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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1220

02/14/2019 Authored by Koegel, Nornes, Pryor, Pinto and Davnie
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to early childhood; amending requirements governing Head Start programs;
1.3 making technical and clarifying changes; amending Minnesota Statutes 2018,
1.4 sections 119A.50, subdivision 3; 119A.52; 119A.535; repealing Minnesota Statutes
1.5 2018, sections 119A.53; 119A.5411.

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

1.7 ARTICLE 1
1.8 HEAD START

1.9 Section 1. Minnesota Statutes 2018, section 119A.52, is amended to read:

1.10 119A.52 DISTRIBUTION OF APPROPRIATION HEAD START PROGRAM.

1.11 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.12 the meanings given.

1.13 (b) "Head Start" means a comprehensive early education program for eligible children
1.14 from birth to age five that is designed to support growth and development through a variety
1.15 of services, including early learning and healthy development.

1.16 (c) "Head Start program" or "program" means a program operated by an Early Head
1.17 Start agency, as defined in Code of Federal Regulations, title 45, section 1305.2, and a Head
1.18 Start agency, as defined in Code of Federal Regulations, title 45, section 1305.2.

1.19 Subd. 2. Program requirements. (a) The commissioner of education must distribute
1.20 money appropriated for that purpose to federally designated Head Start programs and a
1.21 Head Start program must meet federal requirements under Code of Federal Regulations,
1.22 title 45, subchapter B, for all enrollees.

2.1 (b) A Head Start program must use state funds to expand services and in order to serve
 2.2 additional low-income children, which may include program reconfiguration for children
 2.3 from birth to age five.

2.4 Subd. 3. **Distribution.** (a) The commissioner must distribute funds under this section
 2.5 to federally designated Head Start programs in the manner provided in this subdivision and
 2.6 subdivision 4. Migrant and Indian reservation programs must be initially allocated money
 2.7 based on the programs' share of federal funds. The remaining money must be initially
 2.8 allocated to the remaining local agencies based equally on the agencies' share of federal
 2.9 funds and on the proportion of eligible children in the agencies' service area who are not
 2.10 currently being served.

2.11 (b) A Head Start program must be funded at a in an odd-numbered year for each of two
 2.12 fiscal years, applying the calculations under paragraph (a) to both years. If additional funds
 2.13 are made available or additional programs are eligible in an even-numbered year, the
 2.14 commissioner may provide funding for one fiscal year using revised calculations under
 2.15 paragraph (a).

2.16 (c) The per child rate of funding for a program in each year must be equal to its
 2.17 contracted, federally funded base level in effect at the start of the that fiscal year. For all
 2.18 agencies without a federal Early Head Start rate, the state average federal cost per child for
 2.19 Early Head Start applies. For all agencies without a federal Head Start rate, the state average
 2.20 federal cost per child for Head Start applies.

2.21 (d) In allocating funds under this paragraph subdivision, the commissioner of education
 2.22 must assure that each Head Start program in existence in ~~1993~~ 2018 is allocated no less
 2.23 funding in any fiscal year than was allocated to that program in fiscal year ~~1993~~ 2018. If
 2.24 available funds are insufficient to meet the requirements of this paragraph, the commissioner
 2.25 must allocate funds among the programs in existence in 2018.

2.26 Subd. 4. **Distribution procedures.** (a) Before paying money to the programs, the
 2.27 commissioner must notify each program of its initial allocation and how the money must
 2.28 be used for each year. Before the start of a funding biennium, each program must present
 2.29 a plan under section 119A.535. A program may submit a plan revision as necessary, including
 2.30 for a change in federal per child rates, in the manner prescribed by the commissioner.

2.31 (b) For any program that cannot utilize its full allocation at the beginning of the fiscal
 2.32 year, the commissioner must reduce the allocation proportionately. Money available after
 2.33 the initial allocations are reduced must be redistributed to eligible programs.

3.1 ~~(b)~~ (c) The commissioner must develop procedures to make payments to programs based
 3.2 upon the number of children reported to be enrolled during the required time period of
 3.3 program operations. Enrollment is defined by federal Head Start regulations. The procedures
 3.4 must include a reporting schedule, corrective action plan requirements, and financial
 3.5 consequences to be imposed on programs that do not meet full enrollment after the period
 3.6 of corrective action. Programs reporting chronic underenrollment, as defined by the
 3.7 commissioner, will have their subsequent program year allocation reduced proportionately.
 3.8 Funds made available by prorating payments and allocations to programs with reported
 3.9 underenrollment will be made available to the extent funds exist to fully enrolled Head Start
 3.10 programs through a form and manner prescribed by the department.

