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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2463

03/13/2019 Authored by Pinto
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 education; modifying eligibility, participation, and requirements for
1.3 early childhood, child care, and family support programs; amending Minnesota
1.4 Statutes 2018, sections 124D.151, subdivisions 4, 5, 6; 124D.165, by adding a
1.5 subdivision; 245C.12; proposing coding for new law in Minnesota Statutes, chapter
1.6 245C.

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

1.8 Section 1. Minnesota Statutes 2018, section 124D.151, subdivision 4, is amended to read:

1.9 Subd. 4. Eligibility. A child who is four years of age as of September 1 in the calendar
1.10 year in which the school year commences is eligible to participate in a voluntary
1.11 prekindergarten program free of charge. An eligible four-year-old child served in a
1.12 mixed-delivery system by a child care center, family child care program licensed under
1.13 section 245A.03, or community-based organization may be charged a fee as long as the
1.14 mixed-delivery partner was not awarded a seat for that child. Each eligible child must
1.15 complete a health and developmental screening within 90 days of program enrollment under
1.16 sections 121A.16 to 121A.19, and provide documentation of required immunizations under
1.17 section 121A.15.

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

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

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

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

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

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

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

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

2.21 (1) concentration of kindergarten students eligible for free or reduced-price lunches by  
 2.22 school site on October 1 of the previous school year. A school site may contract to partner  
 2.23 with a community-based provider or Head Start under subdivision 3 or establish an early  
 2.24 childhood center and use the concentration of kindergarten students eligible for free or  
 2.25 reduced-price meals from a specific school site as long as those eligible children are  
 2.26 prioritized and guaranteed services at the mixed-delivery site or early education center. For  
 2.27 school district programs to be operated at locations that do not have free and reduced-price  
 2.28 lunch concentration data for kindergarten programs for October 1 of the previous school  
 2.29 year, including mixed-delivery programs, the school district average concentration of  
 2.30 kindergarten students eligible for free or reduced-price lunches must be used for the rank  
 2.31 ordering;

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

3.1 or four-star Parent Aware program within the district or close proximity of the district shall  
3.2 receive the highest priority, and school sites with the lowest concentration of kindergarten  
3.3 students eligible for free or reduced-price lunches that have a three- or four-star Parent  
3.4 Aware rated program within the district or close proximity of the district shall receive the  
3.5 lowest priority; and

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

3.7 (d) If the participation limit under subdivision 6 is higher than the participation limit for  
3.8 the previous year, the limit on participation for the programs as specified in subdivision 6  
3.9 must initially be allocated among the ~~four~~ five groups based on each group's percentage  
3.10 share of the statewide kindergarten enrollment on October 1 of the previous school year. If  
3.11 the participation limit is the same as the participation limit for the previous year, the  
3.12 participation limit must initially be allocated among the five groups based on each group's  
3.13 participation limit for the previous school year. Within each group, the participation limit  
3.14 ~~for fiscal years 2018 and 2019~~ must first be allocated to school sites approved for aid in the  
3.15 previous year to ensure that those sites are funded for the same number of participants as  
3.16 approved for the previous year. The remainder of the participation limit for each group must  
3.17 be allocated among school sites in priority order until that region's share of the participation  
3.18 limit is reached. If the participation limit is not reached for all groups, the remaining amount  
3.19 must be allocated to the highest priority school sites, as designated under this section, not  
3.20 funded in the initial allocation on a statewide basis. ~~For fiscal year 2020 and later, the~~  
3.21 ~~participation limit must first be allocated to school sites approved for aid in fiscal year 2017,~~  
3.22 ~~and then to school sites approved for aid in fiscal year 2018 based on the statewide rankings~~  
3.23 ~~under paragraph (c).~~

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

3.28 (f) If the total number of participants approved based on applications submitted under  
3.29 paragraph (a) is less than the participation limit under subdivision 6, the commissioner must  
3.30 notify all school districts and charter schools of the amount that remains available within  
3.31 30 days of the initial application deadline under paragraph (a), and complete a second round  
3.32 of allocations based on applications received within 60 days of the initial application deadline.

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

4.4 **EFFECTIVE DATE.** This section is effective for applications for fiscal year 2020 and  
 4.5 later.

