher Education Coordinating Board feels it is prudent and is in the best interests of efficient program operations and use of appropriated funds to make this a campus-based program.

SECTION III: PROPOSED CHANGES

The proposed changes are summarized below:

*Add language which specifies the terms under which a school/nursing program can participate in the prenursing grant program. This addition is to clarify the process by which schools and nursing programs can participate in this program.

*Add language which explains the allocation amount to be received by schools/ nursing programs if the estimated need for funds is less than the calculated allocation amount. This addition is to avoid confusion relating to the allocation process by schools or nursing programs.

*Add language that outlines the responsibilities of the school/nursing program in the administration of the prenursing grant program. This is to avoid misunderstandings regarding the program requirements as they pertain to

the participating school or nursing program.

*Add language specifying the formula that will be used for allocating funds to schools/nursing programs for renewal awards to avoid confusion and to ensure equitable treatment of program applicants no matter which school/program the student attends.

*Add language to explain the prioritization process that will be followed in the allocation formula if the appropriated funds for this program are insufficient to fund all renewal applicants. This explanation is for clarification of the statutory requirement in MN Statutes 136A.1352, subd. 3.

*Add language explaining how the "appropriation balance" is determined. This explanation is for clarity and to avoid confusion.

*Add language specifying the formula that will be used for allocating funds to schools/nursing programs for initial program applicants to avoid confusion and to ensure equitable treatment of program applicants no matter which school/nursing program the student attends.

*Add language to explain the prioritization process that will be followed in the allocation formula if the appropriated funds for this program are insufficient to fund all initial program applicants. This explanation is for clarification of the statutory requirement in MN Statutes 136A.1352, subd. 3.

*Add language specifying the reporting requirements for a school/nursing program in order to receive funds for initial applicant awards. This addition is to clarify the reporting requirements, to avoid confusion, and to provide for efficient program operations.

*Add language to explain the consequences of a school/nursing program not providing the executive director with information necessary to perform the second allocation calculation for initial program applicants. This addition is to make sure that schools/nursing programs understand the importance of providing the requested information on a timely basis.

*Add language specifying the formula that will be used to reallocate funds to schools/nursing programs. This addition is for clarity and to ensure equitable treatment of all student applicants.

*Add language that explains how the school/nursing program must handle program monies and what procedures should be followed if a student withdraws or does not enroll. This clarifies what a school or nursing program must do if either of those situations arises to avoid confusion and ensure efficient use of program funds.

*Add language to explain how a school/nursing program should handle funds that are not used. This subpart is to ensure that program funds are used efficiently in order to award as many eligible students as possible during the academic year.

*Add language to specify what information schools/nursing programs will be expected to provide the executive director in order to monitor recipient

service status. This addition is to avoid confusion and provide efficiency in monitoring program participants.

*Delete some of the categories for classification of applicants. If program funds are allocated to the schools/nursing programs, some of the categories or portions of categories are no longer needed or appropriate for individual student award purposes.

*Add language clarifying the statutory language which requires that recipients have no previous nursing training or education. This statutory requirement applies to initial, not renewal, applicants. The addition is to avoid confusion by the schools/nursing programs in the awarding process and to ensure that all applicants are uniformly treated no matter which school/nursing program the student attends.

*Add language that the school/nursing program rather than the executive director is responsible for awarding students in the order specified if funds are insufficient to award all applicants. This will ensure the statutory prioritization of the awarding process.

*Add language specifying how a transfer student should be handled in the awarding process if the student had received a prenursing grant at another school/nursing program. This addition is for clarity and to ensure the equitable treatment of students receiving awards from this program.

*Add language to clarify that students are not eligible for a prenursing grant awards if they are not eligible for a Pell or state grant. This addition for clarity and to ensure equitable treatment of all applicants.

*Add language outlining the procedures to be followed when disbursing awards to students and the order in which grant monies are to be applied to the student's educational costs. This ensures uniformity in the disbursement process and the application of grant monies to students' educational costs.

*Add language specifying the minimum award amount to avoid confusion and ensure equitable treatment of all students.

*Add language outlining the procedures to be followed by the school/nursing program in cases where adjustments to prenursing grant awards are necessary. This provides administrative consistency of program operations.

*Add language specifying when the program participant should notify the school/nursing program of a change of address, and when the executive director should be notified. This addition is to avoid confusion and efficient monitoring of students and their service commitments.

*Add language indicating the types of data the school/nursing program must collect from eligible applicants to ensure consistency in the reporting requirements for this program. Also, add language specifying end of the year reporting requirements for schools and nursing programs to avoid confusion and to ensure that all reporting and refund requirements are met in a timely manner.

*The two sections 4830.8560 and 4830.8580 are repealed because they are not appropriate if the program is campus-based. Appropriate language pertinent to program operation has been added to take the place of these two sections.

SECTION IV: PART-BY-PART EXPLANATION

This section provides an explanation for each proposed change to the rules relating to the prenursing grant program.

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

4830.8535 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Participation by schools and programs.** This subpart is added to the rules to clarify the process by which schools/nursing programs become eligible to participate and receive program allocations. This is consistent with administrative requirements for other campus-based programs administered by the Board.

Subp. 2. **Modification of allocations.** This subpart explains the procedure that will be followed if the requested amount allocation by a school/nursing program is less than the amount calculated under the allocation formula. The language is meant to prevent confusion and provide consistent treatment of schools and programs in the allocation process.

Subp. 3. **Responsibility.** This subpart is added to outline the responsibilities of schools/nursing programs to avoid confusion and to provide consistent program administration and application of program requirements.

Subp. 4. **Renewal award allocation formula.** This subpart explains the formula that will be used to allocate program monies to schools/nursing programs that have renewal students for the prenursing grant program to ensure equitable treatment of students regardless of which school/program of nursing they attend.

Subp. 5. **Prorating, reports, refunds, renewals, excess funds.** This subpart explains the procedure that will be followed, as required by MN Statutes (136A.1352, Subd. 3) if appropriated monies are insufficient to fund all eligible renewal students. This subpart includes the procedures that will be followed if schools/nursing programs do not submit the necessary information to the executive director by the specified deadline date, and explains how the schools/nursing programs should handle any excess renewal funds received through the allocation process. This subpart is for clarity and to provide consistency in the treatment of program funds by schools/nursing programs.

