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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4176

- 02/22/2024 Authored by Pérez-Vega and Jordan
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy
- 03/25/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 04/04/2024 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act

1.2 relating to early learning; modifying early learning programs; amending Minnesota

1.3 Statutes 2022, sections 120A.05, subdivision 10a, by adding a subdivision;

1.4 124D.151, as amended; 125A.02, subdivision 1a; 125A.27, subdivision 8; 125A.56,

1.5 subdivision 1; Minnesota Statutes 2023 Supplement, section 124D.165, subdivisions

1.6 2, 2a; repealing Laws 2017, First Special Session chapter 5, article 8, section 9.

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

1.8 Section 1. Minnesota Statutes 2022, section 120A.05, subdivision 10a, is amended to read:

1.9 Subd. 10a. **Kindergarten.** "Kindergarten" means a program designed for pupils five

1.10 years of age on September 1 of the calendar year in which the school year commences that

1.11 prepares pupils to enter first grade the following school year. ~~A program designed for pupils~~

1.12 ~~younger than five years of age on September 1 of the calendar year in which the school year~~

1.13 ~~commences that prepares pupils to enter kindergarten the following school year is a~~

1.14 ~~prekindergarten program.~~

1.15 Sec. 2. Minnesota Statutes 2022, section 120A.05, is amended by adding a subdivision to

1.16 read:

1.17 Subd. 11a. **Prekindergarten.** "Prekindergarten" means a program designed for pupils

1.18 younger than five years of age on September 1 of the calendar year in which the school year

1.19 commences that prepares pupils to enter kindergarten the following school year.

2.1 Sec. 3. Minnesota Statutes 2022, section 124D.151, as amended by Laws 2023, chapter
2.2 55, article 9, section 19; and article 10, section 1, is amended to read:

2.3 **124D.151 VOLUNTARY PREKINDERGARTEN PROGRAM FOR ELIGIBLE**
2.4 **FOUR-YEAR-OLD CHILDREN.**

2.5 Subdivision 1. **Establishment; purpose.** A district, a charter school, a group of districts,
2.6 a group of charter schools, or a group of districts and charter schools may establish a
2.7 voluntary prekindergarten program for eligible four-year-old children. The purpose of a
2.8 voluntary prekindergarten program is to ~~prepare~~ support children and their families and
2.9 prepare them for success ~~as they enter in kindergarten in the following year and beyond.~~

2.10 Subd. 2. **Program requirements.** (a) A voluntary prekindergarten program provider
2.11 must:

2.12 (1) provide instruction through play-based learning to foster children's social and
2.13 emotional development, cognitive development, physical and motor development, and
2.14 language and literacy skills, including the native language and literacy skills of English
2.15 learners, to the extent practicable;

2.16 (2) ~~measure assess~~ each child's ~~cognitive and social skills using a formative measure~~
2.17 ~~aligned to~~ progress toward the state's early learning standards when the child enters and
2.18 again before the child leaves the program, ~~screening and progress monitoring measures,~~
2.19 ~~and other age-appropriate versions from the state-approved menu of kindergarten entry~~
2.20 ~~profile measures~~ using a commissioner-approved formative, developmentally appropriate
2.21 assessment and report results and demographic data to the department in a form and manner
2.22 prescribed by the commissioner;

2.23 (3) provide comprehensive program content aligned with the state early learning
2.24 standards, including the implementation of curriculum, assessment, and intentional
2.25 instructional strategies ~~aligned with the state early learning standards, and kindergarten that~~
2.26 support transition to kindergarten through grade 3 academic standards;

2.27 (4) provide instructional content and activities that are of sufficient length and intensity
2.28 to address learning needs including offering a program with at least 350 hours of instruction
2.29 per school year for a prekindergarten student;

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

3.1 (6) coordinate appropriate kindergarten transition with families, ~~community-based~~
3.2 prekindergarten programs, offered by Head Start, licensed center and licensed family child
3.3 care, community-based organizations, and school district kindergarten programs;

3.4 (7) involve parents in program ~~planning~~ decision-making and transition planning by
3.5 implementing parent engagement strategies that include culturally and linguistically
3.6 responsive activities in prekindergarten through third grade that are aligned with early
3.7 childhood family education under section 124D.13;

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

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

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

3.13 (11) provide high-quality coordinated professional development, training, and coaching
3.14 ~~for both staff in school district and community-based early learning districts and in~~
3.15 prekindergarten programs offered by Head Start, licensed center and licensed family child
3.16 care providers, and community-based organizations that is informed by a measure of
3.17 adult-child interactions and enables teachers to be highly knowledgeable in early childhood
3.18 curriculum content, assessment, native and English language development programs, and
3.19 instruction; and

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

3.22 (b) A voluntary prekindergarten program must have teachers knowledgeable in early
3.23 childhood curriculum content, assessment, native and English language programs, and
3.24 instruction, and licensed according to section 122A.261.

