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State of Minnesota

Printed Page No. 137

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1230

- 02/14/2019 Authored by Pinto
- 02/21/2019 The bill was read for the first time and referred to the Committee on Education Policy
- 03/25/2019 By motion, recalled and re-referred to the Early Childhood Finance and Policy Division
- 03/25/2019 Adoption of Report: Placed on the General Register as Amended
- 05/20/2019 Read for the Second Time
- 05/20/2019 Pursuant to Rule 4.20, returned to the Early Childhood Finance and Policy Division

1.1 A bill for an act

1.2 relating to education; modifying eligibility for early learning scholarships;

1.3 expanding voluntary prekindergarten programs to five groups; amending Minnesota

1.4 Statutes 2018, sections 124D.151, subdivisions 2, 5; 124D.165, subdivisions 2, 3,

1.5 4.

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

1.7 Section 1. Minnesota Statutes 2018, section 124D.151, subdivision 2, is amended to read:

1.8 Subd. 2. **Program requirements.** (a) A voluntary prekindergarten program provider

1.9 must:

1.10 (1) provide instruction through play-based learning to foster children's social and

1.11 emotional development, cognitive development, physical and motor development, and

1.12 language and literacy skills, including the native language and literacy skills of English

1.13 learners, to the extent practicable;

1.14 (2) measure each child's cognitive and social skills using a formative measure aligned

1.15 to the state's early learning standards when the child enters and again before the child leaves

1.16 the program, screening and progress monitoring measures, and ~~others~~ other age-appropriate

1.17 versions from the state-approved menu of kindergarten entry profile measures;

1.18 (3) provide comprehensive program content including the implementation of curriculum,

1.19 assessment, and instructional strategies aligned with the state early learning standards, and

1.20 kindergarten through grade 3 academic standards;

1.21 (4) provide instructional content and activities that are of sufficient length and intensity

1.22 to address learning needs including offering a program with at least 350 hours of instruction

1.23 per school year for a prekindergarten student;

2.1 (5) provide voluntary prekindergarten instructional staff salaries comparable to the  
2.2 salaries of local kindergarten through grade 12 instructional staff;

2.3 (6) coordinate appropriate kindergarten transition with families, community-based  
2.4 prekindergarten programs, and school district kindergarten programs;

2.5 (7) involve parents in program planning and transition planning by implementing parent  
2.6 engagement strategies that include culturally and linguistically responsive activities in  
2.7 prekindergarten through third grade that are aligned with early childhood family education  
2.8 under section 124D.13;

2.9 (8) coordinate with relevant community-based services, including health and social  
2.10 service agencies, to ensure children have access to comprehensive services;

2.11 (9) coordinate with all relevant school district programs and services including early  
2.12 childhood special education, homeless students, and English learners;

2.13 (10) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children;

2.14 (11) provide high-quality coordinated professional development, training, and coaching  
2.15 for both school district and community-based early learning providers that is informed by  
2.16 a measure of adult-child interactions and enables teachers to be highly knowledgeable in  
2.17 early childhood curriculum content, assessment, native and English language development  
2.18 programs, and instruction; and

2.19 (12) implement strategies that support the alignment of professional development,  
2.20 instruction, assessments, and prekindergarten through grade 3 curricula.

2.21 (b) A voluntary prekindergarten program must have teachers knowledgeable in early  
2.22 childhood curriculum content, assessment, native and English language programs, and  
2.23 instruction.

2.24 (c) Districts and charter schools must include their strategy for implementing and  
2.25 measuring the impact of their voluntary prekindergarten program under section 120B.11  
2.26 and provide results in their world's best workforce annual summary to the commissioner of  
2.27 education.

2.28 Sec. 2. Minnesota Statutes 2018, section 124D.151, subdivision 5, is amended to read:

2.29 Subd. 5. **Application process; priority for high poverty schools.** (a) ~~To qualify for~~  
2.30 ~~program approval for fiscal year 2017, a district or charter school must submit an application~~  
2.31 ~~to the commissioner by July 1, 2016.~~ To qualify for program approval for fiscal year 2018  
2.32 ~~and later~~, a district or charter school must submit an application to the commissioner by

3.1 January 30 of the fiscal year prior to the fiscal year in which the program will be  
3.2 implemented. The application must include:

3.3 (1) a description of the proposed program, including the number of hours per week the  
3.4 program will be offered at each school site or mixed-delivery location;

3.5 (2) an estimate of the number of eligible children to be served in the program at each  
3.6 school site or mixed-delivery location; and

3.7 (3) a statement of assurances signed by the superintendent or charter school director that  
3.8 the proposed program meets the requirements of subdivision 2.