Subp. 6. **Appropriation balance.** This subpart is added to clarify how program funds are allocated once the allocations for renewal students have been calculated by the executive director. This subpart is meant to avoid confusion and ensure the integrity of the use of program funds.

Subp. 7. **Initial award allocation formula.** This subpart describes the allocation formula that will be used by the executive director to allocate the balance of appropriated funds to schools/nursing programs with eligible program applicants. The addition of this subpart is to avoid confusion and ensure that eligible initial applicants are treated equitably.

Subp. 8. **Priority for proration, second allocation.** This subpart explains

the procedure that will be followed, as required by MN Statutes (136A.1352, Subd. 3) if appropriated monies are insufficient to fund all eligible initial applicants. This subpart includes the procedures that will be followed if schools/nursing programs submit the necessary information to the executive director by the specified deadline date. This subpart is for clarity and consistency in the allocation process.

Subp. 9. **Applicant information data.** This subpart explains the information schools/nursing programs are required to provide the executive director to calculate program allocations for initial applicants. This subpart is added to avoid confusion and to ensure efficiency in the collection of information necessary to perform the second allocation calculation.

Subp. 10. **Consequences of failure to report.** This subpart is included to explain the consequences of the schools/nursing programs not providing necessary information for the second allocation calculation in a timely manner. This is necessary in order to provide timely awards to students and to avoid misunderstandings between schools/nursing programs and the executive director.

Subp. 11. **Reallocation.** This subpart indicates the formula that will be used to reallocate additional funds to schools/nursing programs after the academic year has started to cover initial applicants that may have applied late or students who are eligible for additional funds due to changes in their Pell or state grant awards. This added language is meant to clarify the reallocation process to avoid confusion and provide consistency in program operations.

Subp. 12. **Accountability.** This subpart explains the accountability for program funds that a school/nursing program assumes if it participates in the prenursing grant program. This language is meant to provide guidance to the school/nursing program should a prenursing grant recipient withdraw or not enroll. This ensures the equitable and consistent treatment of students and program funds should such situations arise.

Subp. 13. **Unused funds.** This subpart is added to ensure that allocated funds to schools/nursing programs are being utilized, and to provide procedures that should be followed in order to get unused monies back to the Board for reallocation to schools/nursing programs that need additional monies to award eligible students. This language is meant to ensure the most efficient use of limited program funds for student award purposes.

Subp. 14. **Monitoring recipient service status.** This subpart explains the responsibility of the schools/nursing programs in assisting the executive director in the process of monitoring prenursing grant recipients once they have received nursing licensure in regard to the fulfillment of the service agreement in a designated rural area which is a prerequisite for receiving an award from this program. Under that agreement the recipients agree to serve 3 of the first 5 years after licensure in a designated rural area. In order for the Board to monitor the success of this program in getting nurses to serve in such areas, the status of the program recipients must be monitored. The executive director will need to work with the schools/nursing programs in order to initially set up the monitoring process for each recipient. The language specifies the type of information the Board expects the schools/nursing programs to provide in

order to monitor prenursing grant recipients. This language is meant to avoid confusion and ensure efficient monitoring procedures.

4830.8540. RANKING APPLICANTS.

Subpart 1. **Classification of applicants.** The deleted language in this subpart is not needed since the program monies will be allocated to eligible schools/nursing programs that wish to participate. The schools/nursing programs will either be located within or outside the seven-county metro area, therefore reducing the number of classification levels necessary to cover renewal and initial applicants.

Subp. 1a. **Order; previous enrollees.** Language in this subpart is added to clarify the order in which applicants are to be awarded and to specify the statutory requirement that initial awardees cannot have been enrolled or completed any previous nursing training or education. There has been some confusion on this requirement, and the added language is meant to avoid future confusion by schools/nursing programs making prenursing grant awards to eligible students.

Subp. 3. **Insufficient funds.** The language in this subpart is modified to reflect the change in the awarding process from the executive director to the schools/nursing programs. This language outlines the awarding procedure that schools/nursing programs must follow if there are insufficient funds available to award all eligible applicants. This language is meant to ensure equitable and uniform treatment of all grant applicants.

Subp. 4. **Transfer student.** This language is meant to cover the situation when a recipient of a prenursing grant transfers from one participating school or nursing program to another. While a prenursing grant is renewable, if a student transfer to a school/nursing program that has awarded all available program monies for the academic year, this language is meant to explain the process the school/nursing program to which the student transferred should follow to award funds to this student. The school/nursing program can request additional funds from the Board through the reallocation process, but the renewal transfer student must be given priority over students applying for awards for the first time. The procedure outlined in this subpart is meant to ensure that eligible renewal recipients are given award preference if they continue to demonstrate financial need.

4830.8550 AWARDS.

Subpart 1. **Award calculation.** The word change in this subpart is made for procedural and grammatical correctness.

Subp. 2. **Application of award and disbursement.** The language in this subpart specifies how a prenursing grant award is to be disbursed, and the order in which the award should be applied to the student's educational costs. This language is meant to clarify the disbursement and awarding process for schools/nursing programs and provides consistent treatment of students regardless of which school/nursing program thet attend.

Subp. 3. **Minimum award.** The additions in this subpart are meant to clarify the minimum award amount for the schools/nursing programs to ensure that all schools/nursing programs award students equitably and uniformly. It should avoid misinterpretation of the minimum award amount.

Subp. 4. **Adjustments to awards.** The language in this subpart explains the actions a school/nursing program must take if it is necessary to adjust a student's prenursing grant award. This is to ensure uniform administrative procedures are followed by the school/nursing program if award adjustments are necessary.

4830.8570 **RECIPIENT RESPONSIBILITIES**

Subpart 1. **Change of address.** The language change in this subpart is made to reflect the prenursing grant program becoming campus-based. The school/nursing program is now the source that the prenursing grant recipient should contact with an address change during the period of enrollment. Once the recipient graduates or terminates enrollment, the executive director must start the monitoring process, so address changes must be reported to the Board. This is to ensure that schools/nursing programs receive updated addresses from recipients while in school, and that the Board receives such information once the recipient graduates or terminates enrollment in order to provide efficient program operation and the necessary information to monitor recipient status.

Subp. 2. **Service status verification.** The language change is for grammatical purposes.

4830.8575 **REPORTS BY SCHOOLS OR NURSING PROGRAMS.** This section is added to explain the types of data schools/nursing programs are required to collect and report to the executive director. It also explains the action that will be taken by the executive director if a school/nursing program fails to meet the reporting requirements by the deadline date. This language is an attempt to clarify the reporting requirements to provide efficient program administration and reporting procedures.

