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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2458

02/27/2014 Authored by Allen, Loeffler, Fritz and Moran

The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; modifying education opportunities for participants in
1.3 the Minnesota family investment program; amending Minnesota Statutes 2012,
1.4 sections 256J.49, subdivision 13; 256J.53, subdivisions 1, 5; 256J.531; repealing
1.5 Minnesota Statutes 2012, section 256J.53, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2012, section 256J.49, subdivision 13, is amended to read:

1.8 Subd. 13. **Work activity.** (a) "Work activity" means any activity in a participant's
1.9 approved employment plan that leads to employment. For purposes of the MFIP program,
1.10 this includes activities that meet the definition of work activity under the participation
1.11 requirements of TANF. Work activity includes:

1.12 (1) unsubsidized employment, including work study and paid apprenticeships or
1.13 internships;

1.14 (2) subsidized private sector or public sector employment, including grant diversion
1.15 as specified in section 256J.69, on-the-job training as specified in section 256J.66, paid
1.16 work experience, and supported work when a wage subsidy is provided;

1.17 (3) unpaid work experience, including community service, volunteer work,
1.18 the community work experience program as specified in section 256J.67, unpaid
1.19 apprenticeships or internships, and supported work when a wage subsidy is not provided.
1.20 Unpaid work experience is only an option if the participant has been unable to obtain or
1.21 maintain paid employment in the competitive labor market, and no paid work experience
1.22 programs are available to the participant. Prior to placing a participant in unpaid work,
1.23 the county must inform the participant that the participant will be notified if a paid work
1.24 experience or supported work position becomes available. Unless a participant consents in
1.25 writing to participate in unpaid work experience, the participant's employment plan may

2.1 only include unpaid work experience if including the unpaid work experience in the plan
2.2 will meet the following criteria:

2.3 (i) the unpaid work experience will provide the participant specific skills or
2.4 experience that cannot be obtained through other work activity options where the
2.5 participant resides or is willing to reside; and

2.6 (ii) the skills or experience gained through the unpaid work experience will result
2.7 in higher wages for the participant than the participant could earn without the unpaid
2.8 work experience;

2.9 (4) job search including job readiness assistance, job clubs, job placement,
2.10 job-related counseling, and job retention services;

2.11 (5) job readiness education, including English as a second language (ESL) or
2.12 functional work literacy classes ~~as limited by the provisions of section 256J.531,~~
2.13 ~~subdivision 2,~~ general educational development (GED) or Minnesota adult diploma course
2.14 work, high school completion, and adult basic education as limited by the provisions of
2.15 section 256J.531, subdivision 1;

2.16 (6) job skills training directly related to employment, including postsecondary
2.17 education and training that can reasonably be expected to lead to employment, ~~as limited~~
2.18 ~~by the provisions of section 256J.53;~~

2.19 (7) providing child care services to a participant who is working in a community
2.20 service program;

2.21 (8) activities included in the employment plan that is developed under section
2.22 256J.521, subdivision 3; and

2.23 (9) preemployment activities including chemical and mental health assessments,
2.24 treatment, and services; learning disabilities services; child protective services; family
2.25 stabilization services; or other programs designed to enhance employability.

2.26 (b) "Work activity" does not include activities done for political purposes as defined
2.27 in section 211B.01, subdivision 6.

2.28 Sec. 2. Minnesota Statutes 2012, section 256J.53, subdivision 1, is amended to read:

2.29 Subdivision 1. **Length of program.** (a) In order for a postsecondary education
2.30 or training program to be an approved work activity as defined in section 256J.49,
2.31 subdivision 13, clause (6), it must be a program lasting ~~24 months~~ four years or less, and
2.32 the participant must meet the requirements of subdivisions ~~2,~~ 3; and 5.

2.33 (b) Participants with a high school diploma, general educational development (GED)
2.34 credential, or Minnesota adult diploma must be informed of the opportunity to participate
2.35 in postsecondary education or training while in the Minnesota family investment program.