3.25 ~~(e) Districts and charter schools must include their strategy for implementing and~~
3.26 ~~measuring the impact of their voluntary prekindergarten program under section 120B.11~~
3.27 ~~and provide results in their world's best workforce annual summary to the commissioner of~~
3.28 ~~education.~~

3.29 Subd. 3. **Mixed delivery of services program plan.** A district or charter school may
3.30 contract with a charter school, Head Start ~~or child care centers, family child care programs~~
3.31 ~~licensed under section 245A.03~~ program, licensed center and licensed family child care, or
3.32 a community-based organization to provide eligible children with developmentally
3.33 appropriate services that meet the program requirements in subdivision 2. Components of

4.1 a mixed-delivery plan include strategies for recruitment, contracting, and monitoring of
4.2 fiscal compliance and program quality.

4.3 Subd. 4. **Eligibility.** A (a) An eligible child means a child who:

4.4 (1) is four years of age as of September 1 in the calendar year in which the school year
4.5 commences is eligible to participate in a voluntary prekindergarten program free of charge.
4.6 An eligible four-year-old child served in a mixed-delivery system by a child care center,
4.7 family child care program licensed under section 245A.03, or community-based organization
4.8 may be charged a fee as long as the mixed-delivery partner was not awarded a seat for that
4.9 child; and

4.10 (2) meets at least one of the following criteria:

4.11 (i) qualifies for free or reduced-priced meals;

4.12 (ii) qualifies for the rate at application specified in section 119B.09, subdivision 1,
4.13 paragraph (a), clause (2), in the current calendar year;

4.14 (iii) is an English language learner as defined by section 124D.59, subdivision 2;

4.15 (iv) is American Indian;

4.16 (v) has experienced homelessness in the last 24 months, as defined under the federal
4.17 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 1143a;

4.18 (vi) was identified as having a potential risk factor that may influence learning through
4.19 health and developmental screening under sections 121A.16 to 121A.19;

4.20 (vii) is in foster care; is in kinship care, including children receiving Northstar kinship
4.21 care assistance under chapter 256N; or is in need of child protection services;

4.22 (viii) has a parent who is a migrant or seasonal agricultural laborer under section 181.85;

4.23 (ix) has a parent who is incarcerated; or

4.24 (x) is defined as at-risk by the school district.

4.25 (b) School districts and charter schools must use state funding for eligible children to
4.26 the extent it is available. A child may participate in a voluntary prekindergarten program
4.27 on a fee-for-service basis if the child does not meet the eligibility criteria in paragraph (a)
4.28 or state funding is not available. A school district or charter school must adopt a sliding-fee
4.29 schedule based upon family income and must waive a fee for a participant unable to pay.

5.1 (c) Each eligible child must complete a health and developmental screening within 90
5.2 days of program enrollment under sections 121A.16 to 121A.19, and provide documentation
5.3 of required immunizations under section 121A.15.

5.4 (d) A child with an individualized education program may not be excluded from
5.5 participation in a program under this section if all other eligibility requirements are satisfied
5.6 and the individualized education program team determines that with reasonable
5.7 accommodations the child can fully participate and make progress toward their goals and
5.8 objectives.