4830.8560 and 4830.8580 are repealed because these sections are not appropriate for campus-based program operation. Any elements included in these two sections that are pertinent and necessary to campus-based program operation have been incorporated into the rule changes outlined above.

Nursing Grant

CHECK LIST: PERMANENT RULES WITHOUT A PUBLIC HEARING Revised 12/16/91

DATE	DOCUMENT	NOTES
—	(B) Notice of Intent to Solicit Outside Opinion (optional)	—
5/21/92	(C) Authorizing Resolution (Board)	
5/13/92	(D) Copy of Proposed rule with certificate of approval as to form by the Revisor of Statutes (Revisor)	
5/21/92	(E) Notice of Intent to Adopt a Rule without a public hearing (Exec. Dir.)	
5/27/92	(F) Statement of Need & Reasonableness (MLD)	Copy to LCAAR → 6/2/92
6/4/92	(G) Affidavit of mailing the Notice of Intent to adopt a rule w/o a public hearing/ Certif. of Mailing List (MLD)	
6/8/92	Date of publication of Notice of Intent to adopt rule w/o public hearing in the State Register	Errata published 6/22/92 because cited MN Statutes 136A.04 as 316A.04
OK 6/8/92	(H) Photocopy of Notice of Intent from State Register	OK
7/8/92	End of 30 day comment period	
7/13/92	(I) Affidavit Regarding Comments Received (MLD)	OK -
7/13/92	(J) 4 copies of rule as adopted (revisor)	
7/20/92	(K) Resolution Adopting the Rule (Board)	
7/20/92	(L) Findings of fact, conclusion, and Order (Executive Director)	
none	(M) Written requests, comments, submissions	One oral comment by phone by Board of Nursing staff
8/24/92	Forwarding of all documents to agency legal counsel for Declaration of Counsel	
	(N) Declaration of agency legal counsel	
**	(O) Notice of submission of rule to AG	
**	(P) Affidavit of mailing notice of submission of rule to AG	

** This is not necessary unless requested by commentors.

Problem - OAL - 9-1-92

AVK 8/31/92

RULE REVIEW CHECKLIST

File No. 1945
DATE RECEIVED 8-27-92
REVIEW DATE ~~9-2-92~~ 9-8-92
DUE DATE 9-10-92
(DIS)APPROVED 9-8-92
WITHDRAWN

Docket No. 05 0009 0448
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 8/31/92
REVISOR (DIS)APPROVED 9-2-92
FILED W/SEC. OF STATE 9/8/92
RETURNED TO AGENCY 9/9/92 (dated 9/8/92)

✓ 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
May 21, 1992 Date adopted

✓ Proposed Rule
Revisor's Certificate

✓ Notice of Intent to Adopt Rule
~~June 4, 1992~~ Statutory Authority - 18B.08 + 18C.205 - Errata corrected cit. June 22, 1992
No statement Small Business Statement
Expenditure of public money statement
May 21, 1992 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
June 4, 1992 Dated 30/25 days before adoption
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
June 8, 1992 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
August 20, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
August 20, 1992 Date - still cited the wrong authority

NA Written Requests, Submissions or Comments

✓ Declaration of Attorney
Nancy Joyer Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

Office of the Attorney General

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

DATE : September 8, 1992

FROM : AMY V. KVALSETH AVK
Special Assistant
Attorney General

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Education; Postsecondary Grants To Prenursing Students

The above-referenced rule has been approved as to its legality by the Attorney General on September 8, 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.

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

AVK:jj.rules.ba6

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Education; Postsecondary Grants To Prenursing Students

Rules as Adopted

4830.8510 SCOPE.

Parts 4830.8510 to 4830.8575 apply to the program of state grants for prenursing students.

4830.8535 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Participation by schools and programs.** A school or nursing program that desires prenursing grant funds must sign an institutional participation agreement with the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. establish procedures for students to apply for and receive grants;

B. consider the likelihood of a student's success in completing the nursing educational program and the likelihood that the student will serve in a designated rural area;

~~C. verify that the student does not have a baccalaureate degree or has not been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent;~~

~~D.~~ give priority to students with the greatest financial need; and

~~E.~~ D. assist the executive director in monitoring recipient service status.

Subp. 4. **Renewal award allocation formula.** The executive director shall calculate an allocation for renewal awards at eligible schools and nursing programs based on prior year

Approved by Revisor

information submitted by schools or nursing programs on the Prenursing Grant Final Report. The following formula will be used:

A. for schools and nursing programs located outside the seven county metropolitan area, the sum of each school's or nursing program's total prior year grant awards for current academic year renewal students multiplied by at least 100 percent; plus

B. for schools and nursing programs located within the seven county metropolitan area, the sum of each school's or nursing program's total prior year prenursing grant awards for current academic year renewal students multiplied by at least 100 percent.

Subp. 5. **Prorating, reports, refunds, renewals, excess funds.** If insufficient funds are available to allocate funds to all schools and nursing programs with renewal students, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area when prorating the available funds.

Schools or nursing programs with final reports correctly completed and submitted to the executive director with any applicable refunds by the first working day after August 9 will be informed in writing by the executive director of their allocations for renewal awards by the first working day after August 30. The executive director shall withhold a school's or nursing program's allocation for renewal awards if the reporting deadline date is not met.

Funds not needed for renewal awards may be used by the school or nursing program for initial awards to eligible students.

Subp. 6. **Appropriation balance.** The annual prenursing grant appropriation minus the sum of subpart 4, items A and B, equals the appropriation balance. The appropriation balance will be allocated to schools and nursing programs as specified in subpart 7.

Subp. 7. **Initial award allocation formula.** A second

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allocation will be made to schools and nursing programs to make awards for initial prenursing grant applicants using the following formula:

A. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing in designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent; plus

B. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent.

Subp. 8. **Priority for proration, second allocation.** If insufficient funds are available to allocate funds to all schools or nursing programs, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area with prenursing grant applicants who reside within designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529.

The executive director shall notify all participating schools and nursing programs in writing of their second allocation amount by September 30 if the school or nursing program has provided the information specified in subpart 9 by the first working day after September 9.

Subp. 9. **Applicant information data.** By August 15 each year, the executive director will provide each school or nursing program with a prenursing grant applicant data form to be completed and submitted to the executive director no later than the first working day after September 9. Schools or nursing

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programs that wish to be included in the second allocation calculation specified in subpart 7 must provide the following information on the data form provided by the executive director by the specified deadline date.

