

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 845
Version: First engrossment

DATE: April 16, 2015

Authors: Nornes

Subject: Higher education budget and policy

Analyst: Matt Gehring, 651-296-5052
Sean Williams, 651-296-5053

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill is the House higher education finance and policy omnibus. It appropriates funds to the Office of Higher Education, the Minnesota State Colleges and Universities, the University of Minnesota, and the Mayo Clinic. In total, \$1.46 billion in FY 2016 and \$1.49 billion in FY 2017 are appropriated for various higher education purposes.

Included in the proposal is funding for a tuition freeze and 1 percent tuition reduction for state colleges, and a freeze (in the second year only) for state universities in the MnSCU system.

Among other policy items, the bill includes the provisions of **H.F. 384** (Urdahl – year-long student teaching); **H.F. 1170** (Bennett – teacher shortage loan forgiveness); **H.F. 1996** (Heintzeman – transfer pathways); **H.F. 1517** (Norton – college completion planning); **H.F. 1150** (Urdahl – remedial education); and **H.F. 742** (O’Neill – campus sexual assault).

Section

Article 1: Higher Education Appropriations

Overview

This article appropriates funds in fiscal years 2016 and 2017 for higher education.

- 1 **Higher education appropriations.** Specifies that appropriations contained in the bill are for fiscal years 2016 (first year) and 2017 (second year).
- 2 **Minnesota Office of Higher Education.** Appropriates \$197.91 million in fiscal year 2016 and \$197.89 million in fiscal year 2017 from the general fund to the Office of Higher Education, as described below.

- **State Grants** at \$150.28 million in each year, and sets the tuition maximum for students in four-year programs at \$13,000. For students in two-year programs, the tuition maximum is \$5,808. The living and miscellaneous expense allowance is \$7,900 each year.

This appropriation amount reflects a reallocation of \$53 million from an existing surplus in the state grant program into other priorities contained in the bill.

- **Child Care Grants** at \$6.68 million per year.
- **State Work-Study** at \$14.5 million per year.
- **Interstate Tuition Reciprocity** at \$11.02 million per year, with transfer authority between years if necessary.
- **Safety Officer's Survivor Grants** at \$100,000 per year, with transfer authority between years, if necessary. This program provides benefits to eligible dependent children and spouses of public safety officers killed in the line of duty.
- **Indian Scholarships** at \$3.1 million per year, with a requirement that at least one person with demonstrated competence in American Indian culture and who lives in or near Bemidji be employed to assist students with the American Indian scholarship and other financial aid programs at Bemidji State University.
- **Tribal College Grants** at \$150,000 per year. These grants support enrollment of students at tribal colleges that are not members of a federally-recognized tribe. Existing federal grant funding is not available for educational costs associated with enrollment of these students.
- **Intervention for College Attendance Program Grants** at \$671,000 per year, which includes funding to administer the program grants.
- **Student-Parent Information** at \$122,000 per year.
- **Get Ready** at \$180,000 per year.
- **Midwest Higher Education Compact** at \$95,000 per year.

Section

- **Minnesota Minority Partnership** at \$45,000 per year.
- **United Family Medicine Residency Program** at \$351,000 per year, to support up to 18 resident physicians in family practice. The program is intended to train doctors to practice family medicine in underserved urban and rural areas of the state.
- **MnLINK Gateway and Minitex** at \$5.9 million per year.
- **Statewide Longitudinal Education Data System (SLEDS)** at 882,000 per year.
- **Hennepin County Medical Center** at 645,000 per year, to support graduate family medical education programs.
- **Teacher Shortage Loan Forgiveness** at 590,000 in FY 2016 and 565,000 in FY 2017. The loan forgiveness program is established in article 2 of the bill.
- **Agency Administration** at \$2.49 million per year.

This section allows any balances in the first year to carry forward to the second year, and permits transfer of funds between certain programs, with prior notice to the legislature.

- 3 **Board of Trustees of the Minnesota State Colleges and Universities.** Appropriates approximately \$658.45 million in FY 2016 and \$691.14 million in FY 2017 from the general fund, as described below.

- **Central Office and Shared Services Unit** at \$33.07 million per year.
- **Operations and Maintenance** at \$621.26 million in FY 2016 and \$653.95 million in FY 2017.

Of this appropriation, \$36 million in FY 2016 and \$69 million in FY 2017 is for **student tuition relief**.

For the 2015-16 academic year, the Board of Trustees is prohibited from increasing tuition rates at state colleges by any amount, and is prohibited from increasing tuition rates at state universities by more than 3 percent.

For the 2016-17 academic year, the Board of Trustees must freeze tuition at state universities, and must reduce tuition by at least 1 percent at state colleges.