3.1 Sec. 3. Minnesota Statutes 2012, section 256J.53, subdivision 5, is amended to read:

3.2 Subd. 5. **Requirements after postsecondary education or training.** Upon
 3.3 completion of an approved education or training program, a participant who does not meet
 3.4 the participation requirements in section 256J.55, subdivision 1, through unsubsidized
 3.5 employment must participate in job search. If, after ~~six~~ 12 weeks of job search, the
 3.6 participant does not find a full-time job consistent with the employment goal, the
 3.7 participant must accept any offer of full-time suitable employment, or meet with the job
 3.8 counselor to revise the employment plan to include additional work activities necessary to
 3.9 meet hourly requirements.

3.10 Sec. 4. Minnesota Statutes 2012, section 256J.531, is amended to read:

3.11 **256J.531 BASIC EDUCATION; ENGLISH AS A SECOND LANGUAGE.**

3.12 Subdivision 1. **Approval of adult basic education.** ~~With the exception of classes~~
 3.13 ~~related to obtaining a general educational development credential (GED), a participant~~
 3.14 ~~must have reading or mathematics proficiency below a ninth grade level in order for adult~~
 3.15 ~~basic education classes to be an~~ A participant who lacks a high school diploma, general
 3.16 educational development (GED) credential, or Minnesota adult diploma must be allowed
 3.17 to pursue these credentials as an approved work activity, provided that the participant
 3.18 is making satisfactory progress. Participants eligible to pursue a general educational
 3.19 development (GED) credential or Minnesota adult diploma under this subdivision must
 3.20 be informed of the opportunity to participate while in the Minnesota family investment
 3.21 program. The employment plan must also specify that the participant fulfill no more than
 3.22 ~~one-half of the participation requirements in section 256J.55, subdivision 1, through~~
 3.23 ~~attending adult basic education or general educational development classes.~~

3.24 Subd. 2. **Approval of English as a second language.** In order for English as a
 3.25 second language (ESL) classes to be an approved work activity in an employment plan, a
 3.26 participant must be below a spoken language proficiency level of SPL6 or its equivalent,
 3.27 as measured by a nationally recognized test. In approving ESL as a work activity, the job
 3.28 counselor must give preference to enrollment in a functional work literacy program,
 3.29 if one is available, over a regular ESL program. ~~A participant may not be approved~~
 3.30 ~~for more than a combined total of 24 months of ESL classes while participating in the~~
 3.31 ~~diversionary work program and the employment and training services component of~~
 3.32 ~~MFIP. The employment plan must also specify that the participant fulfill no more than~~
 3.33 ~~one-half of the participation requirements in section 256J.55, subdivision 1, through~~
 3.34 ~~attending ESL classes. For participants enrolled in functional work literacy classes, no~~

4.1 ~~more than two-thirds of the participation requirements in section 256J.55, subdivision 1,~~
4.2 ~~may be met through attending functional work literacy classes.~~

4.3 Sec. 5. **REPEALER.**

4.4 Minnesota Statutes 2012, section 256J.53, subdivision 2, is repealed.

256J.53 POSTSECONDARY EDUCATION AS APPROVED WORK ACTIVITY.

Subd. 2. **Approval of postsecondary education or training.** (a) In order for a postsecondary education or training program to be an approved activity in an employment plan, the plan must include additional work activities if the education and training activities do not meet the minimum hours required to meet the federal work participation rate under Code of Federal Regulations, title 45, sections 261.31 and 261.35.

(b) Participants seeking approval of a postsecondary education or training plan must provide documentation that:

- (1) the employment goal can only be met with the additional education or training;
- (2) there are suitable employment opportunities that require the specific education or training in the area in which the participant resides or is willing to reside;
- (3) the education or training will result in significantly higher wages for the participant than the participant could earn without the education or training;
- (4) the participant can meet the requirements for admission into the program; and
- (5) there is a reasonable expectation that the participant will complete the training program based on such factors as the participant's MFIP assessment, previous education, training, and work history; current motivation; and changes in previous circumstances.