The following information for the current academic year will be requested on the data form:

A. the number of applications received from eligible initial prenursing grant applicants who reside in designated rural areas, as defined by the board;

B. the number of applications received from eligible initial prenursing grant applicants who reside outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529;

C. the estimated amount of prenursing grant funds needed to award applicants in item A; and

D. the estimated amount of prenursing grant funds needed to award applicants in item B.

Subp. 10. **Consequences of failure to report.** Failure to correctly complete and submit the requested information to the executive director by the first working day after September 9 will result in the failure of the school or nursing program to be included in the initial award allocation calculation.

Subp. 11. **Reallocation.** If funds are available, the executive director shall reallocate funds to schools or nursing programs requesting additional prenursing grant funds according to the formula in subpart 7.

Subp. 12. **Accountability.** Each participating school and nursing program is accountable for any money disbursed to students for prenursing grants. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 13. **Unused funds.** When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director

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shall reallocate unused funds to schools or nursing programs that desire additional funds.

Subp. 14. **Monitoring recipient service status.** A participating school or nursing program must assist the executive director in monitoring the service status of each prenursing grant recipient to determine whether the recipient is fulfilling the service requirement specified in part 4830.8520. The recipient must provide written documentation annually to the executive director regarding current status as a nurse in a designated rural area. The school or nursing program must provide the executive director with each recipient's most current permanent address and telephone number on record at the school or nursing program upon graduation or termination of enrollment. Upon request of the executive director, the school or nursing program must also provide the name, address, and telephone number for at least two persons listed on the recipient's prenursing grant application as references.

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;

B. renewal applicant not residing in a designated rural area;

C. initial applicant residing in a designated rural area, and has not previously been enrolled in any nursing program or coursework; and

D. initial applicant not residing in a designated rural area, and has not previously been enrolled in any nursing program or coursework.

Subp. 1a. **Order; previous enrollees.** Applicants will be awarded in the order of the classifications listed in subpart 1. Initial applicants who have been previously enrolled in a nursing program or who have completed some nursing coursework are not eligible.

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

Subp. 3. **Insufficient funds.** If insufficient funds are available to meet the needs of all eligible applicants, the school or nursing program shall make awards to applicants in the order specified in subparts 1, 1a, and 2.

Subp. 4. **Transfer student.** A student who received a prenursing grant at one school or nursing program and transfers to another school or nursing program must be considered a renewal applicant for ranking purposes at the school or nursing program to which the student transferred. The student must continue to demonstrate financial need and complete the application process. If no funds are available at the time the student transfers, the school or nursing program must give priority to the renewal transfer student over an initial applicant if funds become available.

4830.8550 AWARDS.

Subpart 1. **Award calculation.** 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 students. If the student is not eligible for a Pell grant or state grant for the current academic year, the student is not eligible for a prenursing grant award.

Subp. 2. **Application of award and disbursement.** A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school or nursing program 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.

Subp. 3. **Minimum award.** The minimum award amount for full-time attendance is $100 per academic year.

Subp. 4. **Adjustments to awards.** If a recipient's award

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amount decreases because of an adjustment in the student's Pell grant or state grant award, the prenursing grant award must be reduced. If a recipient's award amount increases because of an adjustment in the student's Pell grant or state grant award, the prenursing grant award must be increased, if funds are available.

4830.8570 RECIPIENT RESPONSIBILITIES.

Subpart 1. **Change of address.** Until graduation or termination of enrollment, the recipient must notify the school or nursing program in writing of a change of address within 30 days of the change. From the time of graduation or termination of enrollment until five years after the nursing license is received, the recipient must notify the executive director in writing of a change in address within 30 days of the change.

Subp. 2. **Service status verification.** Each year for up to five years after a 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.

4830.8575 REPORTS BY SCHOOLS OR NURSING PROGRAMS.

The school or nursing program must collect demographic and program activity data as specified by the executive director. The school or nursing program shall provide the executive director with individual student data upon request.

End of year program activity and student data reports are required by the executive director. The school or nursing program must correctly complete and submit those reports and any applicable refunds to the executive director no later than the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

REPEALER. Minnesota Rules, parts 4830.8560 and 4830.8580, are repealed.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

9- 8 1992

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Amy V. Kvalseth
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

SEP 8 1992

Joan Anderson Growe
Secretary of State

3:50 PM
PKB

CERTIFICATE OF AUTHORIZING RESOLUTION

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

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 21st day of May, 1992, 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 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 rules governing the Prenursing Grant Program, Minn. Rules Parts 4830.8510-4830.8575, 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 thereto, 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 21st day of May, 1992.

Duane C. Scribner

President of the Board

Minnesota Department of Health any known or suspected communicable disease.

2945.5470 SEPARATION OF PRISONERS SUSPECTED OF HAVING A COMMUNICABLE DISEASE (MANDATORY).

Prisoners suspected of having a communicable disease must be separated from other prisoners.

2945.5480 MENTALLY ILL PRISONERS.

A policy must be developed for the management of mentally ill prisoners and include a procedure for managing prisoners who are suspected of being mentally ill and considered to be a danger to self or others.

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Subpart 1. **General.** The facility must be kept in good repair to protect the health, comfort, safety, and well-being of prisoners and staff.

Subp. 2. **Maintenance plan.** The person responsible for plant maintenance, housekeeping, and sanitation must develop a written maintenance plan.

Subp. 3. **Compliance with rules (mandatory).** Housekeeping, sanitation, water supplies, plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions must comply with rules required by the Minnesota State Building Code, the Minnesota Fire Marshal's Office, the Minnesota Department of Health, the Minnesota Department of Labor and Industry (O.S.H.A.), and other departmental rules having the force of law.

Subp. 4. **Plan for daily inspection.** The facility administrator must establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance when the facility is occupied.

Subp. 5. **Policies and procedures to detect deterioration of building and equipment.** The facility administrator must develop policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions.

Subp. 6. **Reporting of unsanitary and unsafe conditions (mandatory).** Facility staff must report to the facility administrator any unsanitary and unsafe conditions as well as physical plant and equipment repairs or replacement needs.

Subp. 7. **Priority of work requests.** The facility must have a process for prioritizing work requests and reporting to the governing body in an expedient manner.

