

1.1 A bill for an act

1.2 relating to higher education; authorizing data matching; modifying institution
1.3 eligibility; establishing award procedures; establishing scholarship priorities;
1.4 establishing powers and duties; modifying security requirements; regulating the
1.5 use of certain revenues; providing for refunds; defining terms; making technical
1.6 corrections; amending Minnesota Statutes 2008, sections 136A.101, subdivision
1.7 10; 136A.126, subdivision 1, by adding a subdivision; 136A.127, subdivision
1.8 6, by adding subdivisions; 136A.15, subdivision 6; 136A.16, subdivision 14;
1.9 136A.62, subdivision 3; 136A.645; 136A.646; 136A.65, by adding a subdivision;
1.10 136F.581, by adding a subdivision; 141.25, subdivisions 7, 13, by adding a
1.11 subdivision; 141.251, subdivision 2; 141.28, subdivision 2; Minnesota Statutes
1.12 2009 Supplement, sections 136A.01, subdivision 2; 136A.101, subdivision 4;
1.13 136A.127, subdivisions 2, 4; 299A.45, subdivision 1; 340A.404, subdivision 4a;
1.14 Laws 2009, chapter 95, article 2, section 40; Laws 2010, chapter 215, article 2,
1.15 sections 4, subdivision 3; 6; proposing coding for new law in Minnesota Statutes,
1.16 chapters 136A; 137.

1.17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.18 Section 1. Minnesota Statutes 2009 Supplement, section 136A.01, subdivision 2,
1.19 is amended to read:

1.20 Subd. 2. **Responsibilities.** (a) The Minnesota Office of Higher Education is
1.21 responsible for:

1.22 (1) necessary state level administration of financial aid programs, including
1.23 accounting, auditing, and disbursing state and federal financial aid funds, and reporting on
1.24 financial aid programs to the governor and the legislature;

1.25 (2) approval, registration, licensing, and financial aid eligibility of private collegiate
1.26 and career schools, under sections 136A.61 to 136A.71 and chapter 141;

1.27 (3) negotiating and administering reciprocity agreements;

1.28 (4) publishing and distributing financial aid information and materials, and other
1.29 information and materials under section 136A.87, to students and parents;

2.1 (5) collecting and maintaining student enrollment and financial aid data and
2.2 reporting data on students and postsecondary institutions to develop and implement a
2.3 process to measure and report on the effectiveness of postsecondary institutions;

2.4 (6) administering the federal programs that affect students and institutions on a
2.5 statewide basis; and

2.6 (7) prescribing policies, procedures, and rules under chapter 14 necessary to
2.7 administer the programs under its supervision.

2.8 (b) The office may match individual student data from the student record enrollment
2.9 database with individual student financial aid data collected and maintained by the office
2.10 in order to audit or evaluate federal or state supported education programs as permitted by
2.11 United States Code, title 20, section 1232g(b)(3), and Code of Federal Regulations, title
2.12 34, section 99.35. The office shall not release data that personally identifies parents or
2.13 students other than to employees and contractors of the office.

2.14 Sec. 2. Minnesota Statutes 2009 Supplement, section 136A.101, subdivision 4, is
2.15 amended to read:

2.16 Subd. 4. **Eligible institution.** "Eligible institution" means ~~a postsecondary~~
2.17 ~~educational institution located in this state or in a state with which the office has entered~~
2.18 ~~into a higher education reciprocity agreement on state student aid programs that (1) is~~
2.19 ~~operated by this state or the Board of Regents of the University of Minnesota, or (2)~~
2.20 ~~is operated privately and, as determined by the office, meets all of the following: (i)~~
2.21 ~~maintains academic standards substantially equivalent to those of comparable institutions~~
2.22 ~~operated in this state; (ii) is licensed or registered as a postsecondary institution by the~~
2.23 ~~office or another state agency; and (iii) by July 1, 2013, is participating in the federal~~
2.24 ~~Pell Grant program under Title IV of the Higher Education Act of 1965, as amended~~ an
2.25 institution that meets the eligibility requirements under section 136A.103.