3.9 (b) The commissioner must review all applications submitted ~~for fiscal year 2017 by~~  
3.10 ~~August 1, 2016, and must review all applications submitted for fiscal year 2018 and later~~  
3.11 by March 1 of the fiscal year in which the applications are received and determine whether  
3.12 each application meets the requirements of paragraph (a).

3.13 (c) The commissioner must divide all applications for new or expanded voluntary  
3.14 prekindergarten programs under this section meeting the requirements of paragraph (a) and  
3.15 school readiness plus programs into ~~four~~ five groups as follows: the Minneapolis ~~and school~~  
3.16 district; the St. Paul school districts district; other school districts located in the metropolitan  
3.17 equity region as defined in section 126C.10, subdivision 28; school districts located in the  
3.18 rural equity region as defined in section 126C.10, subdivision 28; and charter schools.  
3.19 Within each group, the applications must be ordered by rank using a sliding scale based on  
3.20 the following criteria:

3.21 (1) concentration of kindergarten students eligible for free or reduced-price lunches by  
3.22 school site on October 1 of the previous school year. A school site may contract to partner  
3.23 with a community-based provider or Head Start under subdivision 3 or establish an early  
3.24 childhood center and use the concentration of kindergarten students eligible for free or  
3.25 reduced-price meals from a specific school site as long as those eligible children are  
3.26 prioritized and guaranteed services at the mixed-delivery site or early education center. For  
3.27 school district programs to be operated at locations that do not have free and reduced-price  
3.28 lunch concentration data for kindergarten programs for October 1 of the previous school  
3.29 year, including mixed-delivery programs, the school district average concentration of  
3.30 kindergarten students eligible for free or reduced-price lunches must be used for the rank  
3.31 ordering;

3.32 (2) presence or absence of a three- or four-star Parent Aware rated program within the  
3.33 school district or close proximity of the district. School sites with the highest concentration  
3.34 of kindergarten students eligible for free or reduced-price lunches that do not have a three-

4.1 or four-star Parent Aware program within the district or close proximity of the district shall  
4.2 receive the highest priority, and school sites with the lowest concentration of kindergarten  
4.3 students eligible for free or reduced-price lunches that have a three- or four-star Parent  
4.4 Aware rated program within the district or close proximity of the district shall receive the  
4.5 lowest priority; and

4.6 (3) whether the district has implemented a mixed delivery system.

4.7 (d) The limit on participation for the programs as specified in subdivision 6 must initially  
4.8 be allocated among the ~~four~~ five groups based on each group's percentage share of the  
4.9 statewide kindergarten enrollment on October 1 of the previous school year. Within each  
4.10 group, the participation limit for fiscal years 2018 and 2019 must first be allocated to school  
4.11 sites approved for aid in the previous year to ensure that those sites are funded for the same  
4.12 number of participants as approved for the previous year. The remainder of the participation  
4.13 limit for each group must be allocated among school sites in priority order until that region's  
4.14 share of the participation limit is reached. If the participation limit is not reached for all  
4.15 groups, the remaining amount must be allocated to the highest priority school sites, as  
4.16 designated under this section, not funded in the initial allocation on a statewide basis. For  
4.17 fiscal year 2020 and later, the participation limit must first be allocated to school sites  
4.18 approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year  
4.19 2018 based on the statewide rankings under paragraph (c).

4.20 (e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid  
4.21 under this subdivision, it shall remain eligible for aid if it continues to meet program  
4.22 requirements, regardless of changes in the concentration of students eligible for free or  
4.23 reduced-price lunches.

4.24 (f) If the total number of participants approved based on applications submitted under  
4.25 paragraph (a) is less than the participation limit under subdivision 6, the commissioner must  
4.26 notify all school districts and charter schools of the amount that remains available within  
4.27 30 days of the initial application deadline under paragraph (a), and complete a second round  
4.28 of allocations based on applications received within 60 days of the initial application deadline.

4.29 (g) Procedures for approving applications submitted under paragraph (f) shall be the  
4.30 same as specified in paragraphs (a) to (d), except that the allocations shall be made to the  
4.31 highest priority school sites not funded in the initial allocation on a statewide basis.

5.1 Sec. 3. Minnesota Statutes 2018, section 124D.165, subdivision 2, is amended to read:

5.2 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
5.3 parents or guardians must meet the following eligibility requirements:

5.4 (1) have an eligible child; and

5.5 (2) have income equal to or less than 185 percent of federal poverty level income in the  
5.6 current calendar year, or be able to document their child's current participation in the free  
5.7 and reduced-price lunch program or Child and Adult Care Food Program, National School  
5.8 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution  
5.9 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections  
5.10 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act  
5.11 of 2007; Minnesota family investment program under chapter 256J; child care assistance  
5.12 programs under chapter 119B; the supplemental nutrition assistance program; or placement  
5.13 in foster care under section 260C.212. Parents or guardians are not required to provide  
5.14 income verification under this clause if the child is an eligible child under paragraph (b),  
5.15 clause (4) or (5).