This appropriation also includes \$100,000 in FY 2016 to implement a pilot of a new **year-long student teaching program** which is established later in the bill; \$100,000 in FY 2016 to implement requirements related to **sexual assault response**, \$115,000 in FY 2016 to implement **baccalaureate degree pathways** programs, also established later in the bill.

\$18,000 in each year is for transfer to the Cook County Higher Education Board to provide programming and academic support to report regions in northeast Minnesota.

- **Learning Network of Minnesota** at \$4.12 million per year.

- 4 **Board of Regents of the University of Minnesota.** Appropriates approximately \$601.1 million per year from the general fund, and \$2.16 million per year from the health care access fund, as described below.

Section

- **Operations and Maintenance** at \$533.01 million per year.
- **Primary Care Education Initiatives** at \$2.16 million per year from the health care access fund.
- **Special Appropriations**, as follows:
 - **Agricultural and Extension Service** at \$42.92 million per year for a number of specified purposes described in the bill, with a required report to the legislature on the status and outcomes of research funded by this appropriation.
 - **Health Sciences** at \$9.2 million per year.

Of this appropriation, \$346,000 per year is to support up to 12 resident physicians at the St. Cloud Hospital family practice residency program. The remainder of the appropriation is for the rural physician associates program, the Veterinary Diagnostic Laboratory, health sciences research, dental care, and the Biomedical Engineering Center.
 - **Institute of Technology** at \$1.14 million per year for the Geological Survey and the talented youth mathematics program.
 - **System Special** at \$5.18 million per year for general research, the Labor Education Service, Natural Resources Research Institute, Center for Urban and Regional Affairs, Bell Museum of Natural History, and the Humphrey exhibit.
 - **University of Minnesota and Mayo Foundation Partnership** at \$7.49 million per year, for direct and indirect expenses associated with the collaborative research partnership between the University and the Mayo Foundation. The appropriation supports research in biotechnology and medical genomics.
- The **Academic Health Center** is estimated to receive funding of \$22.25 million each year from the dedication of a portion of cigarette taxes.

5 **Mayo Clinic.** Appropriates approximately \$1.35 million in each year from the general fund, as described below.

- **Medical School**, at \$665,000 per year, to pay a capitation each year for students who are residents of Minnesota. The appropriation is intended to increase the number of doctors practicing in rural areas.
- **Family Practice and Graduate Residency Program**, at \$686,000 per year, to pay stipend support for up to 27 residents each year.

Section

Article 2: Higher Education Policy

Overview

This article incorporates the policy provisions of H.F. 384 (Urdahl – teacher preparation programs); H.F. 1170 (Bennett – teacher shortage loan forgiveness); H.F. 1150 (Urdahl – remedial education); H.F. 1996 (Heintzeman – transfer pathways); and H.F. 1517 (Norton – college completion planning).

1 License and rules (teacher preparation programs). (H.F. 384 – Urdahl)

Allows teacher preparation programs to provide a school year-long student teaching program that combines clinical opportunities with academic coursework and in-depth student teaching experiences and offer students mentorship, coaching, and assessment, help with preparing a professional development plan, and structured learning experiences.

The section is effective beginning in the 2016-17 school year.

2 Teacher shortage loan forgiveness program. (H.F. 1170 – Bennett)

Establishes a loan forgiveness program for teachers who work in areas deemed to have a shortage of teachers.

Subd. 1. Definitions. Defines qualified educational loan, school district, teacher, teacher shortage area, and commissioner for purposes of this program.

Subd. 2. Program established; administration. Directs the commissioner of the Office of Higher Education to establish and administer a teacher shortage loan forgiveness program. Makes a teacher teaching in a teacher shortage area eligible for the program.

Subd. 3. Annual report of teacher shortage areas. Directs the education commissioner to use the annual teacher supply and demand report to identify licensure fields and economic development regions experiencing a teacher shortage.

Subd. 4. Application for loan forgiveness. Directs interested applicants to apply for the program according to the rules of the commissioner of the Office of Higher Education. Requires program participants to reapply annually and to submit an affidavit verifying they are teaching in a shortage area.

Subd. 5. Amount of loan forgiveness. Limits the annual loan forgiveness to \$1,000 or the cumulative balance of the participant's qualified educational loans, whichever is less. Makes participants responsible for securing their loans. Allows teachers who graduate from an approved teacher preparation program or add a licensure field and teach in a teacher shortage area to apply for the program.

Subd. 6. Penalties. Allows an applicant's teaching license to be suspended or revoked, allows school districts to discipline an applicant, and allows the commissioner to seek repayment of a loan from an applicant who submits false or misleading information.