2.26 Sec. 3. Minnesota Statutes 2008, section 136A.101, subdivision 10, is amended to read:

2.27 Subd. 10. **Satisfactory academic progress.** "Satisfactory academic progress"
2.28 means ~~that~~ satisfactory academic progress as defined under Code of Federal Regulations,
2.29 title 34, sections 668.16(e), 668.32(f), and 668.34.

2.30 ~~(1) by the end of a student's second academic year of attendance at an institution, the~~
2.31 ~~student has at least a cumulative grade point average of C or its equivalent, or academic~~
2.32 ~~standing consistent with the institution's graduation requirements; and~~

2.33 ~~(2) by the end of the first term of the third and fourth academic year of attendance,~~
2.34 ~~the student has a cumulative grade point average of at least a C or its equivalent.~~

3.1 Sec. 4. [136A.103] INSTITUTION ELIGIBILITY REQUIREMENTS.

3.2 (a) A postsecondary institution is eligible for state student aid under chapter 136A
3.3 and sections 197.791 and 299A.45, if the institution is located in this state or in a state
3.4 with which the office has entered into a higher education reciprocity agreement on state
3.5 student aid programs that:

3.6 (1) is operated by this state or the Board of Regents of the University of Minnesota;

3.7 or

3.8 (2) is operated privately and, as determined by the office, meets the requirements of
3.9 paragraph (b).

3.10 (b) A private institution must:

3.11 (1) maintain academic standards substantially equivalent to those of comparable
3.12 institutions operated in this state;

3.13 (2) be licensed or registered as a postsecondary institution by the office; and

3.14 (3)(i) by July 1, 2010, participate in the federal Pell Grant program under Title IV of
3.15 the Higher Education Act of 1965, as amended; or

3.16 (ii) if an institution was participating in state student aid programs as of June 30,
3.17 2010, and the institution did not participate in the federal Pell Grant program by June 30,
3.18 2010, the institution must require every student who enrolls to sign a disclosure form,
3.19 provided by the office, stating that the institution is not participating in the federal Pell
3.20 Grant program.

3.21 (c) An institution that offers only graduate-level degrees or graduate-level nondegree
3.22 programs, or that offers only degrees or programs that do not meet the required minimum
3.23 program length to participate in the federal Pell Grant program, is an eligible institution if
3.24 the institution is licensed or registered as a postsecondary institution by the office.

3.25 (d) An eligible institution under paragraph (b), clause (3), item (ii), that changes
3.26 ownership as defined in section 136A.63, subdivision 2, must participate in the federal
3.27 Pell Grant program within four calendar years of the first ownership change to continue
3.28 eligibility.

3.29 (e) An institution that loses its eligibility for the federal Pell Grant program is not an
3.30 eligible institution.

3.31 Sec. 5. Minnesota Statutes 2008, section 136A.126, subdivision 1, is amended to read:

3.32 Subdivision 1. **Student eligibility.** The director of the Office of Higher Education
3.33 shall establish procedures for the distribution of scholarships to a Minnesota resident
3.34 student as defined under section 136A.101, subdivision 8, who:

3.35 (1) is of one-fourth or more Indian ancestry;

4.1 (2) has applied for other existing state and federal scholarship and grant programs;

4.2 (3) is meeting satisfactory academic progress as defined under section 136A.101,
4.3 subdivision 10;

4.4 (4) is not in default, as defined by the office, of a federal or state student educational
4.5 loan;

4.6 (5) if enrolled in an undergraduate program, is eligible or would be eligible to
4.7 receive a federal Pell Grant or a state grant based on the federal needs analysis and is
4.8 enrolled for nine semester credits per term or more, or the equivalent;

4.9 ~~(4)~~ (6) if enrolled in a graduate program, demonstrates a remaining financial need in
4.10 the award amount calculation and is enrolled, per term, on a half-time basis or more as
4.11 defined by the postsecondary institution; and

4.12 ~~(5)~~ (7) in the opinion of the director of the Office of Higher Education, based upon
4.13 postsecondary institution recommendations, has the capabilities to benefit from further
4.14 education.

