

CHAPTER 136A

HIGHER EDUCATION COORDINATING BOARD;
FACILITIES AUTHORITY

136A.04	Duties.	136A.1351	Repealed.
136A.044	Repealed.	136A.1352	Prenursing grants.
136A.101	Definitions.	136A.1353	Nursing grant program for registered nurses.
136A.121	Grants.	136A.1355	Rural physician education account.
136A.125	Child care grants.	136A.162	Classification of data.
136A.1311	Cash flow.	136A.233	Work-study grants.
136A.132	Part-time student grant program.		

136A.04 DUTIES.

Subdivision 1. The higher education coordinating board shall:

(1) continuously study and analyze all phases and aspects of higher education, both public and private, and develop necessary plans and programs to meet present and future needs of the people of the state;

(2) continuously engage in long-range planning for the needs of higher education and, if necessary, cooperatively engage in planning with neighboring states and agencies of the federal government;

(3) act as successor to any committee or commission previously authorized to engage in exercising any of the powers and duties prescribed by sections 136A.01 to 136A.07;

(4) review, approve or disapprove, and identify priorities with respect to all proposals for new, additional, or changes in existing programs of instruction to be established in or offered by public post-secondary institutions and private post-secondary institutions. The board shall also periodically review existing programs. For public post-secondary institutions, the board shall approve or disapprove continuation or modification of existing programs. For private post-secondary institutions, the board shall recommend continuation or modification of existing programs.

Before a public post-secondary program can be offered at a site other than that for which it was approved originally, the program must be resubmitted for approval. When reviewing a program, the board shall consider whether it is unnecessary, a needless duplication, beyond the capability of the system or institution considering its resources, or beyond the scope of the system or institutional mission;

(5) review, approve or disapprove, and identify priorities with respect to all proposals for new, additional, or changes in existing large-scale or permanent sites of instruction to be established in or offered by public post-secondary institutions. The board shall forward its decisions on sites to the chairs of the house appropriations and senate finance committees. Private post-secondary institutions must give reasonable notice to the board prior to making binding decisions to establish a site or center, and are requested to participate in this site approval process. When reviewing a site, the board shall consider whether it is unnecessary, a needless duplication, beyond the capability of the system or institution considering its resources, or beyond the scope of the system or institutional mission;

(6) obtain from private post-secondary institutions receiving state funds a report on their use of those funds;

(7) coordinate the development and implementation of transfer agreements by the systems that ensure the transferability of credits between Minnesota post-secondary institutions, earned for equal and relevant work at those institutions, the degree to which credits earned at one institution are accepted at full value by the other institutions, and the policies of these institutions concerning the placement of these transferred credits on transcripts; and

(8) prescribe policies, procedures, and rules necessary to administer the programs under its supervision.

[For text of subd 2, see M.S.1990]

History: 1991 c 356 art 2 s 4

136A.044 [Repealed, 1991 c 265 art 11 s 26]

136A.101 DEFINITIONS.

[For text of subds 1 to 5, see M.S.1990]

Subd. 7. Until June 30, 1993, "student" means a person who is enrolled at least half time in a program or course of study that applies to a degree, diploma, or certificate, except that for purposes of section 136A.132, student may include a person enrolled for at least three credits per quarter or semester, or the equivalent, but less than half time.

Beginning July 1, 1993, "student" means a person who is enrolled for at least three credits per quarter or semester, or the equivalent, in a program or course of study that applies to a degree, diploma, or certificate.

Subd. 7a. "Full time" means enrollment in a minimum of 15 credits per quarter or semester, or the equivalent.

Subd. 7b. "Half time" means enrollment in a minimum of eight credits per quarter or semester, or the equivalent.