Subp. 8. **Records of repair.** The facility must have a records system for review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders, and completion of requests.

Subp. 9. **Elimination of conditions conducive to vermin (mandatory).** A condition in the facility conducive to harborage or breeding of insects, rodents, or other vermin must be eliminated immediately.

Subp. 10. **Fire inspection (mandatory).** Fire inspections of the facility must be conducted on an annual basis by a state fire marshal or local fire official. Documentation of the inspection and any resulting orders must be maintained and available for inspection by the regulatory authority. Failure to comply with fire safety requirements will result in a denial of approval to continue facility operations.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Education; Postsecondary Grants to Prenursing Students

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).

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 July 8, 1992 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: 21 May 1992

David R. Powers
Executive Director

Rules as Proposed

4830.8510 SCOPE.

Parts 4830.8510 to ~~4830.8580~~ 4830.8575 apply to the program of state grants for prenursing students.

4830.8535 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Participation by schools and programs.** A school or nursing program that desires prenursing grant funds must sign an institutional participation agreement with the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. establish procedures for students to apply for and receive grants;

B. consider the likelihood of a student's success in completing the nursing educational program and the likelihood that the student will serve in a designated rural area;

C. verify that the student does not have a baccalaureate degree or has not been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent;

D. give priority to students with the greatest financial need; and

E. assist the executive director in monitoring recipient service status.

Subp. 4. **Renewal award allocation formula.** The executive director shall calculate an allocation for renewal awards at eligible schools and nursing programs based on prior year information submitted by schools or nursing programs on the Prenursing Grant Final Report. The following formula will be used:

A. for schools and nursing programs located outside the seven county metropolitan area, the sum of each school's or nursing program's total prior year grant awards for current academic year renewal students multiplied by at least 100 percent; plus

B. for schools and nursing programs located within the seven county metropolitan area, the sum of each school's or nursing program's total prior year prenursing grant awards for current academic year renewal students multiplied by at least 100 percent.

Subp. 5. **Prorating, reports, refunds, renewals, excess funds.** If insufficient funds are available to allocate funds to all schools and nursing programs with renewal students, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area when prorating the available funds.

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.

Schools or nursing programs with final reports correctly completed and submitted to the executive director with any applicable refunds by the first working day after August 9 will be informed in writing by the executive director of their allocations for renewal awards by the first working day after August 30. The executive director shall withhold a school's or nursing program's allocation for renewal awards if the reporting deadline date is not met.

Funds not needed for renewal awards may be used by the school or nursing program for initial awards to eligible students.

Subp. 6. **Appropriation balance.** The annual prenursing grant appropriation minus the sum of subpart 4, items A and B, equals the appropriation balance. The appropriation balance will be allocated to schools and nursing programs as specified in subpart 7.

Subp. 7. **Initial award allocation formula.** A second allocation will be made to schools and nursing programs to make awards for initial prenursing grant applicants using the following formula:

A. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing in designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent; plus

B. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent.

Subp. 8. **Priority for proration, second allocation.** If insufficient funds are available to allocate funds to all schools or nursing programs, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area with prenursing grant applicants who reside within designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529.

The executive director shall notify all participating schools and nursing programs in writing of their second allocation amount by September 30 if the school or nursing program has provided the information specified in subpart 9 by the first working day after September 9.

Subp. 9. **Applicant information data.** By August 15 each year, the executive director will provide each school or nursing program with a prenursing grant applicant data form to be completed and submitted to the executive director no later than the first working day after September 9. Schools or nursing programs that wish to be included in the second allocation calculation specified in subpart 7 must provide the following information on the data form provided by the executive director by the specified deadline date.

The following information for the current academic year will be requested on the data form:

A. the number of applications received from eligible initial prenursing grant applicants who reside in designated rural areas, as defined by the board;

B. the number of applications received from eligible initial prenursing grant applicants who reside outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529;

C. the estimated amount of prenursing grant funds needed to award applicants in item A; and

D. the estimated amount of prenursing grant funds needed to award applicants in item B.

Subp. 10. **Consequences of failure to report.** Failure to correctly complete and submit the requested information to the executive director by the first working day after September 9 will result in the failure of the school or nursing program to be included in the initial award allocation calculation.

Subp. 11. **Reallocation.** If funds are available, the executive director shall reallocate funds to schools or nursing programs requesting additional prenursing grant funds according to the formula in subpart 7.

Subp. 12. **Accountability.** Each participating school and nursing program is accountable for any money disbursed to students for prenursing grants. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 13. **Unused funds.** When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director shall reallocate unused funds to schools or nursing programs that desire additional funds.

Subp. 14. **Monitoring recipient service status.** A participating school or nursing program must assist the executive director in monitoring the service status of each prenursing grant recipient to determine whether the recipient is fulfilling the service requirement specified in part 4830.8520. The recipient must provide written documentation annually to the executive director regarding current status as a nurse in a designated rural area. The school or nursing program must provide the executive director with each recipient's

most current permanent address and telephone number on record at the school or nursing program upon graduation or termination of enrollment. Upon request of the executive director, the school or nursing program must also provide the name, address, and telephone number for at least two persons listed on the recipient's prenursing grant application as references.

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.~~ C. 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; and

~~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.~~ D. 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.~~

Subp. 1a. **Order; previous enrollees.** Applicants will be awarded in the order of the classifications listed ~~above~~ in subpart 1. Initial applicants who have been previously enrolled in a nursing program or who have completed some nursing coursework are not eligible.

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

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

Subp. 4. **Transfer student.** A student who received a prenursing grant at one school or nursing program and transfers to another school or nursing program must be considered a renewal applicant for ranking purposes at the school or nursing program to which the student transferred. The student must continue to demonstrate financial need and complete the application process. If no funds are available at the time the student transfers, the school or nursing program must give priority to the renewal transfer student over an initial applicant if funds become available.

4830.8550 AWARDS.

Subpart 1. **Award calculation.** 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~~ students. If the student is not eligible for a Pell grant or state grant for the current academic year, the student is not eligible for a prenursing grant award.

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.

Subp. 2. **Application of award and disbursement.** A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school or nursing program 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.

Subp. 3. **Minimum award.** The minimum award amount for full-time attendance is $100 per academic year.

Subp. 4. **Adjustments to awards.** If a recipient's award amount decreases because of an adjustment in the student's Pell grant or state grant award, the prenursing grant award must be reduced. If a recipient's award amount increases because of an adjustment in the student's Pell grant or state grant award, the prenursing grant award must be increased, if funds are available.