3.11 Subd. 5. Innovative initiatives. ~~(e)~~ (a) As approved by the commissioner, programs
 3.12 with ~~approved~~ innovative initiatives that target services to high-risk populations, ~~including~~
 3.13 ~~homeless families and families living in homeless shelters and transitional housing,~~ are
 3.14 exempt from the procedures in subdivision 4, paragraph ~~(b)~~ (c). This exemption does not
 3.15 apply to entire programs. The exemption applies only to approved innovative initiatives
 3.16 that target services to high-risk populations, including:

3.17 (1) families with a parent who is under age 21 and is pursuing a high school degree or
 3.18 a course of study for a high school equivalency test;

3.19 (2) families with children in foster care or in need of child protective services;

3.20 (3) families that have experienced homelessness in the last 24 months, as defined under
 3.21 the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section
 3.22 11434a; and

3.23 (4) homeless families and families living in homeless shelters, transitional housing, and
 3.24 permanent supportive housing.

3.25 (b) Notwithstanding subdivision 2 and as approved by the commissioner, programs with
 3.26 innovative initiatives may use funds provided under this section in a manner that does not
 3.27 comply with federal regulations under Code of Federal Regulations, title 45, subchapter B.

3.28 Sec. 2. Minnesota Statutes 2018, section 119A.535, is amended to read:

3.29 **119A.535 APPLICATION REQUIREMENTS.**

3.30 Eligible Head Start ~~organizations~~ programs must submit a plan to the department for
 3.31 approval ~~on a form and~~ in the manner prescribed by the commissioner. The plan must
 3.32 include:

- 4.1 (1) the number of low-income children and families the program will be able to serve;
- 4.2 (2) a description of the program design and service delivery area which meets the needs
4.3 of and encourages access by low-income working families;
- 4.4 (3) a program design that ensures fair and equitable access to Head Start services for all
4.5 populations and parts of the service area;
- 4.6 (4) a plan for providing Head Start services in conjunction with full-day child care
4.7 programs to minimize child transitions, increase program intensity and duration, and improve
4.8 child and family outcomes ~~as required in section 119A.5411~~;
- 4.9 (5) identification of regular Head Start, Early Head Start, ~~full-day services identified in~~
4.10 ~~section 119A.5411~~, and innovative services based upon demonstrated needs to be provided;
4.11 ~~and~~
- 4.12 (6) identification of service duration hours that meet or exceed federal minimum
4.13 requirements; and
- 4.14 (7) evidence parents of English learners are provided with oral or written information
4.15 to monitor the program's impact on their children's English language development, know
4.16 whether their children are progressing in developing their English proficiency, and, where
4.17 practicable, their native language proficiency, and actively engage with their children in
4.18 developing their English and native language proficiency.

4.19 Sec. 3. **REPEALER.**

4.20 Minnesota Statutes 2018, sections 119A.53; and 119A.5411, are repealed.

4.21 **ARTICLE 2**

4.22 **TECHNICAL AND CONFORMING CHANGES**

4.23 Section 1. Minnesota Statutes 2018, section 119A.50, subdivision 3, is amended to read:

4.24 Subd. 3. **Early childhood literacy programs.** (a) A research-based early childhood
4.25 literacy program premised on actively involved parents, ongoing professional staff
4.26 development, and high quality early literacy program standards is established to increase
4.27 the literacy skills of participating children ~~participating in Head Start~~ to prepare them to be
4.28 successful readers and to increase families' participation in providing early literacy
4.29 experiences to their children. Program providers must:

4.30 (1) work to prepare children to be successful learners;

4.31 (2) work to close the achievement gap for at-risk children;

5.1 (3) use a culturally relevant integrated approach to early literacy that daily offers a
5.2 literacy-rich classroom learning environment composed of books, writing materials, writing
5.3 centers, labels, rhyming, and other related literacy materials and opportunities;

5.4 (4) support children's home language while helping the children master English and use
5.5 multiple literacy strategies to provide a cultural bridge between home and school;