4.15 Sec. 6. Minnesota Statutes 2008, section 136A.126, is amended by adding a
4.16 subdivision to read:

4.17 Subd. 5. **Awarding procedure.** (a) Complete applications are ranked in order of
4.18 completion date. If there are multiple applications with identical completion dates, those
4.19 applications are further sorted by application receipt date.

4.20 (b) Awards must be made on a first-come, first-served basis in the order complete
4.21 applications are received.

4.22 (c) Awards are made to eligible students until the appropriation is expended.

4.23 (d) Applicants not receiving a grant and for whom the office has received a
4.24 completed application are placed on a waiting list in order of application completion date.

4.25 Sec. 7. Minnesota Statutes 2009 Supplement, section 136A.127, subdivision 2, is
4.26 amended to read:

4.27 Subd. 2. **Definition; qualifying program.** For the purposes of this section, a
4.28 "qualifying program" means a rigorous secondary school program of study ~~defined~~
4.29 for Minnesota high school graduates recognized by the Department of Education under
4.30 agreement with the Secretary of Education for the purposes of determining eligibility
4.31 for the federal Academic Competitiveness Grant Program under Title IV of the Higher
4.32 Education Act of 1965, as amended on August 14, 2008. If a qualifying program includes
4.33 a foreign language requirement, the foreign language requirement is waived for a student
4.34 whose first language is not English and who attains English language proficiency.

S.F. No. 184, 2nd Engrossment - 86th Legislative Session (2009-2010) [s0184-2]

5.1 Sec. 8. Minnesota Statutes 2009 Supplement, section 136A.127, subdivision 4, is
5.2 amended to read:

5.3 Subd. 4. **Student eligibility.** To be eligible to receive a scholarship under this
5.4 section, in addition to the requirements listed under section 136A.121, a student must:

5.5 (1) submit a Free Application for Federal Student Aid (FAFSA);

5.6 (2) complete a qualifying program in a high school or in a home-school setting
5.7 under section 120A.22, graduate from a Minnesota high school, and graduate with an
5.8 unweighted grade point average of 2.5 or higher;

5.9 (3) qualify for a federal Pell Grant or state grant under section 136A.121;

5.10 (4) be a United States citizen or eligible noncitizen, as defined in section 484 of the
5.11 Higher Education Act, United States Code, title 20, sections 1091 et seq., as amended,
5.12 and Code of Federal Regulations, title 34, section 668.33;

5.13 (5) meet satisfactory academic progress as defined under section 136A.101,
5.14 subdivision 10;

5.15 (6) be a Minnesota resident, as defined in section 136A.101, subdivision 8; and

5.16 ~~(6)~~ (7) enroll full-time in a degree, diploma, or certificate program during the
5.17 academic year immediately following high school graduation at an eligible institution as
5.18 defined under section 136A.101, subdivision 4.

5.19 Sec. 9. Minnesota Statutes 2008, section 136A.127, subdivision 6, is amended to read:

5.20 Subd. 6. **Application.** ~~A student must complete and submit an application for the~~
5.21 ~~achieve scholarship must be received by the office. An institution may submit a complete~~
5.22 application for the achieve scholarship on behalf of a student enrolled at its institution
5.23 using procedures developed by the office.

5.24 Sec. 10. Minnesota Statutes 2008, section 136A.127, is amended by adding a
5.25 subdivision to read:

5.26 Subd. 6a. **Complete application.** A complete application for the achieve
5.27 scholarship includes:

5.28 (1) an achieve scholarship application; and

5.29 (2) documentation of the qualifying program.

