

CHAPTER 136A

MINNESOTA HIGHER EDUCATION BOARDS AND AGENCIES

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136A.02 MEMBERSHIP; OFFICERS; ADVISORY COMMITTEES.

[For text of subds 1 to 5, see M.S.1986]

Subd. 6. A higher education advisory council is established. The council is composed of the president of the University of Minnesota, the chancellor of the state universities, the chancellor of the community colleges, the state director of vocational technical education, the commissioner of education, the president of the private college council, and a representative from the Minnesota association of private post-secondary schools. The advisory council shall (1) bring to the attention of the board any matters that the council deems necessary, (2) make appropriate recommendations, (3) review and comment upon proposals and other matters before the board, and (4) provide other assistance to the board. The board shall periodically inform the council of matters under consideration by the board. The board shall refer all proposals to the council before submitting recommendations to the governor and the legislature. The board shall provide time for a report from the advisory council at each meeting of the board.

The council shall report to the board at least quarterly. The council shall determine its meeting times, but it shall also meet within 30 days after a request by the executive director of the board.

[For text of subd 7, see M.S.1986]

History: 1987 c 401 s 12

136A.04 DUTIES.

Subdivision 1. The higher education coordinating board shall:

(a) 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;

(b) 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;

(c) 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;

(d) Review, approve or disapprove, make recommendations, and identify priorities with respect to all proposals for new or additional programs of instruction or substantial changes in existing programs to be established in or offered by, the University of Minnesota, the state universities, the community colleges, area vocational technical institutes, and private collegiate and noncollegiate post-secondary institutions. The board shall also periodically review existing programs and recommend discontinuing or modifying any existing program. When reviewing new or existing programs, the board shall consider whether the program is unnecessary, a needless duplication of existing programs, beyond the capability of the system or institution considering its resources, or beyond the scope of the system or institutional mission;

(e) Develop in cooperation with the post-secondary systems, house appropriations committee, senate finance committee, and the departments of administration and finance, a compatible budgetary reporting format designed to provide data of a nature to facilitate systematic review of the budget submissions of the University of Minnesota, the state university system, the community college system, and the area vocational technical schools, which includes the relating of dollars to program output;

(f) Review budget requests, including plans for construction or acquisition of facilities, of the University of Minnesota, the state universities, the community colleges, and area vocational technical schools for the purpose of relating present resources and higher educational programs to the state's present and long-range needs; and conduct a continuous analysis of the financing of post-secondary institutions and systems, including the assessments as to the extent to which the expenditures and accomplishments are consistent with legislative intent;

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

(h) Continuously monitor and study the transferability between Minnesota post-secondary and higher education institutions of credits 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.

Subd. 2. The higher education coordinating board shall review and make recommendations regarding a plan or proposal for a new or additional program of instruction or a substantial change in an existing program of instruction to be offered by an area vocational technical institute within 45 days of the transmission of approval of the plan or proposal to the higher education coordinating board by the state board for vocational education. The higher education coordinating board shall then transmit a written explanation of its recommendations within five days of board action to the director of the applying area vocational technical institute and to the commissioner of education.

History: 1987 c 384 art 2 s 37; 1987 c 401 s 13

136A.05 COOPERATION OF INSTITUTIONS OF HIGHER EDUCATION.

All public institutions of higher education and all state departments and agencies shall cooperate with and supply information requested by the higher education coordinating board in order to enable it to carry out and perform its duties. Private post-secondary institutions are requested to cooperate and provide information.

History: 1987 c 401 s 14

136A.06 FEDERAL FUNDS.

The higher education coordinating board is designated the state agency to apply for, receive, accept, and disburse to both public and private institutions of higher education all federal funds which are allocated to the state of Minnesota to support higher education programs, construction, or other activities and which require administration by a state higher education agency under the Higher Education Facilities Act of 1963, and any amendments thereof, the Higher Education Act of 1965, and any amendments thereof, and any other law which provides funds for higher education and requires administration by a state higher education agency as enacted or may be enacted by the Congress of the United States; provided that no commitment shall be made that shall bind the legislature to make appropriations beyond current allocations of funds. The board may apply for, receive, accept, and disburse all administrative funds available to the board for administering federal funds to support higher education programs, construction, or other activities. The board also may apply for, receive, accept, and disburse any research, planning, or program funds which are available for purposes consistent with the provisions of this chapter. In making application for and administering federal funds the board may comply with any and all requirements of federal law and federal rules and regulations to enable it to receive and accept such

funds. The expenditure of any such funds received shall be governed by the laws of the state, except insofar as federal regulations may otherwise provide. The board may contract with both public and private institutions in administering federal funds, and such contracts shall not be subject to the provisions of chapter 16B. All such money received by the board shall be deposited in the state treasury and are hereby appropriated to it annually for the purpose for which such funds are received. None of such moneys shall cancel but shall be available until expended.