5.9 Subd. 5. **Application process; priority for high poverty schools.** (a) To qualify for
5.10 program approval for fiscal year ~~2017~~ 2026, a district or charter school must submit an
5.11 application to the commissioner by ~~July 1, 2016~~ January 30, 2025. Thereafter, the
5.12 commissioner must accept applications and approve programs every four years. To qualify
5.13 for program approval ~~for~~ after fiscal year ~~2018 and later~~ 2026, a school district or charter
5.14 school must submit an application to the commissioner by January 30 of the fiscal year
5.15 prior to the fiscal year in which the program will be implemented. The application must
5.16 include:

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

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

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

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

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

6.1 (1) concentration of kindergarten students eligible for free or reduced-price meals by
6.2 school site on October 1 of the previous school year. A school site may contract to partner
6.3 with a community-based provider or Head Start under subdivision 3 or establish an early
6.4 childhood center and use the concentration of kindergarten students eligible for free or
6.5 reduced-price meals from a specific school site as long as those eligible children are
6.6 prioritized and guaranteed services at the mixed-delivery site or early education center. For
6.7 school district programs to be operated at locations that do not have free and reduced-price
6.8 meals concentration data for kindergarten programs for October 1 of the previous school
6.9 year, including mixed-delivery programs, the school district average concentration of
6.10 kindergarten students eligible for free or reduced-price meals must be used for the rank
6.11 ordering;

6.12 (2) presence or absence of a three- or four-star Parent Aware rated program within the
6.13 school district or close proximity of the district. School sites with the highest concentration
6.14 of kindergarten students eligible for free or reduced-price meals that do not have a three-
6.15 or four-star Parent Aware program within the district or close proximity of the district shall
6.16 receive the highest priority, and school sites with the lowest concentration of kindergarten
6.17 students eligible for free or reduced-price meals that have a three- or four-star Parent Aware
6.18 rated program within the district or close proximity of the district shall receive the lowest
6.19 priority; and

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

6.21 ~~(d) The limit on participation for the programs as specified in subdivision 6 must initially~~
6.22 ~~be allocated among the four groups based on each group's percentage share of the statewide~~
6.23 ~~kindergarten enrollment on October 1 of the previous school year. Within each group, the~~
6.24 ~~participation limit for fiscal years 2018 and 2019 must first be allocated to school sites~~
6.25 ~~approved for aid in the previous year to ensure that those sites are funded for the same~~
6.26 ~~number of participants as approved for the previous year. The remainder of the participation~~
6.27 ~~limit for each group must be allocated among school sites in priority order until that region's~~
6.28 ~~share of the participation limit is reached. If the participation limit is not reached for all~~
6.29 ~~groups, the remaining amount must be allocated to the highest priority school sites, as~~
6.30 ~~designated under this section, not funded in the initial allocation on a statewide basis. For~~
6.31 ~~fiscal year 2020 and later, the participation limit must first be allocated to school sites~~
6.32 ~~approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year~~
6.33 ~~2018 based on the statewide rankings under paragraph (c).~~

6.34 (e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid
6.35 under this subdivision, it shall remain eligible for aid if it continues to meet program

7.1 requirements, regardless of changes in the concentration of students eligible for free or
7.2 reduced-price meals.

7.3 ~~(f) If the total number of participants approved based on applications submitted under~~
7.4 ~~paragraph (a) is less than the participation limit under subdivision 6, the commissioner must~~
7.5 ~~notify all school districts and charter schools of the amount that remains available within~~
7.6 ~~30 days of the initial application deadline under paragraph (a), and complete a second round~~
7.7 ~~of allocations based on applications received within 60 days of the initial application deadline.~~

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

7.11 Subd. 5a. Participation limit allocation. (a) Beginning July 1, 2024, the participation
7.12 limit specified in subdivision 6 must be initially allocated as follows:

7.13 (1) a school site or mixed delivery site must receive the same number of seats the site
7.14 received in fiscal year 2024; and

7.15 (2) the remaining seats must be allocated among the five groups identified under
7.16 subdivision 5, paragraph (c), based on each group's percentage share of the statewide
7.17 kindergarten enrollment on October 1 of the previous year.

7.18 (b) Within each group:

7.19 (1) the seats must be first allocated to any school sites and mixed delivery sites approved
7.20 for aid in the previous year or allocation period; and

7.21 (2) any remaining seats must be allocated among school sites in priority order, as
7.22 determined under subdivision 5, paragraph (c), until the group's share of seats are allocated.

7.23 (c) If a group's entire share of seats is not allocated under paragraphs (a) and (b), then
7.24 the remaining seats must be allocated to the highest priority school sites and mixed delivery
7.25 sites in the state, as designated under subdivision 5, paragraph (c), not funded in the allocation
7.26 under paragraphs (a) and (b).

