

House Research Act Summary

CHAPTER: 298

SESSION: 2008 Regular Session

TOPIC: Higher Education Policy

Date: June 25, 2008

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Overview

This act makes policy changes to higher education provisions including changes to data practices, appointments to the Board of Trustees of the Minnesota State Colleges and Universities (MnSCU), establishment of an oral practitioner with a delayed effective date, and changes to programs and responsibilities of the Office of Higher Education. The act was signed on May 12, 2008. Provisions in this act are effective August 1, 2008, unless otherwise provided.

Section

- 1** **Private data; when disclosure is permitted.** Updates exceptions in state data practices law on the privacy of postsecondary student data by incorporating additional disclosure allowed by federal law (the federal family educational rights privacy act or FERPA). References to FERPA citations allow for:
- disclosure of the final results of disciplinary proceedings resulting from a violent crime or nonforcible sex offense;
 - disclosure of information provided under the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration program; and
 - disclosure to a parent or legal guardian of a violation of state, federal and local laws and institutional rules policies on drug or alcohol use by a student under the age of 21 unless state law prohibits disclosure.

Also requires a waiver signed by students for disclosure of drug and alcohol violations with notice to parents of the waiver requirements.

- 2 **Data sharing; improve instruction.** Authorizes the Department of Education and the Office of Higher Education to share educational data to analyze and improve instruction consistent with federal law. Data sharing is limited to data on attendance, demographics, enrollment, academic performance, and provision of special academic services.
- 3 **Resident student; state grant.** Makes the spouses and dependents of resident veterans eligible for the state grant program.
- 4 **Surplus state grant appropriation.** Makes permanent a requirement to use any surplus general fund appropriations for the state grant program to increase the living and miscellaneous allowance (LME) above what is set in law. LME is a factor used to calculate the state grant award.
- 5 **Indian scholarship.** Makes changes to the scholarship program that was transferred to the Office of Higher Education in 2007 to make it more consistent with the other grant programs administered by the office. Changes include:
- linking eligibility to the Pell grant and FAFSA;
 - defining enrollment levels for eligibility for undergraduate and graduate students;
 - defining the cost of attendance as the tuition, required fees, and a federal campus-based budget for other expenses;
 - establishing calculations for award amounts so that this scholarship is the last contribution to the cost of attendance;
 - setting limits on annual awards (maximums of \$4,000 for undergraduates, and \$6,000 for graduates and a \$100 minimum award); and
 - setting limits on the number of eligible years of study (ten total, five undergraduate and five graduate).
- 6 **Achieve scholarship program.** Makes clarifying and technical changes to the Achieve scholarship program enacted in 2007 that provides \$1,200 onetime scholarships to eligible high school graduates. Provides an immediate effective date for awards to students graduating after January 1, 2008, subject to appropriation limits.
- 7 **TEACH program administration.** Allows five percent of the appropriation for the TEACH program, beginning in fiscal year 2008, to be used by the nonprofit for administration. Provides an immediate effective date for grants beginning in fiscal year 2008. Money was appropriated in 2007 for grants under this program.
- 8 - 15 **Private institution regulation.** Makes clarifying and technical changes to a revised private institution regulation statute. Institutions are regulated by the Office of Higher Education. The office revised the statutes governing the regulation in 2007. The changes include adding regulation for nondegree programs that are similar to the requirements for degree programs, providing for conditional approval of names for new schools, and regulating the use of “academy” and “institute.” Clarifies fees that were part of the 2007 enactments.
- 16 - 18 **Appointments to the Board of Trustees of the Minnesota State Colleges and Universities.** Makes changes to the governor’s appointments to the 15 member board that governs the Minnesota colleges and universities. Requires the three student members to be enrolled at least half time at a MnSCU institution when appointed to the board. Requires one of the appointments to the board to represent labor. In making the labor appointment, the governor must consider, but is not bound by the recommendations submitted by a labor organization. Provides a process and a timeline for the labor organizations to make

recommendations of labor candidates to the governor.

- 19 **Maximum credit for graduation; waiver reporting.** Requires the MnSCU board to annually report to the legislature on the board's maximum credit for graduation policy required by law and on waivers requested and granted under the policy. Makes the report effective January 1, 2009, when the policy becomes effective.
- 20 **Duties; MnSCU Board of Trustees.** Authorizes the use of revenue bonds at MnSCU colleges as well as universities.
- 21 – 24 **Private institution regulation.** Additional sections on the OHE regulation of private institutions. Regulates the use of certain terms such as "college" and "academy." Prohibits portraying OHE licensing as being an endorsement or accreditation of the school. Requires a \$10,000 bond for any private career school, licensed by another state agency or board, that must be licensed because *academy*, *institute*, *college*, or *university* is in its name.
- 25 **Health professional education loan forgiveness program.** Clarifies the part time teaching requirements for loan forgiveness under an existing program administered by the Department of Health. Eligible students must teach 12 credit hours or 720 hours per year at the undergraduate level or the equivalent at the graduate level.
- 26 **Oral health practitioners.** Establishes a new practitioner level in dentistry authorized by the Board of Dentistry (no sooner than January 1, 2011) according to qualifications established in this section. The practitioners must: be supervised by a Minnesota-licensed dentist; meet educational requirements; pass required tests and meet other requirements including those established by the board. Requires practitioners to be in a practice that serves low-income or uninsured persons or in under-served areas. States that the practitioner is not in violation of laws governing the unauthorized practice of dentistry and prescribing medicine. Authorizes the Board of Dentistry to adopt rules. Provides a July 1, 2009, effective date.
- 27 **Transfers.** Includes the Indian scholarship program in the existing authority that the Office of Higher Education has to transfer balances between the financial aid programs it administers.
- 28 **Accountability U of M.** Clarifies that the hold back of state appropriations subject to meeting certain accountability goals, established in law in 2007, is two percent of the second year. Provides an immediate effective date.
- 29 **Oral practitioners work group.** Establishes a work group convened by the commissioner of health and the Board of Dentistry to develop recommendations and legislation on education requirements and regulation of oral practitioners. Issues to be considered include, a schedule that permits enrollment in educational programs beginning in the fall of 2009, educational accreditation, scope of practice for children and adults, required supervision, prescribing medication, extractions allowed, practice settings, economic impact, evaluation, fees, and other regulatory and licensing requirements.
- Specifies the work group members. Requires the work group to review other practitioner programs, base recommendations on evidence-based strategies, and make recommendations by January 15, 2009. Costs of the work group may be covered by grants or fees charged to MnSCU and the U of M. The work group expires when the report is submitted to the legislature. Provides an immediate effective date.
- 30 **Enrollment pattern study.** Requires the Office of Higher Education to include in its ongoing study of the state grant program an evaluation of enrollment patterns of students from low-income families, including cost and financial aid considerations, preparation for postsecondary study and factors to promote success. Based on the evaluation, the office must identify potential changes to the state grant program.
- 31 **2010 appointments to the Board of Trustees of the Minnesota State Colleges and**

Universities. Requires the governor to consider recommendations from labor in making appointments in the board in 2010.