History: 1987 c 384 art 1 s 16

136A.101 DEFINITIONS.

[For text of subds 1 to 8, see M.S.1986]

Subd. 9. **Independent student.** "Independent student" has the meaning given it in the Higher Education Act of 1965, United States Code, title 20, section 1070a-6, and applicable regulations.

History: 1987 c 401 s 15

136A.111 POWERS AND DUTIES OF BOARD.

[For text of subds 1 to 5, see M.S.1986]

Subd. 6. The board shall inform students, in writing, as part of the application process for financial aid, about the definition of and appeals to the financial aid administrator relating to the independent student status declaration.

History: 1987 c 401 s 16

136A.121 SCHOLARSHIPS AND GRANTS-IN-AID.

[For text of subds 1 to 3, see M.S.1986]

Subd. 4. **Scholarship stipends.** An eligible scholarship applicant shall be considered for a financial stipend if the applicant demonstrates financial need. The amount of a financial stipend must not exceed a scholarship applicant's cost of attendance, as defined in subdivision 6, after deducting the following:

- (a) a contribution by the scholarship applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;
- (b) for an applicant who is not an independent student, a contribution by the scholarship applicant's parents, as determined by a standardized need analysis; and
- (c) the amount of a federal Pell grant award for which the scholarship applicant is eligible.

The minimum financial stipend is \$100.

Subd. 5. **Grants-in-aid stipends.** A financial stipend based on financial need must accompany grants-in-aid. The amount of a financial stipend must not exceed a grant applicant's cost of attendance, as defined in subdivision 6, after deducting the following:

- (a) a contribution by the grant applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing;
- (b) for an applicant who is not an independent student, a contribution by the grant applicant's parents, as determined by a standardized need analysis; and
- (c) the amount of a federal Pell grant award for which the grant applicant is eligible.

The minimum financial stipend is \$100.

[For text of subds 6 to 16, see M.S.1986]

History: 1987 c 401 s 17, 18

136A.132 PART-TIME STUDENT GRANT-IN-AID PROGRAM.*[For text of subds 1 and 2, see M.S.1986]*

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

- (a) is a resident of the state of Minnesota;
- (b) is an undergraduate student who has not earned a baccalaureate degree;
- (c) is pursuing a program or course of study that applies to a degree, diploma, or certificate; and
- (d) is attending an eligible institution either less than half time as defined by the board, or as a new or returning student enrolled at least half time but less than full time as defined by the board.

[For text of subds 4 and 5, see M.S.1986]

Subd. 6. Part-time student grants-in-aid shall be awarded for a single term as defined by the institution in accordance with guidelines and policies of the higher education coordinating board. Awards shall not be renewable but the recipient of an award may apply for additional awards for subsequent terms.

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

Subd. 7. Funds appropriated for part-time student grants-in-aid shall be allocated among eligible institutions by the higher education coordinating board according to a formula which takes into account the number of resident part-time students enrolled in each institution and other relevant factors determined by the board. However, an institution must not receive less than it would have received under the allocation formula used before fiscal year 1988.

History: 1987 c 401 s 19-21

136A.134 GRANTS TO DISLOCATED RURAL WORKERS.

Subdivision 1. **Establishment of program.** The higher education coordinating board shall develop policies and procedures to administer a dislocated rural worker grant program and to allocate program money to eligible institutions and shall supervise the operation of the program.

Subd. 2. **Eligible institutions.** For purposes of this section, "eligible institution" has the meaning given it in section 136A.101.