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~~ Until graduation or termination of enrollment, the recipient must notify the ~~executive director~~ school or nursing program in writing of a change of address within 30 days of the change. From the time of graduation or termination of enrollment until five years after the nursing license is received, the recipient must notify the executive director in writing of a change in address within 30 days of the change.

Subp. 2. **Service status verification.** Each year for up to five years after ~~the~~ a 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.

4830.8575 REPORTS BY SCHOOLS OR NURSING PROGRAMS.

The school or nursing program must collect demographic and program activity data as specified by the executive director. The school or nursing program shall provide the executive director with individual student data upon request.

End of year program activity and student data reports are required by the executive director. The school or nursing program must correctly complete and submit those reports and any applicable refunds to the executive director no later than the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

REPEALER. *Minnesota Rules*, parts 4830.8560 and 4830.8580, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Agriculture

Adopted Permanent Rules Relating to Rural Finance Authority Agricultural Development Bond Beginning Farmer Loan Program

NOTE: In accordance with *Minnesota Statutes*, chapter 41C.13, the Minnesota Rural Finance Authority has developed rules for the administration of the Minnesota Agricultural Development Act. The Authority is exempt from rule-making requirements under chapter 14, but is publishing the following rules for informational purposes. These rules specifically relate to administration of the Authority's Aggie Bond Program, a cooperative opportunity for the state to utilize a federal program to assist beginning farmers to purchase agricultural land, agricultural improvements, and depreciable agricultural property.

Additional information on the Aggie Bond Program may be obtained from the Minnesota Rural Finance Authority, 90 W. Plato Blvd., St. Paul, MN 55107, 612-297-3557.

Dated: 13 May 1992

Elton Redalen
Commissioner of Agriculture

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Education; Postsecondary Grants To Prenursing Students

Rules as Proposed

4830.8510 SCOPE.

Parts 4830.8510 to ~~4830.8500~~ 4830.8575 apply to the program of state grants for prenursing students.

4830.8535 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Participation by schools and programs.** A school or nursing program that desires prenursing grant funds must sign an institutional participation agreement with the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. establish procedures for students to apply for and receive grants;

B. consider the likelihood of a student's success in completing the nursing educational program and the likelihood that the student will serve in a designated rural area;

C. verify that the student does not have a baccalaureate degree or has not been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent;

D. give priority to students with the greatest financial need; and

E. assist the executive director in monitoring recipient service status.

Subp. 4. **Renewal award allocation formula.** The executive director shall calculate an allocation for renewal awards at eligible schools and nursing programs based on prior year

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information submitted by schools or nursing programs on the Prenursing Grant Final Report. The following formula will be used:

A. for schools and nursing programs located outside the seven county metropolitan area, the sum of each school's or nursing program's total prior year grant awards for current academic year renewal students multiplied by at least 100 percent; plus

B. for schools and nursing programs located within the seven county metropolitan area, the sum of each school's or nursing program's total prior year prenursing grant awards for current academic year renewal students multiplied by at least 100 percent.

Subp. 5. **Prorating, reports, refunds, renewals, excess funds.** If insufficient funds are available to allocate funds to all schools and nursing programs with renewal students, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area when prorating the available funds.

Schools or nursing programs with final reports correctly completed and submitted to the executive director with any applicable refunds by the first working day after August 9 will be informed in writing by the executive director of their allocations for renewal awards by the first working day after August 30. The executive director shall withhold a school's or nursing program's allocation for renewal awards if the reporting deadline date is not met.

Funds not needed for renewal awards may be used by the school or nursing program for initial awards to eligible students.

Subp. 6. **Appropriation balance.** The annual prenursing grant appropriation minus the sum of subpart 4, items A and B, equals the appropriation balance. The appropriation balance will be allocated to schools and nursing programs as specified in subpart 7.

Subp. 7. **Initial award allocation formula.** A second

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by Revisor _____

allocation will be made to schools and nursing programs to make awards for initial prenursing grant applicants using the following formula:

A. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing in designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent; plus

B. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent.

Subp. 8. **Priority for proration, second allocation.** If insufficient funds are available to allocate funds to all schools or nursing programs, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area with prenursing grant applicants who reside within designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529.

The executive director shall notify all participating schools and nursing programs in writing of their second allocation amount by September 30 if the school or nursing program has provided the information specified in subpart 9 by the first working day after September 9.

Subp. 9. **Applicant information data.** By August 15 each year, the executive director will provide each school or nursing program with a prenursing grant applicant data form to be completed and submitted to the executive director no later than the first working day after September 9. Schools or nursing

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programs that wish to be included in the second allocation calculation specified in subpart 7 must provide the following information on the data form provided by the executive director by the specified deadline date.

The following information for the current academic year will be requested on the data form:

A. the number of applications received from eligible initial prenursing grant applicants who reside in designated rural areas, as defined by the board;

B. the number of applications received from eligible initial prenursing grant applicants who reside outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529;

C. the estimated amount of prenursing grant funds needed to award applicants in item A; and

D. the estimated amount of prenursing grant funds needed to award applicants in item B.

Subp. 10. **Consequences of failure to report.** Failure to correctly complete and submit the requested information to the executive director by the first working day after September 9 will result in the failure of the school or nursing program to be included in the initial award allocation calculation.

Subp. 11. **Reallocation.** If funds are available, the executive director shall reallocate funds to schools or nursing programs requesting additional prenursing grant funds according to the formula in subpart 7.

Subp. 12. **Accountability.** Each participating school and nursing program is accountable for any money disbursed to students for prenursing grants. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 13. **Unused funds.** When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director

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shall reallocate unused funds to schools or nursing programs that desire additional funds.

Subp. 14. **Monitoring recipient service status.** A participating school or nursing program must assist the executive director in monitoring the service status of each prenursing grant recipient to determine whether the recipient is fulfilling the service requirement specified in part 4830.8520. The recipient must provide written documentation annually to the executive director regarding current status as a nurse in a designated rural area. The school or nursing program must provide the executive director with each recipient's most current permanent address and telephone number on record at the school or nursing program upon graduation or termination of enrollment. Upon request of the executive director, the school or nursing program must also provide the name, address, and telephone number for at least two persons listed on the recipient's prenursing grant application as references.