Subd. 8. "Resident student" means a student who meets one of the following conditions:

(1) an independent student who has resided in Minnesota for purposes other than post-secondary education for at least 12 months;

(2) a dependent student whose parent or legal guardian resides in Minnesota at the time the student applies;

(3) a student who graduated from a Minnesota high school, unless the student is a resident of a bordering state attending a Minnesota high school; or

(4) a student who, after residing in the state for a minimum of one year, earned a high school equivalency certificate in Minnesota.

[For text of subd 9, see M.S.1990]

Subd. 10. "Satisfactory academic progress" means that at the end of a student's second academic year of attendance at an institution:

(1) The student has at least a cumulative grade point average of C or its equivalent, or academic standing consistent with its graduation requirements; or

(2) The student's failure to have at least a cumulative grade point average of C or its equivalent, or academic standing consistent with its graduation requirements, was caused by (a) the death of a relative of the student; (b) an injury or illness of the student; or (c) other special circumstances.

History: 1991 c 356 art 8 s 1-5

NOTE: Subdivisions 7, as amended, and 7a and 7b, as added by Laws 1991, chapter 356, article 8, sections 1 to 3, are effective July 1, 1992. See Laws 1991, chapter 356, article 8, section 25.

136A.121 GRANTS.

Subd. 2. **Eligibility for grants.** An applicant is eligible to be considered for a grant, regardless of the applicant's sex, creed, race, color, national origin, or ancestry, under sections 136A.095 to 136A.131 if the board finds that the applicant:

(1) is a resident of the state of Minnesota;

(2) is a graduate of a secondary school or its equivalent, or is 17 years of age or over, and has met all requirements for admission as a student to an eligible college or technical college of choice as defined in sections 136A.095 to 136A.131;

(3) has met the financial need criteria established in Minnesota Rules;

(4) is not in default, as defined by the board, of any federal or state student educational loan; and

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

The director and the commissioner of human services shall develop procedures to implement clause (5).

[For text of subs 3 and 5, see M.S.1990]

Subd. 6. Cost of attendance. The cost of attendance consists of allowances specified by the board for room and board and miscellaneous expenses, and

(1) for public institutions, tuition and fees charged by the institution; or

(2) for private institutions, an allowance for tuition and fees equal to the lesser of the actual tuition and fees charged by the institution, or the instructional costs per full-year equivalent student in comparable public institutions.

For students attending less than full time, the board shall prorate the cost of attendance.

[For text of subs 7 to 10, see M.S.1990]

Subd. 11. Renewal conditions. Each grant is renewable, contingent on continued residency in Minnesota, satisfactory academic progress, recommendation of the eligible institution currently attended, and evidence of continued need.

[For text of subs 12 and 13, see M.S.1990]

Subd. 16. How applied; order. Grants awarded under this section and sections 136A.132 to 136A.1354 must be applied to educational costs in the following order: tuition, fees, books, supplies, and other expenses. Unpaid portions of the awards revert to the grant account.

[For text of subd 17, see M.S.1990]

History: 1991 c 292 art 5 s 2; 1991 c 356 art 8 s 6-8

NOTE: Subdivision 6, as amended by Laws 1991, chapter 356, article 8, section 6, is effective July 1, 1992. See Laws 1991, chapter 356, article 8, section 25.

136A.125 CHILD CARE GRANTS.

[For text of subd 1, see M.S.1990]

Subd. 2. Eligible students. An applicant is eligible for a child care grant if the applicant:

(1) is a resident of the state of Minnesota;

(2) has a child 12 years of age or younger, or 14 years of age or younger who is handicapped as defined in section 120.03, and who is receiving or will receive care on a regular basis from a licensed or legal, nonlicensed caregiver;

(3) is within the sliding fee scale income guidelines set under section 256H.10, subdivision 2, as determined by a standardized financial aid needs analysis in accordance with the board's policies and rules, but is not a recipient of aid to families with dependent children;

(4) has not earned a baccalaureate degree and has been enrolled full time less than eight semesters, 12 quarters, or the equivalent;

(5) is pursuing a nonsectarian program or course of study that applies to an undergraduate degree, diploma, or certificate;

(6) is enrolled at least half time in an eligible institution; and

(7) is in good academic standing and making satisfactory academic progress.

