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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1418

03/11/2013 Authored by Moran

The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy

1.1 A bill for an act
1.2 relating to education; state government; creating a Department of Early Care and
1.3 Education; proposing coding for new law as Minnesota Statutes, chapter 119C.

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

1.5 Section 1. [119C.01] DEPARTMENT OF EARLY CARE AND EDUCATION.

1.6 Subdivision 1. Establishment. The Department of Early Care and Education
1.7 is established.

1.8 Subd. 2. Purpose. The purpose in creating the department is to ensure that every
1.9 child through the age of five receives a fair and full opportunity to reach their full potential
1.10 by:

1.11 (1) consolidating and coordinating resources and public funding streams for early
1.12 education and care in order to ensure the sound and coordinated development of all early
1.13 education and care services available to children in Minnesota;

1.14 (2) increasing the state's capacity to support school districts in their effort to improve
1.15 academic performance of at-risk children;

1.16 (3) increasing the state's capacity to serve low-income children and lowering the
1.17 rate of children entering kindergarten not fully prepared;

1.18 (4) working in collaboration with school districts to ensure comprehensive and
1.19 developmentally appropriate assessments, where applicable;

1.20 (5) ensuring effective kindergarten transitions;

1.21 (6) fostering collaboration between child care; Head Start; early childhood
1.22 education; school readiness; family, friend, and neighbor providers; and other early
1.23 childhood programs and elementary school programs and providers;

- 2.1 (7) informing the public about its choices by ensuring a system of high-quality public
 2.2 and private programs, with local points of entry, staffed by well-qualified professionals;
 2.3 (8) ensuring that parents have a decisive role in the planning, operation, and
 2.4 evaluation of programs that aid in the care of children;
 2.5 (9) providing consumer education and accessibility to early education and care
 2.6 resources;
 2.7 (10) advancing the quality of early education and care programs in order to support
 2.8 the healthy development of children and preparation for their success in school;
 2.9 (11) developing a seamless service delivery system of early education and care
 2.10 programs administered by local, state, and federal agencies, with local points of entry;
 2.11 (12) developing and managing an effective data collection system to support the
 2.12 necessary functions of a coordinated system of early education and care in order to enable
 2.13 accurate evaluation of its impact;
 2.14 (13) respecting and drawing upon family values and cultural heritage; and
 2.15 (14) establishing the administrative framework for, and promoting the development
 2.16 of, early education and care services in order to provide that such services, staffed by
 2.17 well-qualified professionals, shall be available in every community for all families that
 2.18 express a need for them.

2.19 **EFFECTIVE DATE.** This section is effective July 1, 2013.

2.20 **Sec. 2. [119C.02] DEFINITIONS.**

2.21 **Subdivision 1. Application.** The definitions in this section apply to this chapter.

2.22 **Subd. 2. Commissioner.** "Commissioner" means the commissioner of early care
 2.23 and education.

2.24 **Subd. 3. Department.** "Department" means the Department of Early Care and
 2.25 Education.

2.26 **EFFECTIVE DATE.** This section is effective July 1, 2013.

2.27 **Sec. 3. [119C.03] COMMISSIONER.**

2.28 **Subdivision 1. General.** The department is under the administrative control of
 2.29 the commissioner. The commissioner is appointed by the governor with the advice and
 2.30 consent of the senate. The commissioner must possess broad knowledge and experience in
 2.31 early care and education. The commissioner has the general powers as provided in section
 2.32 15.06, subdivision 6. The commissioner's salary must be established according to the

3.1 procedure in section 15A.0815, subdivision 5, in the same range as that specified for the
 3.2 commissioner of management and budget.

3.3 Subd. 2. **Duties of the commissioner.** (a) The commissioner shall apply for, and
 3.4 accept on behalf of the state, any federal, local, or private grants, bequests, gifts, or
 3.5 contributions to aid in the financing of any of the programs or policies of the department.

3.6 (b) The commissioner shall report biennially, starting January 15, 2015, to
 3.7 the committees of the legislature having jurisdiction over early care and education
 3.8 programs. The report must describe the department's progress in achieving the goals and
 3.9 implementing the programs authorized under this chapter. The report must evaluate the
 3.10 progress of the state of Minnesota in moving toward a system of universal early education
 3.11 and care for preschool children through the age of five and include the department's
 3.12 budget request for the next biennium.

3.13 **EFFECTIVE DATE.** This section is effective July 1, 2013.