7.27 (d) Once a school site or a mixed delivery site is approved for aid under subdivision 5
7.28 and is allocated seats under this subdivision, it shall remain eligible for aid and seats if it
7.29 continues to meet program requirements, regardless of changes in the concentration of
7.30 students eligible for free or reduced-price meals.

7.31 (e) If the total number of participants approved based on applications submitted under
7.32 subdivision 5, paragraph (a), is less than the participation limit under subdivision 6, the

8.1 commissioner must notify all school districts and charter schools of the amount that remains
8.2 available within 30 days of the initial application deadline under subdivision 5, paragraph
8.3 (a), and complete a second round of allocations based on applications received within 60
8.4 days of the initial application deadline.

8.5 (f) Procedures for approving applications submitted under paragraph (e) shall be the
8.6 same as specified in subdivision 5, and the allocations shall be made to the highest priority
8.7 school sites in the state as designated under subdivision 5, paragraph (c), not funded in the
8.8 initial allocation under paragraphs (a) and (b).

8.9 (g) For nonapplication years, the commissioner must annually review the distribution
8.10 of seat allocations and may redistribute them between sites within a district at their request
8.11 and between districts for the year in which a district will not utilize their full allocation.

8.12 **Subd. 6. Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1,
8.13 paragraph (c), the pupil units for a voluntary prekindergarten program for an eligible school
8.14 district or charter school must not exceed 60 percent of the kindergarten pupil units for that
8.15 school district or charter school under section 126C.05, subdivision 1, paragraph (d).

8.16 (b) In reviewing applications under subdivision 5 and allocating seats under subdivision
8.17 5a, the commissioner must limit the total number of participants in the voluntary
8.18 prekindergarten ~~and school readiness plus programs under Laws 2017, First Special Session~~
8.19 ~~chapter 5, article 8, section 9, program~~ to not more than 7,160 participants for fiscal years
8.20 2023, 2024, and 2025, and 12,360 participants for fiscal year 2026 and later.

8.21 **Subd. 7. Financial accounting.** An eligible school district or charter school must record
8.22 expenditures attributable to voluntary prekindergarten pupils according to guidelines prepared
8.23 by the commissioner under section 127A.17.

8.24 **EFFECTIVE DATE.** The amendments to subdivisions 1 to 4; subdivision 5, paragraphs
8.25 (a) and (b); and subdivision 6 are effective July 1, 2025. The amendments to subdivision
8.26 5, paragraphs (c) to (g), and subdivision 5a are effective the day following final enactment.

8.27 **Sec. 4.** Minnesota Statutes 2023 Supplement, section 124D.165, subdivision 2, is amended
8.28 to read:

8.29 **Subd. 2. Family eligibility.** (a) For a family to receive an early learning scholarship,
8.30 parents or guardians must have an eligible child and meet at least one of the following
8.31 requirements:

8.32 (1) have income equal to or less than:

9.1 (i) the at-application rate specified in section 119B.09, subdivision 1, paragraph (a),
9.2 clause (2), in the current calendar year; or

9.3 (ii) beginning July 1, 2025, the rate specified in United States Code, title 42, section
9.4 9858n(4)(B), as adjusted for family size;

9.5 (2) be able to document their child's current participation in the free and reduced-price
9.6 meals program or Child and Adult Care Food Program, National School Lunch Act, United
9.7 States Code, title 42, sections 1751 and 1766; the Food Distribution Program on Indian
9.8 Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036; Head
9.9 Start under the federal Improving Head Start for School Readiness Act of 2007; Minnesota
9.10 family investment program under chapter 256J; child care assistance programs under chapter
9.11 119B; the supplemental nutrition assistance program; or

9.12 (3) have or be a child referred as in need of child protection services or placed in foster
9.13 care under section 260C.212.

9.14 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is not
9.15 yet five years of age on September 1 of the current school year.

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

9.19 (d) Early learning scholarships may not be counted as earned income for the purposes
9.20 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota
9.21 family investment program under chapter 256J, child care assistance programs under chapter
9.22 119B, or Head Start under the federal Improving Head Start for School Readiness Act of
9.23 2007.