Subd. 3. Eligible institution. A Minnesota public post-secondary institution or a private, baccalaureate degree granting college or university located in Minnesota is eligible to receive child care funds from the board and disburse them to eligible students.

Subd. 4. Amount and length of grants. The amount of a child care grant must be based on:

- (1) the financial need of the applicant;
- (2) the number of the applicant's children; and
- (3) the cost of the child care,

as determined by the institution in accordance with board policies and rules. The amount of the grant must cover the cost of child care for all eligible children for the full number of hours of education per week and may cover up to 20 hours per week of employment for which child care is needed. The grant must be awarded for one academic year. The minimum financial stipend is \$100.

Subd. 4a. Rates charged. Child care providers may not charge students receiving grants under this section a rate that is higher than the rate charged to private paying clients.

[For text of subd 5, see M.S.1990]

Subd. 6. Yearly allocations to institutions. The board shall base yearly allocations on the need for funds using relevant factors as determined by the board in consultation with the institutions. Up to five percent of the allocation, as determined by the board, may be used for an institution's administrative expenses related to the child care grant program. Any money designated, but not used, for this purpose must be reallocated to child care grants.

[For text of subds 7 to 9, see M.S.1990]

History: 1991 c 356 art 8 s 9-13

136A.1311 CASH FLOW.

The higher education coordinating board may ask the commissioner of finance to lend general fund money to the grant account to ease cash flow difficulties. The higher education coordinating board must first certify to the commissioner that there will be adequate refunds to the account to repay the loan. The commissioner shall use the refunds to make repayment to the general fund of the full amount loaned. Money necessary to meet cash flow difficulties in the state grant program is appropriated to the commissioner of finance for loans to the higher education coordinating board.

History: 1991 c 356 art 8 s 14

136A.132 PART-TIME STUDENT GRANT PROGRAM.

[For text of subds 1 and 2, see M.S.1990]

Subd. 3. Student eligibility. An applicant is eligible to be considered for a part-time student grant if the applicant:

- (1) is a resident of the state of Minnesota;
- (2) is an undergraduate student who has not earned a baccalaureate degree;
- (3) is pursuing a program or course of study that applies to a degree, diploma, or certificate;
- (4) is attending an eligible institution either less than half time or as a new or returning student enrolled at least half time but less than full time; and
- (5) is not in default, as defined by the board, of any federal or state student educational loan.

[For text of subd 4, see M.S.1990]

Subd. 5. **Amount.** The amount of any part-time student grant award must be based on the need of the applicant determined by the institution in accordance with policies and rules established by the higher education coordinating board. The minimum financial stipend is \$100.

Subd. 6. **Length of award.** Part-time student grants must be awarded for a single term as defined by the institution in accordance with guidelines and policies of the higher education coordinating board. Awards are not renewable, but the recipient of an award may apply for additional awards for subsequent terms contingent on continued eligibility, need, and satisfactory academic progress.

A new or returning student enrolled at least half time but less than full time and pursuing a program or course of study that applies to a degree, diploma, or certificate is eligible for an award for only one term.

[For text of subd 7, see M.S.1990]

History: 1991 c 356 art 8 s 1517

NOTE: This section is repealed by Laws 1991, chapter 356, article 8, section 24, effective July 1, 1993. See Laws 1991, chapter 356, article 8, section 25.

NOTE: Subdivision 3, as amended by Laws 1991, chapter 356, article 8, section 15, is effective July 1, 1992. See Laws 1991, chapter 356, article 8, section 25.

136A.1351 [Repealed, 1990 c 591 art 4 s 9; 1991 c 356 art 8 s 24]

136A.1352 PRENURSING GRANTS.