Section

Subd. 7. Fund established. Establishes a teacher shortage loan forgiveness repayment fund that does not revert to any state fund in any fiscal year and remains continuously available.

Subd. 8. Annual reporting. Directs the commissioner of the Office of Higher Education to annually report by February 1 to the legislature's K-12 and higher education committees on the number of teachers who received loan forgiveness, the licensure areas and economic development regions in which the teachers taught, the average amount paid to the teachers, and other summary data measuring outcomes identified by the commissioner of the Office of Higher Education.

Subd. 9. Rulemaking. Directs the commissioner of the Office of Higher Education to adopt rules to administer this program.

3 **Regulating the assignment of students to remedial courses. (H.F. 1150 – Urdahl)**

Subd 1. ACT college ready score. Prohibits a state college or university from requiring a student to take a remedial or non-credit course if the student received an ACT score that qualifies the student as “college ready” in that subject area.

Subd. 2. Testing process for determining if remediating is necessary. Requires state colleges and universities that use tests to identify if a student must take remedial courses provide students taking such tests with information about the content of the test, as well as time to review such materials. Schools must give students who fail such a test the opportunity to re-take the test and study materials to use in preparation for the test.

4 **Baccalaureate degree pathways. (H.F. 1996 – Heintzeman)**

Requires MnSCU to implement transfer pathways to facilitate the transfer of students between associate and bachelor's degree programs.

Subd. 1. Regulate MnSCU baccalaureate transfers. Requires MnSCU to implement the transfer pathway plan that MnSCU previously developed. To the extent possible, the plan must be implemented in accordance with the plan and timeline previously developed.

Subd. 2. New or enhanced bachelor of applied science degrees. Requires MnSCU to develop new bachelor of applied science degree programs in areas of high employment need in the state.

Subd. 3. Report. Requires MnSCU to report to the higher education committees of the legislature on the status of the transfer pathways plan by March 15, 2016.

5 - 6 **College completion. (H.F. 1517 – Norton)**

Requires the Board of Trustees of the Minnesota State Colleges and Universities (MnSCU) to develop a comprehensive plan to encourage students to complete degrees, diplomas, or certificates in their fields of study (section 5). The bill requests that the Board of Regents of the University of Minnesota develop a similar plan (section 6).

The board must consult with students, faculty, and administrators in developing such a plan, and provide the plan and an implementation schedule to the higher education committees of

Section

the legislature. The University of Minnesota is requested to engage in the same consultation and reporting.

These sections suggest several policies that MnSCU and the University of Minnesota could consider in the plan, but the suggestions are not required to be included.

Article 3: Campus Sexual Assault

Overview

This article incorporates the provisions of H.F. 742 (O'Neill – campus sexual assault). It requires that postsecondary institutions take several additional measures to respond to sexual harassment, sexual violence, and sexual assault on campuses.

- 1** **Campus sexual assault data.** Updates list of data classified outside of chapter 13 to include the newly classified data under section 135A.15.
- 2** **Policy required.** Requires university policies on sexual harassment and sexual violence to apply to incidents at activities, programs, organizations, or events sponsored by the university, in addition to incidents occurring on campus.
- 3** **Applicability to private institutions.** Clarifies that private postsecondary institutions eligible for the state grant program must comply with the requirements H.F. 742 imposes.
- 4** **Victim's rights.** Requires postsecondary institutions to include in their policies on sexual harassment and sexual violence a number of provisions for the treatment of sexual assault victims. Minnesota Statutes, section 135A.15, subdivision 2, currently requires postsecondary institutions to include in their policies on sexual assault and sexual violence a number of provisions that regulate the investigation of sexual assault and treatment of sexual assault victims. This section adds ten additional requirements to that list. These provisions include:
 - Several requirements for how campus authorities must treat and interact with victims of sexual assault.
 - Forbidding colleges and universities from disclosing data collected under this section to individuals other than the victim of sexual assault, campus officials investigating an assault or conducting a disciplinary procedure, or the police (at the victim's request), unless disclosure is otherwise required by law.
 - Forbidding retaliation against victims of sexual assault by campus authorities or the accused.
 - Preventing campus authorities from interfering with a sexual assault victim's practice of his or her religion or ability to exercise his or her civil rights.

Defines sexual assault for the purpose of this section of statute as forcible sex offenses as defined in the FBI's uniform crime reporting handbook. This definition includes crimes such as forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.