5.30 Sec. 11. Minnesota Statutes 2008, section 136A.127, is amended by adding a
5.31 subdivision to read:

6.1 Subd. 9c. **Insufficient appropriation.** If the amount appropriated is determined by
6.2 the office to be insufficient to make full awards to applicants under subdivision 9, awards
6.3 may be reduced by one or more of the following:

- 6.4 (1) a percentage reduction in the maximum award;
6.5 (2) a dollar amount reduction in the minimum award; or
6.6 (3) adding a surcharge to the applicant's assigned family responsibility, as defined in
6.7 section 136A.101, subdivision 5a.

6.8 **EFFECTIVE DATE.** This section is effective July 1, 2011.

6.9 Sec. 12. Minnesota Statutes 2008, section 136A.127, is amended by adding a
6.10 subdivision to read:

6.11 Subd. 9d. **Award priority.** A first round of awards shall be made each year to
6.12 students for which the office has received a complete application by August 31. If there
6.13 are insufficient appropriations to make full awards to each student, all awards shall be
6.14 reduced by an amount sufficient to meet the insufficiency.

6.15 If appropriations remain after the first round, awards shall be made on a first-come,
6.16 first-served basis.

6.17 **EFFECTIVE DATE.** This section is effective July 1, 2011.

6.18 Sec. 13. Minnesota Statutes 2008, section 136A.15, subdivision 6, is amended to read:

6.19 Subd. 6. **Eligible institution.** "Eligible institution" means ~~a postsecondary~~
6.20 educational institution that (1) is operated or regulated by this state or the Board of Regents
6.21 of the University of Minnesota; (2) is operated publicly or privately in another state, is
6.22 approved by the United States Secretary of Education, and, as determined by the office,
6.23 maintains academic standards substantially equal to those of comparable institutions
6.24 operated in this state; (3) is licensed or registered as a postsecondary institution by the
6.25 office or another state agency; and (4) by July 1, 2011, is participating in the federal Pell
6.26 Grant program under Title IV of the Higher Education Act of 1965, as amended. It also
6.27 includes any institution chartered in a province an institution that meets the eligibility
6.28 requirements under section 136A.155.

6.29 Sec. 14. **[136A.155] ADDITIONAL INSTITUTION ELIGIBILITY**
6.30 **REQUIREMENTS.**

6.31 A postsecondary institution is an eligible institution for purposes of sections
6.32 136A.15 to 136A.1702, if the institution:

- 7.1 (1) meets the eligibility requirements under section 136A.103; or
7.2 (2) is operated publicly or privately in another state, is approved by the United States
7.3 Secretary of Education, and, as determined by the office, maintains academic standards
7.4 substantially equal to those of comparable institutions operated in this state.

7.5 Sec. 15. Minnesota Statutes 2008, section 136A.16, subdivision 14, is amended to read:

7.6 Subd. 14. **Notes.** The office may sell at public or private sale, at the price or prices
7.7 determined by the office, any note or other instrument or obligation evidencing or securing
7.8 a loan made by the office or its predecessor, including the Minnesota Higher Education
7.9 Coordinating Board and the Minnesota Higher Education Services Office.

7.10 Sec. 16. Minnesota Statutes 2008, section 136A.62, subdivision 3, is amended to read:

7.11 Subd. 3. **School.** "School" means:

7.12 (1) any partnership, company, firm, society, trust, association, corporation, or any
7.13 combination thereof, which (i) is, owns, or operates a private, nonprofit postsecondary
7.14 education institution; (ii) is, owns, or operates a private, for-profit postsecondary education
7.15 institution; or (iii) provides a postsecondary instructional program or course leading to a
7.16 degree whether or not for profit;

7.17 (2) any public or private postsecondary educational institution located in another
7.18 state or country which offers or makes available to a Minnesota resident any course,
7.19 program or educational activity which does not require the leaving of the state for its
7.20 completion; or

7.21 (3) any individual, entity, or postsecondary institution located in another state
7.22 that contracts with any school located within the state of Minnesota for the purpose of
7.23 providing educational programs, training programs, or awarding postsecondary credits
7.24 or continuing education credits to Minnesota residents that may be applied to a degree
7.25 program.