Subd. 3. **Applicants.** An applicant may be considered for a dislocated rural worker grant if the applicant:

- (1) is a resident of rural Minnesota;
- (2) is enrolled in an adult farm management program or a program designed to provide preparation for available employment within the local labor market or in an area to which the individual is willing to relocate;
- (3) has met the financial need criteria established by the board; and
- (4) can demonstrate that one of the following criteria has been met:
 - (i) the applicant or applicant's spouse has been separated from employment or has received a notice of separation from employment as a result of job obsolescence, plant shutdown, regional decline in the applicant's customary occupation, or industry slow-down, and the applicant or the applicant's spouse is unlikely to return to work for that employer or in that occupation within 12 months following separation from employment;
 - (ii) the applicant is a displaced homemaker; or
 - (iii) the applicant or the applicant's spouse is a farmer who can demonstrate severe household financial need.

Subd. 4. **Program recipients.** An eligible institution shall select a recipient of a dislocated rural worker grant in accordance with guidelines, policies, and rules established by the board. The board may adopt emergency rules for awarding grants only for the fiscal year beginning July 1, 1987.

Subd. 5. **Program coordination; information.** The board shall develop and provide information to dislocated workers in rural areas about post-secondary education opportunities and student financial aid programs. The board shall also provide for the coordination of dislocated rural worker grants with other available student financial aid programs. Dislocated rural worker grants must be awarded in a manner that maximizes the use of existing federal and state student financial aid programs.

History: 1987 c 386 art 10 s 6

136A.233 WORK-STUDY GRANTS.

Subdivision 1. Notwithstanding the provisions of sections 136A.09 to 136A.131, the higher education coordinating board may offer work-study grants to eligible post-secondary institutions according to the resident full-time equivalent enrollment of all eligible post-secondary institutions that apply to participate in the program. The board shall seek to equalize work-study job opportunities by also taking into account student employment needs at eligible institutions. Each institution wishing to receive a work-study grant shall submit to the board in accordance with policies and procedures established by the board an estimate of the amount of funds needed by the institution and the amount allocated to any institution shall not exceed the estimate of need submitted by the institution. Any funds which would be allocated to an institution according to full-time equivalent enrollment but which exceed the estimate of need by the institution or the actual need of the institution may be reallocated by the board to other institutions for which the estimate of need exceeds the amount of allocation according to enrollment. The institution must not receive less than it would have received under the allocation formula used before fiscal year 1988. No more than one-half of any increase in appropriations, attributable to this section, above the level before fiscal year 1988 may be allocated on the basis of identified student employment needs at eligible institutions.

Subd. 2. For purposes of sections 136A.231 to 136A.235, the following words have the meanings ascribed to them:

(a) "Eligible student" means a Minnesota resident enrolled or intending to enroll full time in a Minnesota post-secondary institution. A Minnesota resident includes a student who graduated from a Minnesota high school and has not since established residence in another state.

(b) "Financial need" means the need for financial assistance in order to attend a post-secondary institution as determined by a post-secondary institution according to guidelines established by the higher education coordinating board.

(c) "Eligible employer" means any eligible post-secondary institution and any nonprofit, nonsectarian agency or state institution located in the state of Minnesota, including state hospitals, and also includes a handicapped person or a person over 65 who employs a student to provide personal services in or about the residence of the handicapped person or the person over 65.

(d) "Eligible post-secondary institution" means any post-secondary institution eligible for participation in the Minnesota state scholarship and grant program as specified in section 136A.101, subdivision 4.

(e) "Independent student" has the meaning given it in the Higher Education Act of 1965, United States Code, title 20, section 1070a-6, and applicable regulations.

[For text of subd 3, see M.S.1986]

History: 1987 c 401 s 22,23

136A.85 POST-HIGH SCHOOL PLANNING PROGRAM.