Section

- 5** **Uniform amnesty.** Prevents postsecondary institutions from sanctioning students who make a good faith report of sexual harassment or sexual violence for violating the institution's student conduct policy on the use of drugs or alcohol.
- 6** **Coordination with local law enforcement.** Requires postsecondary institutions to enter into a memorandum of understanding with local law enforcement about how to respond to allegations of sexual assault. The memorandum must be entered January 1, 2017 and updated every two years thereafter. This section includes several items that must be included in the memo, including delineation of investigatory responsibilities, standards for communication and evidence sharing, and methods for sharing information about specific crimes. Finally, this section requires postsecondary institutions to share a copy of the memorandum of understanding with all employees of the campus.
- Paragraph (c) allows schools to be exempted from this requirement if they establish a sexual assault protocol team to facilitate cooperation with law enforcement on response to sexual assaults.
- 7** **Online reporting system.** Requires postsecondary institutions to create an online reporting system to receive complaints of sexual harassment and sexual violence. The online reporting system must allow students to submit reports of sexual harassment or sexual violence anonymously. Postsecondary institutions are only obligated to investigate anonymous reports if a formal report is filed in accordance with the institution's sexual harassment and sexual violence policy, unless otherwise required by law. Institutions must provide certain information to individuals making reports using the reporting system.
- Data collected through the online reporting system is classified as private data on individuals under the Minnesota Government Data Practices Act.

Section

- 8** **Data collection and reporting.** Requires postsecondary institutions to report statistics on campus sexual assault to the Office of Higher Education, and to publish such statistics on their websites. Specifically, this provision requires postsecondary institutions to report the following statistics:
- The number of incidents that the institution investigated.
 - The number of incidents referred to a campus disciplinary proceeding.
 - The number of cases referred to state or local law enforcement.
 - The number of cases for which a campus disciplinary proceeding was pending, but has not reached a final resolution.
 - The number of alleged perpetrators found responsible in campus disciplinary proceedings.
 - The number of disciplinary proceedings at the institution that resulted in any action by the institution greater than a warning issued to the accused.
 - The number of disciplinary proceedings at the institution that closed without resolution.
 - The number of disciplinary proceedings at the institution that closed without resolution because the accused withdrew from the institution.
 - The number of disciplinary proceedings at the institution that closed without resolution because the victim chose not to participate in the procedure.
 - The number of reports made through the online reporting system established earlier in the bill, excluding those submitted anonymously.

These statistics must be presented as summary data that does not identify alleged perpetrators or victims of crime. Postsecondary institutions must report these statistics to the Office of Higher Education and publish the statistics on their websites. The Office of Higher Education is required to calculate statewide statistics and publish them on its website, consistent with applicable laws governing access to student records.

- 9** **Access to data; audit trail.** Paragraph (a) classifies data on incidents of sexual assault shared with campus security officers and administrators as private data on individuals. Private postsecondary institutions not subject to Minnesota's Data Practices Act must limit access to the data relating to an allegation of sexual assault. Only the victim and persons whose work assignments require access to the data shall be allowed to access it.

Paragraph (b) restricts access to data collected through the online reporting system to individuals with explicit authorization from the institution. Requires institutions to use a role-based access system to store the data and to log all changes in the system and times the data was accessed. Individuals who violate data access rules will have their access to the system permanently revoked, and the institution must forward the matter to a county attorney for prosecution.

Section

- 10 Comprehensive training.** Paragraph (a) requires postsecondary institutions to provide campus security officers and campus administration with training on preventing and responding to sexual assault. Postsecondary institutions must offer this training in collaboration with the Bureau of Criminal Apprehension or another law enforcement agency with experience in criminal sexual conduct.
- Paragraph (b) requires each incoming student receive training on sexual assault no later than ten business days after the start of a student's first semester of classes. Requires that a student's transcript show completion of the training. The categories of students that must complete the training are provided.
- Paragraph (c) requires postsecondary institutions to train individuals responsible for responding to reports of sexual assault.
- Paragraph (d) requires private colleges and universities to comply with the requirements of this subdivision.
- 11 Student health services.** Requires postsecondary institutions to develop and implement a policy requiring student health service providers to screen students for incidents of sexual assault.
- Postsecondary institutions offering student health services must designate an existing staff member to be a confidential resource for victims. Confidential resources must be available to meet with students on a walk-in basis, and must offer resources to victims of sexual assault, including information about legal and mental health assistance available to victims of sexual assault, and information about reporting sexual assaults to the institution or law enforcement. Postsecondary institutions must train confidential resources in responding to incidents of sexual assault. Data shared with confidential resources is classified as sexual assault communication data under the Government Data Practices Act.
- 12 Cooperation with postsecondary institutions.** Requires local law enforcement agencies to enter into and honor the memoranda of understanding required under section 4.
- 13 Effective date.** Establishes an August 1, 2016 effective date for this article.
- 14 Campus sexual assault data.** Updates list of data classified outside of chapter 13 to include the newly classified data under section 135A.15.