Subdivision 1. **Establishment.** The higher education coordinating board shall provide grants to students who are entering or enrolled in registered nurse or licensed practical nurse programs, who have no previous nursing training or education, and who agree to practice in a designated rural area, as defined by the board.

[For text of subs 2 to 4, see M.S.1990]

History: 1991 c 356 art 8 s 18

136A.1353 NURSING GRANT PROGRAM FOR REGISTERED NURSES.

[For text of subs 1 to 3, see M.S.1990]

Subd. 4. **Responsibilities of the higher education coordinating board.** The higher education coordinating board shall distribute funds each year to the schools, colleges, or programs of nursing applying to participate in the nursing grant program based on the last academic year's enrollment of students in educational programs that would lead to licensure as a registered nurse. Money not used by a recipient nursing program must be returned to the higher education coordinating board for redistribution under this section. The board shall establish an application process for interested schools, colleges, or programs of nursing. Initial applications are due by January 1, 1991, and by January 1 of each later year. By March 1, 1991, and by March 1 of each later year, the board shall notify each applicant school, college, or program of nursing of its approximate allocation of funds in order to allow the school, college, or program to determine the number of students that can be supported by the allocation. The board shall distribute funds to the schools, colleges, or programs of nursing by August 1, 1991, and by August 1 of each later year.

[For text of subd 5, see M.S.1990]

History: 1991 c 356 art 8 s 19

136A.1355 RURAL PHYSICIAN EDUCATION ACCOUNT.

Subdivision 1. **Creation of account.** A rural physician education account is established. The higher education coordinating board shall use money from the account to establish a loan forgiveness program for medical students agreeing to practice in designated rural areas, as defined by the board.

[For text of subs 2 to 4, see M.S.1990]

History: 1991 c 356 art 8 s 20

136A.162 CLASSIFICATION OF DATA.

All data on applicants for financial assistance collected and used by the higher education coordinating board for student financial aid programs administered by that board shall be classified as private data on individuals under section 13.02, subdivision 12. Exceptions to this classification are that:

(a) the names and addresses of program recipients or participants are public data;
 (b) data on applicants may be disclosed to the commissioner of human services to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5); and

(c) the following data collected in the Minnesota supplemental loan program under section 136A.1701 may be disclosed to a consumer credit reporting agency only if the borrower and the cosigner give informed consent, according to section 13.05, subdivision 4, at the time of application for a loan:

- (1) the lender-assigned borrower identification number;
- (2) the name and address of borrower;
- (3) the name and address of cosigner;
- (4) the date the account is opened;
- (5) the outstanding account balance;
- (6) the dollar amount past due;
- (7) the number of payments past due;
- (8) the number of late payments in previous 12 months;
- (9) the type of account;
- (10) the responsibility for the account; and
- (11) the status or remarks code.

History: 1991 c 292 art 5 s 3

136A.233 WORK-STUDY GRANTS.

[For text of subs 1 and 2, see M.S.1990]

Subd. 3. Payments. Work-study payments shall be made to eligible students by post-secondary institutions as provided in this subdivision.

(a) Students shall be selected for participation in the program by the post-secondary institution on the basis of student financial need.

(b) No eligible student shall be employed under the state work-study program while not a full-time student; provided, with the approval of the institution, a full-time student who becomes a part-time student during an academic year may continue to be employed under the state work-study program for the remainder of the academic year.

(c) Students will be paid for hours actually worked and the maximum hourly rate of pay shall not exceed the maximum hourly rate of pay permitted under the federal college work-study program.

(d) Minimum pay rates will be determined by an applicable federal or state law.

(e) An eligible employer shall pay at least 30 percent of the student's compensation.

(f) Each post-secondary institution receiving money for state work-study grants shall make a reasonable effort to place work-study students in employment with eligible employers outside the institution.

(g) The percent of the institution's work-study allocation provided to graduate students shall not exceed the percent of graduate student enrollment at the participating institution.

History: 1991 c 356 art 8 s 21