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

9.29 Sec. 5. Minnesota Statutes 2023 Supplement, section 124D.165, subdivision 2a, is amended
9.30 to read:

9.31 Subd. 2a. **Applications; priorities.** (a) The commissioner shall establish application
9.32 timelines and determine the schedule for awarding scholarships that meet the operational
9.33 needs of eligible families and programs.

10.1 (b) The commissioner must give highest priority to applications from children who:

10.2 (1) are not yet four years of age;

10.3 (2) have a parent under age 21 who is pursuing a high school diploma or a course of
10.4 study for a high school equivalency test;

10.5 (3) are in foster care;

10.6 (4) have been referred as in need of child protection services;

10.7 (5) have an incarcerated parent;

10.8 (6) are in or have a parent in a substance use treatment program;

10.9 (7) are in or have a parent in a mental health treatment program;

10.10 (8) have experienced domestic violence; ~~or~~

10.11 (9) have an individualized education program or individualized family service plan; or

10.12 ~~(9)~~ (10) have experienced homelessness in the last 24 months, as defined under the
10.13 federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section
10.14 1143a.

10.15 (c) Notwithstanding paragraph (b), beginning July 1, 2025, the commissioner must give
10.16 highest priority to applications from children in families with income equal to or less than
10.17 the rate specified under subdivision 2, paragraph (a), clause (1), item (i), and within this
10.18 group must prioritize children who meet one or more of the criteria listed in paragraph (b).

10.19 (d) The commissioner may prioritize applications on additional factors, including but
10.20 not limited to availability of funding, family income, geographic location, and whether the
10.21 child's family is on a waiting list for a publicly funded program providing early education
10.22 or child care services.

10.23 Sec. 6. Minnesota Statutes 2022, section 125A.02, subdivision 1a, is amended to read:

10.24 Subd. 1a. **Children ages three birth through seven age six experiencing developmental**
10.25 **delays.** In addition, every child under age three; and, at local district discretion, every child
10.26 from age three to through age seven, six who needs special instruction and services, as
10.27 determined by the rules of the commissioner, because the child has a substantial delay or
10.28 has an identifiable a diagnosed physical or mental condition known to hinder normal
10.29 development or disorder with a high probability of resulting in developmental delay is a
10.30 child with a disability.

11.1 Sec. 7. Minnesota Statutes 2022, section 125A.27, subdivision 8, is amended to read:

11.2 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for infant and
11.3 toddler intervention services under section 125A.02 and Minnesota Rules, part 3525.1350.

11.4 Sec. 8. Minnesota Statutes 2022, section 125A.56, subdivision 1, is amended to read:

11.5 Subdivision 1. **Requirement.** (a) Before a pupil in kindergarten through grade 12 is
11.6 referred for a special education evaluation, the district must conduct and document at least
11.7 two instructional strategies, alternatives, or interventions using a system of scientific,
11.8 research-based instruction and intervention in academics or behavior, based on the pupil's
11.9 needs, while the pupil is in the regular classroom. The pupil's teacher must document the
11.10 results. A special education evaluation team may waive this requirement when it determines
11.11 the pupil's need for the evaluation is urgent. This section may not be used to deny a pupil's
11.12 right to a special education evaluation.

11.13 (b) A school district shall use alternative intervention services, including the assurance
11.14 of mastery program under section 124D.66, or an early intervening services program under
11.15 subdivision 2 to serve at-risk pupils who demonstrate a need for alternative instructional
11.16 strategies or interventions.

11.17 (c) A student identified as being unable to read at grade level under section 120B.12,
11.18 subdivision 2, paragraph (a), must be provided with alternate instruction under this
11.19 subdivision that is multisensory, systematic, sequential, cumulative, and explicit.

11.20 Sec. 9. **REVISOR INSTRUCTION.**

11.21 The revisor of statutes shall remove the terms "school readiness plus" or "school readiness
11.22 plus programs" wherever they appear in Minnesota Statutes, chapters 119B, 121A, 122A,
11.23 124D, 126C, or 179A. The revisor shall also make necessary cross-reference changes,
11.24 technical language, and other changes necessitated by the changes in this act.

11.25 **EFFECTIVE DATE.** This section is effective July 1, 2025.

11.26 Sec. 10. **REPEALER.**

11.27 Laws 2017, First Special Session chapter 5, article 8, section 9, is repealed.

11.28 **EFFECTIVE DATE.** This section is effective July 1, 2025.