7.26 Sec. 17. Minnesota Statutes 2008, section 136A.645, is amended to read:

7.27 **136A.645 SCHOOL CLOSURE.**

7.28 (a) When a school decides to cease postsecondary education operations, it must
7.29 cooperate with the office in assisting students to find alternative means to complete their
7.30 studies with a minimum of disruption, and inform the office of the following:

- 7.31 (1) the planned date for termination of postsecondary education operations;
7.32 (2) the planned date for the transfer of the student records;

8.1 (3) confirmation of the name and address of the organization to receive and hold
8.2 the student records; and

8.3 (4) the official at the organization receiving the student records who is designated to
8.4 provide official copies of records or transcripts upon request.

8.5 (b) Upon notice from a school of its intention to cease operations, the office shall
8.6 notify the school of the date on which it must cease the enrollment of students and all
8.7 postsecondary educational operations.

8.8 Without limitation as to other circumstance when a school shall be deemed to have
8.9 ceased operations, a school shall be deemed to have ceased operations when the school:

8.10 (1) has an unscheduled nonemergency closure or cancellation of classes for more
8.11 than 24 hours without prior notice to the office;

8.12 (2) announces it is closed or closing; or

8.13 (3) files for bankruptcy.

8.14 Sec. 18. Minnesota Statutes 2008, section 136A.646, is amended to read:

8.15 **136A.646 ADDITIONAL SECURITY.**

8.16 (a) In the event any registered institution is notified by the United States Department
8.17 of Education that it has fallen below minimum financial standards and that its continued
8.18 participation in Title IV will be conditioned upon its satisfying either the Zone Alternative,
8.19 Code of Federal Regulations, title 34, section 668.175, paragraph (f), or a Letter of Credit
8.20 Alternative, Code of Federal Regulations, title 34, section 668.175, paragraph (c), the
8.21 institution shall provide a surety bond conditioned upon the faithful performance of all
8.22 contracts and agreements with students in a sum equal to the "letter of credit" required by
8.23 the United States Department of Education in the Letter of Credit Alternative, but in no
8.24 event shall such bond be less than \$10,000 nor more than \$250,000.

8.25 (b) In lieu of a bond, the applicant may deposit with the commissioner of
8.26 management and budget:

8.27 (1) a sum equal to the amount of the required surety bond in cash; or

8.28 (2) securities, as may be legally purchased by savings banks or for trust funds, in an
8.29 aggregate market value equal to the amount of the required surety bond.

8.30 Sec. 19. Minnesota Statutes 2008, section 136A.65, is amended by adding a
8.31 subdivision to read:

8.32 Subd. 9. Powers and duties. (a) The office has the following powers and duties:

8.33 (1) to negotiate and enter into interstate reciprocity agreements with similar agencies
8.34 in other states, if in the judgment of the office an agreement is or will be helpful in

9.1 effectuating the purposes of the Minnesota Private and Out-of-State Public Postsecondary
9.2 Education Act; and

9.3 (2) to grant conditional or provisional registration for periods of less than one year,
9.4 if in the judgment of the office correctable deficiencies exist at the time of application and
9.5 when refusal to register a school would adversely affect currently enrolled students.

9.6 (b) The office may, upon its own motion, and must, upon the verified complaint
9.7 in writing of any person setting forth fact which, if proved, would constitute grounds
9.8 for refusal or revocation of private institution registration, investigate the actions
9.9 of any applicant or any person or persons holding or claiming to be registered as a
9.10 private institution. However, before proceeding to a hearing on the question of whether
9.11 registration shall be refused, revoked, or suspended for any cause enumerated in this
9.12 section, the office shall grant a reasonable time to the registered institution to correct the
9.13 situation. If within such time the situation is corrected and the school is in compliance
9.14 with sections 136A.61 to 136A.71, no further action leading to refusal, revocation, or
9.15 suspension shall be taken.