5.6 (5) use literacy mentors, ongoing literacy groups, and other teachers and staff to provide
5.7 appropriate, extensive professional development opportunities in early literacy and classroom
5.8 strategies for preschool teachers and other preschool staff;

5.9 (6) use ongoing data-based assessments that enable preschool teachers to understand,
5.10 plan, and implement literacy strategies, activities, and curriculum that meet children's literacy
5.11 needs and continuously improve children's literacy;

5.12 (7) foster participation by parents, community stakeholders, literacy advisors, and
5.13 evaluation specialists; and

5.14 (8) provide parents of English learners with oral and written information to monitor the
5.15 program's impact on their children's English language development, to know whether their
5.16 children are progressing in developing their English proficiency and, where practicable,
5.17 their native language proficiency, and to actively engage with their children in developing
5.18 their English and native language proficiency.

5.19 Program providers are encouraged to collaborate with qualified, community-based early
5.20 childhood providers in implementing this program and to seek nonstate funds to supplement
5.21 the program.

5.22 (b) Program providers under paragraph (a) interested in extending literacy programs to
5.23 children in kindergarten through grade 3 may elect to form a partnership with an eligible
5.24 organization under section 124D.38, subdivision 2, or 124D.42, subdivision 8, schools
5.25 enrolling children in kindergarten through grade 3, and other interested and qualified
5.26 community-based entities to provide ongoing literacy programs that offer seamless literacy
5.27 instruction focused on closing the literacy achievement gap. To close the literacy achievement
5.28 gap by the end of third grade, partnership members must agree to use best efforts and
5.29 practices and to work collaboratively to implement a seamless literacy model from age three
5.30 to grade 3, consistent with paragraph (a). Literacy programs under this paragraph must
5.31 collect and use literacy data to:

5.32 (1) evaluate children's literacy skills;

6.1 (2) monitor the progress and provide reading instruction appropriate to the specific needs
 6.2 of English learners; and

6.3 (3) formulate specific intervention strategies to provide reading instruction to children
 6.4 premised on the outcomes of formative and summative assessments and research-based
 6.5 indicators of literacy development.

6.6 The literacy programs under this paragraph also must train teachers and other providers
 6.7 working with children to use the assessment outcomes under clause (3) to develop and use
 6.8 effective, long-term literacy coaching models that are specific to the program providers.

6.9 Sec. 2. **REVISOR INSTRUCTION.**

6.10 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
 6.11 A with the number listed in column B. The revisor shall also make necessary cross-reference
 6.12 changes consistent with the renumbering under this section.

	<u>Column A</u>	<u>Column B</u>
6.14	<u>119A.50, subd. 1</u>	<u>119A.52, subd. 2</u>
6.15	<u>119A.50, subd. 2</u>	<u>119A.52, subd. 9</u>
6.16	<u>119A.50, subd. 3</u>	<u>124D.42, subd. 8a</u>
6.17	<u>119A.535</u>	<u>119A.52, subd. 6</u>
6.18	<u>119A.545</u>	<u>119A.52, subd. 8</u>

119A.53 FEDERAL REQUIREMENTS.

Programs and the commissioner shall comply with federal regulations governing the federal Head Start program, except for funding for innovative initiatives under section 119A.535 as approved by the commissioner, which may be used to operate differently than federal Head Start regulations. If a state statute or rule conflicts with a federal statute or regulation, the state statute or rule prevails.

119A.5411 FULL-DAY REQUIREMENTS.

The following phase-in of full-day services in Head Start programs or licensed child care as defined in chapter 245A is required:

(1) by fiscal year 2009, a minimum of 25 percent of the total state-funded enrollment throughout the state must be provided in full-day services;

(2) by fiscal year 2011, a minimum of 40 percent of the total state-funded enrollment throughout the state must be provided in full-day services; and

(3) by fiscal year 2013, a minimum of 50 percent of the total state-funded enrollment throughout the state must be provided in full-day services.

Head Start programs may provide full-day services as part of their own program model or through agreements with licensed full-day child care programs. If licensed child care providers do not exist in a geographic area, choose not to participate, cannot meet the federal Head Start performance standards after sufficient opportunity, or a Head Start program is unable to establish the full-day services as a part of their own program model, the Head Start program may request exemption from the commissioner.