5.16 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

5.17 (1) at least three but not yet five years of age on September 1 of the current school year;

5.18 (2) a sibling from birth to age five of a child who has been awarded a scholarship under  
5.19 this section provided the sibling attends the same program as long as funds are available;

5.20 (3) the child of a parent under age 21 who is pursuing a high school degree or a course  
5.21 of study for a high school equivalency test; ~~or~~

5.22 ~~(4) homeless, in foster care, or in need of child protective services.~~

5.23 (4) a child in need of protective services or in foster care; or

5.24 (5) designated as homeless under the federal McKinney-Vento Homeless Assistance  
5.25 Act, United States Code, title 42, section 11434a.

5.26 (c) A child who has received a scholarship under this section must continue to receive  
5.27 a scholarship each year until that child is eligible for kindergarten under section 120A.20  
5.28 and as long as funds are available.

5.29 (d) Early learning scholarships may not be counted as earned income for the purposes  
5.30 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota  
5.31 family investment program under chapter 256J, child care assistance programs under chapter

6.1 119B, or Head Start under the federal Improving Head Start for School Readiness Act of  
6.2 2007.

6.3 (e) A child from an adjoining state whose family resides at a Minnesota address as  
6.4 assigned by the United States Postal Service, who has received developmental screening  
6.5 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,  
6.6 and whose family meets the criteria of paragraph (a) is eligible for an early learning  
6.7 scholarship under this section.

6.8 Sec. 4. Minnesota Statutes 2018, section 124D.165, subdivision 3, is amended to read:

6.9 Subd. 3. **Administration.** (a) The commissioner shall establish application timelines  
6.10 and determine the schedule for awarding scholarships that meets operational needs of eligible  
6.11 families and programs. The commissioner must give highest priority to applications from  
6.12 children who:

6.13 (1) have a parent under age 21 who is pursuing a high school diploma or a course of  
6.14 study for a high school equivalency test;

6.15 (2) are in foster care or otherwise in need of protection or services; or

6.16 (3) have experienced homelessness in the last 24 months, as defined under the federal  
6.17 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

6.18 The commissioner may prioritize applications on additional factors including family  
6.19 income, geographic location, and whether the child's family is on a waiting list for a publicly  
6.20 funded program providing early education or child care services.

6.21 (b) The commissioner shall establish a target for the average scholarship amount per  
6.22 child based on the results of the rate survey conducted under section 119B.02.

6.23 (c) A four-star rated program that has children eligible for a scholarship enrolled in or  
6.24 on a waiting list for a program beginning in July, August, or September may notify the  
6.25 commissioner, in the form and manner prescribed by the commissioner, each year of the  
6.26 program's desire to enhance program services or to serve more children than current funding  
6.27 provides. The commissioner may designate a predetermined number of scholarship slots  
6.28 for that program and notify the program of that number. For fiscal year 2018 and later, the  
6.29 statewide amount of funding directly designated by the commissioner must not exceed the  
6.30 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district  
6.31 or Head Start program qualifying under this paragraph may use its established registration  
6.32 process to enroll scholarship recipients and may verify a scholarship recipient's family  
6.33 income in the same manner as for other program participants.

7.1 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not  
7.2 been accepted and subsequently enrolled in a rated program within ten months of the  
7.3 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order  
7.4 to be eligible for another scholarship. A child may not be awarded more than one scholarship  
7.5 in a 12-month period.

7.6 (e) A child over the age of three who receives a scholarship ~~who~~ and has not completed  
7.7 development screening under sections 121A.16 to 121A.19 must complete that screening  
7.8 within 90 days of first attending an eligible program. A child who receives a scholarship  
7.9 before the age of three must complete the developmental screening no later than 90 days  
7.10 after the child's third birthday.

7.11 (f) For fiscal year 2017 and later, a school district or Head Start program enrolling  
7.12 scholarship recipients under paragraph (c) may apply to the commissioner, in the form and  
7.13 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of  
7.14 the application, the commissioner must pay each program directly for each approved  
7.15 scholarship recipient enrolled under paragraph (c) according to the metered payment system  
7.16 or another schedule established by the commissioner.

7.17 Sec. 5. Minnesota Statutes 2018, section 124D.165, subdivision 4, is amended to read:

7.18 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an  
7.19 early learning scholarship, a program must:

7.20 (1) participate in the quality rating and improvement system under section 124D.142;  
7.21 and

7.22 (2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and  
7.23 improvement system.

7.24 (b) Any program accepting scholarships must use the revenue to supplement and not  
7.25 supplant federal funding.

7.26 ~~(e) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship~~  
7.27 ~~program pilot sites are eligible to accept an early learning scholarship under this section.~~