9.16 Sec. 20. Minnesota Statutes 2008, section 136F.581, is amended by adding a
9.17 subdivision to read:

9.18 Subd. 5. **Food products grown in state.** Colleges and universities must make a
9.19 reasonable attempt to identify and purchase food products that are grown within the state.

9.20 Sec. 21. [137.66] **ATHLETIC SCHOLARSHIP; LIQUOR LICENSE.**

9.21 Fifty percent of the net revenue resulting directly or indirectly from the sale of
9.22 liquor at TCF Bank Stadium under authority of a license granted under section 340A.404,
9.23 subdivision 4a, paragraph (a), clause (3), must be used for athletic scholarships at the
9.24 University of Minnesota and 50 percent of the net revenue must be used to reduce the
9.25 student stadium fee. This section is a condition to any license issued for TCF Bank
9.26 Stadium under section 340A.404, subdivision 4a, paragraph (a), clause (3), and violation
9.27 of the condition voids the license.

9.28 **EFFECTIVE DATE.** This section is effective the day following final enactment
9.29 and applies to licenses issued before, on, and after that date.

9.30 Sec. 22. Minnesota Statutes 2008, section 141.25, is amended by adding a subdivision
9.31 to read:

9.32 Subd. 2a. **Refunds.** If a contract is deemed unenforceable under subdivision 2, a
9.33 school must refund tuition, fees, and other charges received from a student or on behalf

10.1 of a student within 30 days of receiving written notification and demand for refund from
10.2 the Minnesota Office of Higher Education.

10.3 Sec. 23. Minnesota Statutes 2008, section 141.25, subdivision 7, is amended to read:

10.4 Subd. 7. **Minimum standards.** A license shall be issued if the office first
10.5 determines:

10.6 (1) that the applicant has a sound financial condition with sufficient resources
10.7 available to:

10.8 (i) meet the school's financial obligations;

10.9 (ii) refund all tuition and other charges, within a reasonable period of time, in the
10.10 event of dissolution of the school or in the event of any justifiable claims for refund against
10.11 the school by the student body;

10.12 (iii) provide adequate service to its students and prospective students; and

10.13 (iv) maintain and support the school;

10.14 (2) that the applicant has satisfactory facilities with sufficient tools and equipment
10.15 and the necessary number of work stations to prepare adequately the students currently
10.16 enrolled, and those proposed to be enrolled;

10.17 (3) that the applicant employs a sufficient number of qualified teaching personnel to
10.18 provide the educational programs contemplated;

10.19 (4) that the school has an organizational framework with administrative and
10.20 instructional personnel to provide the programs and services it intends to offer;

10.21 (5) that the premises and conditions under which the students work and study are
10.22 sanitary, healthful, and safe, ~~according to modern standards;~~

10.23 (6) that the quality and content of each occupational course or program of study
10.24 provides education and adequate preparation to enrolled students for entry level positions
10.25 in the occupation for which prepared;

10.26 (7) that the living quarters which are owned, maintained, recommended, or approved
10.27 by the applicant for students are sanitary and safe;

10.28 (8) that the contract or enrollment agreement used by the school complies with
10.29 the provisions in section 141.265;

10.30 (9) that contracts and agreements do not contain a wage assignment provision or a
10.31 confession of judgment clause; and

10.32 (10) that there has been no adjudication of fraud or misrepresentation in any
10.33 criminal, civil, or administrative proceeding in any jurisdiction against the school or its
10.34 owner, officers, agents, or sponsoring organization.