3.14 Sec. 4. **[119C.04] TRANSFERS FROM OTHER AGENCIES.**

3.15 Subdivision 1. **General.** Beginning on November 1, 2013, the Departments of
 3.16 Health, Human Services, and Education must begin to transition all of the functions and
 3.17 powers held by these departments in areas related to regulation and licensure of early care
 3.18 and education programs to the department.

3.19 Subd. 2. **Department of Human Services.** The powers and duties of the
 3.20 Department of Human Services with respect to the following programs are transferred to
 3.21 the Department of Early Care and Education under section 15.039:

3.22 (1) the child care programs under sections 119B.011 to 119B.16;

3.23 (2) the family services and community-based collaboratives under section 124D.23;

3.24 (3) the migrant child care program under section 256.01;

3.25 (4) the child care resource and referral program under section 119B.19;

3.26 (5) the child care service development program under sections 119B.189 to 119B.26;

3.27 (6) the early childhood learning and child protection facilities program under section
 3.28 256E.37; and

3.29 (7) the licensure of child care centers and family child care under chapters 245A
 3.30 and 245C and section 626.556.

3.31 The programs needing federal approval to transfer shall be transferred when the
 3.32 federal government grants transfer authority to the commissioner.

3.33 Subd. 3. **Department of Education.** The powers and duties of the Department of
 3.34 Education with respect to the following programs are transferred to the Department of
 3.35 Early Care and Education under section 15.039:

- 4.1 (1) the head start program under sections 119A.50 to 119A.545;
 4.2 (2) the early childhood family education program under sections 124D.13 to
 4.3 124D.141;
 4.4 (3) the early childhood screening program under sections 121A.16 to 121A.19;
 4.5 (4) the educate parents partnership under section 124D.129;
 4.6 (5) the interagency early childhood intervention system under sections 125A.259 to
 4.7 125A.48;
 4.8 (6) the State Advisory Council on Early Childhood Education and Care under
 4.9 section 124D.141;
 4.10 (7) the school readiness program under sections 124D.15 and 124D.16; and
 4.11 (8) the kindergarten readiness assessment under section 124D.162.

4.12 The programs needing federal approval to transfer shall be transferred when the
 4.13 federal government grants transfer authority to the commissioner.

4.14 Subd. 4. **Department of Health.** The powers and duties of the Department of
 4.15 Health with respect to the following program are transferred to the Department of Early
 4.16 Care and Education under section 15.039: the family home visiting program under section
 4.17 145A.17. A program needing federal approval to transfer shall be transferred when the
 4.18 federal government grants transfer authority to the commissioner.

4.19 **EFFECTIVE DATE.** This section is effective July 1, 2013.

4.20 Sec. 5. **EMPLOYEE PROVISIONS.**

4.21 The restructuring of agencies under this act must be conducted in accordance with
 4.22 Minnesota Statutes, sections 15.039 and 43A.045.

4.23 **EFFECTIVE DATE.** This section is effective July 1, 2013.

4.24 Sec. 6. **APPOINTMENT.**

4.25 By July 1, 2013, the governor shall appoint a commissioner-designee of
 4.26 the Department of Early Care and Education. The person appointed becomes the
 4.27 governor's appointee as commissioner on the effective date of sections 1 and 3. The
 4.28 commissioner-designee, in cooperation with the commissioners of education, health,
 4.29 and human services, shall review and reevaluate the powers and duties of their
 4.30 respective departments and identify those that are consistent with the purpose and
 4.31 goals of the Department of Early Care and Education. The functions identified by the
 4.32 commissioner-designee are transferred to the Department of Early Care and Education
 4.33 under Minnesota Statutes, section 15.039, effective November 1, 2013.

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

5.2 Sec. 7. **REVISOR'S INSTRUCTION.**

5.3 The revisor of statutes shall identify in Minnesota Statutes and Minnesota Rules all
5.4 references to programs being transferred to the Department of Early Care and Education
5.5 and substitute appropriate references to the commissioner of early care and education and
5.6 the Department of Early Care and Education to reflect that those programs are under the
5.7 jurisdiction of the commissioner of early care and education. The revisor shall also make
5.8 related grammatical changes. The changes identified by the revisor shall be made effective
5.9 November 1, 2013, or upon federal approval of the transfer.

5.10 **EFFECTIVE DATE.** This section is effective July 1, 2013.