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.~~ C. initial applicant residing in a designated rural area ~~attending an eligible postsecondary institution outside the seven-county metropolitan area~~, and has not

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previously been enrolled in any nursing program or coursework; and

~~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.~~ D. 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.~~

Subp. 1a. **Order; previous enrollees.** Applicants will be awarded in the order of the classifications listed ~~above~~ in subpart 1. Initial applicants who have been previously enrolled in a nursing program or who have completed some nursing

Approved by Revisor _____

coursework are not eligible.

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

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

Subp. 4. **Transfer student.** A student who received a prenursing grant at one school or nursing program and transfers to another school or nursing program must be considered a renewal applicant for ranking purposes at the school or nursing program to which the student transferred. The student must continue to demonstrate financial need and complete the application process. If no funds are available at the time the student transfers, the school or nursing program must give priority to the renewal transfer student over an initial applicant if funds become available.

4830.8550 AWARDS.

Subpart 1. **Award calculation.** 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~~ students. If the student is not eligible for a Pell grant or state grant for the current academic year, the student is not eligible for a prenursing grant award.

Subp. 2. **Application of award and disbursement.** A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school or nursing program 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.

Subp. 3. **Minimum award.** The minimum award amount for

Approved
by Revisor _____

full-time attendance is $100 per academic year.

Subp. 4. **Adjustments to awards.** If a recipient's award amount decreases because of an adjustment in the student's Pell grant or state grant award, the prenursing grant award must be reduced. If a recipient's award amount increases because of an adjustment in the student's Pell grant or state grant award, the prenursing grant award must be increased, if funds are available.

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~~ Until graduation or termination of enrollment, the recipient must notify the ~~executive director~~ school or nursing program in writing of a change of address within 30 days of the change. From the time of graduation or termination of enrollment until five years after the nursing license is received, the recipient must notify the executive director in writing of a change in address within 30 days of the change.

Subp. 2. **Service status verification.** Each year for up to five years after ~~the~~ a 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.

4830.8575 REPORTS BY SCHOOLS OR NURSING PROGRAMS.

The school or nursing program must collect demographic and program activity data as specified by the executive director. The school or nursing program shall provide the executive director with individual student data upon request.

End of year program activity and student data reports are required by the executive director. The school or nursing program must correctly complete and submit those reports and any applicable refunds to the executive director no later than the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until

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by Revisor _____

reporting requirements are fully met.

REPEALER. Minnesota Rules, parts 4830.8560 and 4830.8580, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Education; Postsecondary Grants to Prenursing Students

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

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Postsecondary Grants to Prensuring Students, Minn. Rules Parts 4830.8510-4830.8575

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 June, 1992.

That on the 4th day of June, 1992, 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 June, 1992.

Katherine A Fisch
Notary Public

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

Errata

Agriculture Department

Agronomy Services Division

Correction in Notice of Intent to Adopt Rules Without a Public Hearing for Rules Governing Chemigation

The above-mentioned notice, published in the *State Register*, Volume 16, Number 50, page 2654, on June 8, 1992, incorrectly states the statutory authority to adopt the rule as *Minnesota Statutes*, section 18C.575. The correct statutory authority to adopt the rule is *Minnesota Statutes*, sections 18B.08 and 18C.205.

Gambling Control Board

Notice of Error in Gambling Control Board Rules Published March 23, 1992 Volume 16, pages 2116-2124

Part 7861.0120, subpart 5, was incorrectly published on page 2121 as:

Subp. 5. **Expenditures.** The following items apply to expenditures of gambling funds:

B. Allowable expenses:

(2) An organization may not spend gambling gross profits for:

~~(a)~~ advertising.

~~(b) Legal fees or damages that relate to the conduct of lawful gambling incurred in defending the organization against the board, the attorney general, the United States attorney, the commissioner of revenue, or a county or city attorney.~~

Part 7861.0120, subpart 5, should read:

Subp. 5. **Expenditures**. The following items apply to expenditures of gambling funds:

B. Allowable expenses:

~~2. An organization may not spend gambling gross profits for:~~

~~(a) advertising.~~

~~(b) Legal fees or damages that relate to the conduct of lawful gambling incurred in defending the organization against the board, the attorney general, the United States attorney, the commissioner of revenue, or a county or city attorney.~~

~~(3)~~ (2) Percentage of profit to be used for allowable expenses:

(a) Not more than 60 percent of the gross profit, less the tax imposed by *Minnesota Statutes*, section 349.212, subdivision 1, from bingo, and not more than 50 percent of the gross profit may be expended for allowable expenses related to lawful gambling.

(b) Compliance with the maximum percentage of profits expended for allowable expenses must be determined on an annual basis for the organization as a whole. Compliance is not determined by each premises.

Higher Education Coordinating Board

Corrected Proposed Permanent Rules Relating to Education; Postsecondary Grants to Prenursing Students

Notice of Correction to Proposed Rule Published June 8, 1992; Change is Underlined

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).

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 July 8, 1992 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: 21 May 1992

David R. Powers
Executive Director

Official Notices

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

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

Commerce Department

Petroleum Tank Release Compensation Fund

Effective August 1, 1992 all consultants and contractors must register with the Petrofund Board in order to participate in the Petroleum Tank Release Cleanup Program.

The registration form has been approved by the Petrofund Board and notices have been mailed to the list of contractors and consultants on file with the Minnesota Pollution Control Agency.

There is no charge for the registration process and forms are available from the Commerce Department. To obtain a registration form or additional information you may contact (612) 297-4203 or (612) 297-1119.

Higher Education Coordinating Board

Notice of Public Hearing Regarding Issuance of Said Board's Supplemental Student Loan Program Variable Rate Revenue Bonds, Series 1992

The Minnesota Higher Education Coordinating Board ("MHECB") will hold a public hearing at 2:00 p.m. in Suite 400, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota on Tuesday the 7th day of July, 1992, on issuance of Supplemental Student Loan Program Variable Rate Revenue Bonds, Series 1990 (the "Bonds"). The Bonds are being issued for the purpose of making loans

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rules Governing Prenursing Grant Program, Minn. Rules Parts 4810.8510-4830.8575

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. 2674, June 8, 1992) 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 July 8, 1992.

3. That during the public comment period no written comments were received by the Board. One oral comment was received by the Board.

Mary Lou Dresbach
MARY LOU DRESBACH

Subscribed and sworn to before me
this 13th day of July, 1992.