S.F. No. 184, 2nd Engrossment - 86th Legislative Session (2009-2010) [s0184-2]

11.1 Sec. 24. Minnesota Statutes 2008, section 141.25, subdivision 13, is amended to read:

11.2 Subd. 13. **Schools licensed by another state agency or board.** A school required
11.3 to obtain a private career school license due to the use of "academy," "institute," "college,"
11.4 or "university" in its name or licensed for the purpose of participating in state financial aid
11.5 under chapter 136A, and which is also licensed by another state agency or board shall be
11.6 required to satisfy only the requirements of subdivisions 3, clauses (1), (2), (3), (5), (7),
11.7 and (10); 4; 5, paragraph (b), clause (2); 7, clauses (1) and (10); 8; 9, clause (13); and 12.

11.8 Sec. 25. Minnesota Statutes 2008, section 141.251, subdivision 2, is amended to read:

11.9 Subd. 2. **Conditions.** The office shall adopt rules establishing the conditions for
11.10 renewal of a license. The conditions shall permit two levels of renewal based on the record
11.11 of the school. A school that has demonstrated the quality of its program and operation
11.12 through longevity and performance in the state may renew its license based on a relaxed
11.13 standard of scrutiny. A school that has been in operation in Minnesota for a limited period
11.14 of time or that has not performed adequately on performance indicators shall renew its
11.15 license based on a strict standard of scrutiny. The office shall specify minimum longevity
11.16 standards and performance indicators that must be met before a school may be permitted
11.17 to operate under the relaxed standard of scrutiny. The performance indicators used in this
11.18 determination shall include, but not be limited to: ~~degree granting status~~, regional or
11.19 national accreditation, loan default rates, placement rate of graduates, student withdrawal
11.20 rates, audit results, student complaints, and school status with the United States
11.21 Department of Education. Schools that meet the requirements established in rule shall be
11.22 required to submit a full relicensure report once every four years, and in the interim years
11.23 will be exempt from the requirements of section 141.25, subdivision 3, clauses (4), (5),
11.24 and (8), and Minnesota Rules, parts 4880.1700, subpart 6; and 4880.2100, subpart 4.

11.25 Sec. 26. Minnesota Statutes 2008, section 141.28, subdivision 2, is amended to read:

11.26 Subd. 2. **Unlawful designation.** No school organized after November 15, 1969,
11.27 shall apply to itself either as a part of its name or in any other manner the designation of
11.28 "college" or "university" ~~unless such school applies for and receives certification from the~~
11.29 ~~office that it meets appropriate standards and is entitled to such designation.~~ Operating
11.30 schools now using such designation may continue use thereof.

11.31 Sec. 27. Minnesota Statutes 2009 Supplement, section 299A.45, subdivision 1, is
11.32 amended to read:

12.1 Subdivision 1. **Eligibility.** A person is eligible to receive educational benefits under
12.2 this section if the person:

12.3 (1) is certified under section 299A.44 and in compliance with this section and rules
12.4 of the commissioner of public safety and the Minnesota Office of Higher Education;

12.5 (2) is enrolled in an undergraduate degree or certificate program after June 30, 1990,
12.6 at an eligible Minnesota institution as provided in section 136A.101, subdivision 4;

12.7 (3) has not received a baccalaureate degree or been enrolled full time for ~~nine~~ ten
12.8 semesters or the equivalent, except that a student who withdraws from enrollment for
12.9 active military service is entitled to an additional semester or the equivalent of eligibility;
12.10 and

12.11 (4) is related in one of the following ways to a public safety officer killed in the
12.12 line of duty on or after January 1, 1973:

12.13 (i) as a dependent child less than 23 years of age;

12.14 (ii) as a surviving spouse; or

12.15 (iii) as a dependent child less than 30 years of age who has served on active military
12.16 duty 181 consecutive days or more and has been honorably discharged or released to the
12.17 dependent child's reserve or National Guard unit.