The higher education coordinating board shall establish a voluntary post-high school planning program for all secondary students in grades eight through 12, and adults. The program must be a statewide education and career guidance, testing, information and planning program designed to:

- (1) enable students and adults to consider the full range of available post-secondary opportunities;
- (2) encourage early and systematic planning for education and careers by students and adults;
- (3) encourage students and adults to acquire the academic skills to prepare them for a wide range of post-secondary programs;
- (4) increase completion of post-secondary education by helping students and adults enroll in appropriate institutions and programs;
- (5) consolidate and make more efficient the testing procedures used to advise, admit, and place students and adults in post-secondary programs;
- (6) assist high school, college and vocational institute counselors in their work with students and adults;
- (7) assist Minnesota colleges and vocational institutes to identify students and adults for whose talents, interests and needs they have appropriate programs;
- (8) assist colleges and scholarship agencies to select from applicants those who show the most promise of benefiting from particular programs;
- (9) provide educators, state planners, and policy makers a continuous inventory of the talents, plans, needs and other characteristics of students and adults in individual educational institutions, in educational systems, and in the state as a whole; and
- (10) assist educators, state planners and policy makers to develop improved educational measures and counseling tools.

History: 1987 c 401 s 24

136A.86 DUTIES OF THE BOARD.

Subdivision 1. The board shall establish an advisory task force to make recommendations to the board on program goals, policies, selection of tests, and coordination of tests administered by the program and post-secondary institutes. The task force shall study and make recommendations about a variety of methods that could be used throughout the community to provide assistance to adults considering post-secondary education. Membership on the advisory task force shall include, but not be limited to, representatives of: the state university system, the university of Minnesota, the state community college system, the area vocational technical institute system, the Minnesota private college council, the Minnesota association of private post-secondary schools, the Minnesota school boards association, the Minnesota association of secondary school principals, the Minnesota school counselors association, the Minnesota department of education, a minimum of one secondary and one post-secondary education student, and other representatives who have knowledge of and interest in post-secondary education for adults. The expiration of this advisory task force and the terms, compensation, and removal of its members shall be as provided in section 15.059, subdivision 6.

Subd. 2. The board shall at least biennially review and evaluate the program and report to the governor and legislature the program status and the board's recommendations for legislation to improve the program.

[For text of subds 3 and 4, see M.S.1986]

History: 1987 c 401 s 25,26

136A.87 ASPECTS OF THE PROGRAM.

Subdivision 1. **Assessment instruments and questionnaires.** The program shall

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provide for administration of education and career assessment instruments and questionnaires to residents in grades eight through 12, and to adults. The board shall determine the instruments and questionnaires that are appropriate to serve the purposes of sections 136A.85 to 136A.88.

Subd. 2. High school assessments. The program shall provide for administration of educational measurement instruments and questionnaires to high school students before their senior year. At least the following may be included:

- (1) an aptitude assessment for students anticipating entry to collegiate programs;
- (2) an inventory of interests, career directions, background information, and education plans; and
- (3) a preliminary mathematics placement test to aid in future course selections, and, as determined appropriate by the board, preliminary placement tests in other subjects.

Subd. 3. Providing information. The board shall make available to all residents from eighth grade through adulthood information about planning and preparing for post-secondary opportunities. Information must be provided to all eighth grade students and their parents by January 1 of each year about the need to plan for their post-secondary education. The board may also provide information to high school students and their parents, to adults, and to out-of-school youth. The information provided may include the following:

- (1) the need to start planning early;
- (2) the availability of assistance in educational planning from educational institutions and other organizations;
- (3) suggestions for studying effectively during high school;
- (4) high school courses necessary to be adequately prepared for post-secondary education;
- (5) encouragement to involve parents actively in planning for all phases of education;
- (6) information about post-high school education and training opportunities existing in the state, their respective missions and expectations for students, their preparation requirements, admission requirements, and student placement;
- (7) ways to evaluate and select post-secondary institutions;
- (8) the process of transferring credits among Minnesota post-secondary institutions and systems;
- (9) the costs of post-secondary education and the availability of financial assistance in meeting these costs;
- (10) the interrelationship of assistance from student financial aid, public assistance, and job training programs; and
- (11) financial planning for education beyond high school.

Subd. 4. Data base. A data base of information from the program's assessments and services shall be maintained to:

- (1) provide individual reports of results to the students, high schools in which students are enrolled, and, if authorized by the students, post-secondary educational institutions; and
- (2) provide annual statewide summary reports of results to high schools, post-secondary institutions, the department of education, the chairs of the education, higher education, appropriations and finance committees of the legislature, and the governor.

Subd. 5. Coordination. The board shall coordinate efforts and develop additional methods of providing information, guidance, and testing services to out-of-school youth and adults.

History: 1987 c 401 s 27