Katherine A. Fisch
Notary Public

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

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Rules Governing Prenursing
Grant Program, Minn. Rules
Parts 4830.8510-4830.8575

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). ~~Errors cite changed at with Errata~~ these cites are correct

(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 July 8, 1992 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. (7) 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:

(5)

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.

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.

May 21, 1992
DATE

DAVID R. POWERS
Executive Director

STATE OF MINNESOTA
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Rules Governing Prenursing
Grant Program, Minn. Rules
Parts 4830.8510-4830.8575

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 July 8, 1992 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.

*NOTE: THIS NOTICE WILL APPEAR IN THE 6/8/92 ISSUE OF THE STATE REGISTER.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Education; Postsecondary Grants To Prenursing Students

Rules as Proposed

4830.8510 SCOPE.

Parts 4830.8510 to ~~4830.8580~~ 4830.8575 apply to the program of state grants for prenursing students.

4830.8535 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Participation by schools and programs.** A school or nursing program that desires prenursing grant funds must sign an institutional participation agreement with the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. establish procedures for students to apply for and receive grants;

B. consider the likelihood of a student's success in completing the nursing educational program and the likelihood that the student will serve in a designated rural area;

C. verify that the student does not have a baccalaureate degree or has not been enrolled on a full-time basis for eight semesters, 12 quarters, or the equivalent;

D. give priority to students with the greatest financial need; and

E. assist the executive director in monitoring recipient service status.

Subp. 4. **Renewal award allocation formula.** The executive director shall calculate an allocation for renewal awards at eligible schools and nursing programs based on prior year

Approved by Revisor

allocation will be made to schools and nursing programs to make awards for initial prenursing grant applicants using the following formula:

A. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing in designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent; plus

B. each school's or nursing program's number of eligible initial prenursing grant applicants for the current academic year residing outside designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529, multiplied by the prior year average award amount for prenursing grant recipients from the postsecondary system applicable to the school or nursing program, multiplied by at least 100 percent.

Subp. 8. **Priority for proration, second allocation.** If insufficient funds are available to allocate funds to all schools or nursing programs, the executive director shall give priority to schools or nursing programs located outside the seven county metropolitan area with prenursing grant applicants who reside within designated rural areas, as defined in part 4830.0100, subpart 3a, as proposed at 16 SR 1529.

The executive director shall notify all participating schools and nursing programs in writing of their second allocation amount by September 30 if the school or nursing program has provided the information specified in subpart 9 by the first working day after September 9.

Subp. 9. **Applicant information data.** By August 15 each year, the executive director will provide each school or nursing program with a prenursing grant applicant data form to be completed and submitted to the executive director no later than the first working day after September 9. Schools or nursing

Approved by Revisor _____

shall reallocate unused funds to schools or nursing programs that desire additional funds.

Subp. 14. **Monitoring recipient service status.** A participating school or nursing program must assist the executive director in monitoring the service status of each prenursing grant recipient to determine whether the recipient is fulfilling the service requirement specified in part 4830.8520. The recipient must provide written documentation annually to the executive director regarding current status as a nurse in a designated rural area. The school or nursing program must provide the executive director with each recipient's most current permanent address and telephone number on record at the school or nursing program upon graduation or termination of enrollment. Upon request of the executive director, the school or nursing program must also provide the name, address, and telephone number for at least two persons listed on the recipient's prenursing grant application as references.

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~~ C. initial applicant residing in a designated rural area ~~attending an eligible postsecondary institution outside the seven-county metropolitan area~~, and has not

Approved by Revisor _____

coursework are not eligible.

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

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

Subp. 4. **Transfer student.** A student who received a prenursing grant at one school or nursing program and transfers to another school or nursing program must be considered a renewal applicant for ranking purposes at the school or nursing program to which the student transferred. The student must continue to demonstrate financial need and complete the application process. If no funds are available at the time the student transfers, the school or nursing program must give priority to the renewal transfer student over an initial applicant if funds become available.

4830.8550 AWARDS.

Subpart 1. **Award calculation.** 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~~ students. If the student is not eligible for a Pell grant or state grant for the current academic year, the student is not eligible for a prenursing grant award.

Subp. 2. **Application of award and disbursement.** A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school or nursing program 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.

Subp. 3. **Minimum award.** The minimum award amount for

Approved by Revisor _____

reporting requirements are fully met.

REPEALER. Minnesota Rules, parts 4830.8560 and 4830.8580, are repealed.

Approved
by Revisor _____

STATE OF MINNESOTA

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rule Governing the Prenursing Grant Program, Minn. Rules Parts 4830.8510-4830.8575

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 20th day of August, 1992. 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 intent to adopt the above-entitled rule without a public hearing was published in the State Register on June 8, 1992, and was sent by mail to all persons on the list maintained by the Board pursuant to Minn. Statutes 14.14, subd. 1a and 14.22 on June 4, 1992.

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 July 8, 1992.

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. One oral comment was received.

7. The Board finds that one modification to the proposed rules is justified by the record in this proceeding as follows:

4830.8535, Subp. 3, Item C: Delete this item to expand the student population eligible to receive funds from this program. The goal of this program is to encourage individuals to serve as nurses in rural Minnesota. Based upon the oral comment received from an individual at the Minnesota Nurses Association, the intent of this program could be better served if individuals

who already have a baccalaureate degree in another field could receive funding from this program to pursue a career change and serve in rural Minnesota as a nurse upon completion of their educational programs. This change is not a substantive change because it expands student eligibility for funds within the statutes governing this program.

8. The Board adopts the Statement 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, except as modified in Finding No. 7 above.

(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.

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change in the proposed rules.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Minn. Rules pts. 4830.8510-4830.8575 governing the Prenursing Grant Program is adopted pursuant to the authority vested in the Minnesota Higher Education Coordinating Board by Minn. Statutes 136A.04, subd. 1(9), and 136A.16 (1990).

(7)

DAVID R. POWERS
Executive Director
Minnesota Higher Education
Coordinating Board

RECEIVED
AUG 2[illegible] 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
[illegible] MN [illegible]

CERTIFICATE OF RESOLUTION ADOPTING RULES

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 20th day of August, 1992, 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 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 requires the Board to make in order to obtain the Revisor's Certificate as required by Minn Statutes 14.20 (1990).
>
> 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 20th day of August, 1992.

Duane C. Scribner

President of the Board

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed
Rules Governing Prenursing
Grants Program,
Minn. Rules Parts 4830.8510-4830.8575

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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