12.18 Sec. 28. Minnesota Statutes 2009 Supplement, section 340A.404, subdivision 4a,
12.19 is amended to read:

12.20 Subd. 4a. **Publicly owned recreation; entertainment facilities.** (a)

12.21 Notwithstanding any other law, local ordinance, or charter provision, the commissioner
12.22 may issue on-sale intoxicating liquor licenses:

12.23 (1) to the state agency administratively responsible for, or to an entity holding a
12.24 concession or facility management contract with such agency for beverage sales at, the
12.25 premises of any Giants Ridge Recreation Area building or recreational improvement area
12.26 owned by the state in the city of Biwabik, St. Louis County;

12.27 (2) to the state agency administratively responsible for, or to an entity holding a
12.28 concession or facility management contract with such agency for beverage sales at, the
12.29 premises of any Ironworld Discovery Center building or facility owned by the state at
12.30 Chisholm;

12.31 (3) to the Board of Regents of the University of Minnesota for events at Northrop
12.32 Auditorium, the intercollegiate football stadium, or at no more than seven other locations
12.33 within the boundaries of the University of Minnesota, provided that the Board of Regents
12.34 has approved an application for a license for the specified location ~~and provided that a~~
12.35 ~~license for an arena or stadium location is void unless it requires the sale or service of~~

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13.1 ~~intoxicating liquor throughout the arena or stadium if intoxicating liquor is sold or served~~
13.2 ~~anywhere in the arena or stadium; and~~

13.3 (4) to the Duluth Entertainment and Convention Center Authority for beverage
13.4 sales on the premises of the Duluth Entertainment and Convention Center Arena during
13.5 intercollegiate hockey games.

13.6 The commissioner shall charge a fee for licenses issued under this subdivision in an
13.7 amount comparable to the fee for comparable licenses issued in surrounding cities.

13.8 (b) No alcoholic beverage may be sold or served at TCF Bank Stadium unless the
13.9 Board of Regents holds an on-sale intoxicating liquor license for the stadium as provided
13.10 in paragraph (a), clause (3).

13.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.12 Sec. 29. Laws 2009, chapter 95, article 2, section 40, is amended to read:

13.13 Sec. 40. **TEACHER EDUCATION REPORT.**

13.14 The Minnesota Office of Higher Education and Minnesota Department of Education
13.15 must report to the committees of the legislature with jurisdiction over teacher education on
13.16 best practices in innovative teacher education programs and teacher education research.

13.17 The report must include, at a minimum, information on:

13.18 (1) teacher education preparation program curricula that will prepare prospective
13.19 teachers to teach an increasingly diverse student population;

13.20 (2) opportunities for mid-career professionals employed in professions in which
13.21 there is a shortage of teachers to pursue a teaching career; and

13.22 (3) enhancing the ability of teachers to use technology in the classroom.

13.23 The report must be submitted by ~~June~~ August 15, 2010.

13.24 Sec. 30. Laws 2010, chapter 215, article 2, section 4, subdivision 3, is amended to read:

13.25 Subd. 3. **Operations and Maintenance** -0- (9,967,000)

13.26 For fiscal years 2012 and 2013, the base for

13.27 operations and maintenance is ~~\$592,792,000~~

13.28 \$580,802,000 each year.

13.29 Sec. 31. Laws 2010, chapter 215, article 2, section 6, the effective date, is amended to
13.30 read:

14.1 **EFFECTIVE DATE.** This section is effective ~~the day following final enactment~~
14.2 for grants made on and after July 1, 2010.

14.3 Sec. 32. **MONITORING OF FEDERAL POSTSECONDARY TEXTBOOK**
14.4 **DISCLOSURE LAW.**

14.5 The Office of Higher Education shall monitor the implementation of the Higher
14.6 Education Opportunity Act, Public Law 110-315, as it relates to disclosure of textbook
14.7 pricing and other information to students. The monitoring shall be done in a manner that
14.8 the office determines will allow it to determine whether students are receiving information
14.9 required or encouraged to be disclosed to students under the act. The office shall report the
14.10 results of its monitoring along with any recommendations for legislation to the chairs and
14.11 ranking minority members of the legislative committees with primary jurisdiction over
14.12 higher education finance and policy by February 1, 2011.

14.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.