4.6 Sec. 3. Minnesota Statutes 2018, section 124D.151, subdivision 6, is amended to read:

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

4.11 (b) In reviewing applications under subdivision 5, ~~the commissioner must limit the~~  
 4.12 ~~estimated state aid entitlement approved under this section to \$27,092,000 for fiscal year~~  
 4.13 ~~2017. If the actual state aid entitlement based on final data exceeds the limit in any year,~~  
 4.14 ~~the aid of the participating districts must be prorated so as not to exceed the limit.~~

4.15 (e) ~~The commissioner must limit the total number of funded participants in the voluntary~~  
 4.16 ~~prekindergarten program under this section to not more than 3,160.~~

4.17 (d) ~~Notwithstanding paragraph (e), the commissioner must limit the total number of~~  
 4.18 ~~participants in the voluntary prekindergarten and school readiness plus programs to not~~  
 4.19 ~~more than 6,160 participants for fiscal year 2018 and 7,160 participants for fiscal year 2019~~  
 4.20 ~~and later.~~

4.21 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

4.22 Sec. 4. Minnesota Statutes 2018, section 124D.165, is amended by adding a subdivision  
 4.23 to read:

4.24 Subd. 6. **Early learning scholarship account.** (a) An account is established in the  
 4.25 special revenue fund known as the "early learning scholarship account."

4.26 (b) Funds appropriated for early learning scholarships under this section shall be  
 4.27 transferred to the early learning scholarship account in the special revenue fund.

4.28 (c) Money in this account is annually appropriated to the commissioner for early learning  
 4.29 scholarships under this section. Money in the account is available until spent. Any returned  
 4.30 funds are available to be regranted.

5.1 (d) Up to \$950,000 annually is appropriated to the commissioner for costs associated  
5.2 with administering and monitoring early learning scholarships.

5.3 Sec. 5. Minnesota Statutes 2018, section 245C.12, is amended to read:

5.4 **245C.12 BACKGROUND STUDY; TRIBAL ORGANIZATIONS.**

5.5 Subdivision 1. Access to data. ~~(a)~~ For the purposes of background studies completed  
5.6 by tribal organizations performing licensing activities otherwise required of the commissioner  
5.7 under this chapter, after obtaining consent from the background study subject, tribal licensing  
5.8 agencies shall have access to criminal history data in the same manner as county licensing  
5.9 agencies and private licensing agencies under this chapter.

5.10 Subd. 2. Adoptions; child foster care. ~~(b)~~ Tribal organizations may contract with the  
5.11 commissioner to obtain background study data on individuals under tribal jurisdiction related  
5.12 to adoptions according to section 245C.34. Tribal organizations may also contract with the  
5.13 commissioner to obtain background study data on individuals under tribal jurisdiction related  
5.14 to child foster care according to section 245C.34.

5.15 Subd. 3. Nursing facility. ~~(c)~~ For the purposes of background studies completed to  
5.16 comply with a tribal organization's licensing requirements for individuals affiliated with a  
5.17 tribally licensed nursing facility, the commissioner shall obtain criminal history data from  
5.18 the National Criminal Records Repository in accordance with section 245C.32.

5.19 Subd. 4. Child care. ~~(a)~~ Tribal organizations may contract with the commissioner to:

5.20 (1) conduct background studies on individuals affiliated with a child care program  
5.21 sponsored, managed, or licensed by a tribal organization; and

5.22 (2) obtain background study data on individuals affiliated with a child care program  
5.23 sponsored, managed, or licensed by a tribal organization.

5.24 (b) The commissioner must include a national criminal history record check in a  
5.25 background study conducted under paragraph (a).

5.26 (c) A tribally affiliated child care program that does not contract with the commissioner  
5.27 to conduct background studies is exempt from the relevant requirements in this chapter. For  
5.28 a background study conducted under this subdivision to be transferable to other child care  
5.29 entities, the study must include all components of studies for a certified license-exempt  
5.30 child care center under this chapter.

6.1 Sec. 6. **[245C.125] BACKGROUND STUDY; HEAD START PROGRAMS.**

6.2 (a) Head Start programs that receive funds under section 119A.52 may contract with  
6.3 the commissioner to:

6.4 (1) conduct background studies on individuals affiliated with a Head Start program; and

6.5 (2) obtain background study data on individuals affiliated with a Head Start program.

6.6 (b) The commissioner must include a national criminal history record check in a  
6.7 background study conducted under paragraph (a).

6.8 (c) A Head Start program site that does not contract with the commissioner, is not  
6.9 licensed, and is not registered to receive payments under chapter 119B is exempt from the  
6.10 relevant requirements in this chapter. Nothing in this section supersedes requirements for  
6.11 background studies in this chapter or chapter 119B or 245H that relate to licensed child care  
6.12 programs or programs registered to receive payments under chapter 119B. For a background  
6.13 study conducted under this section to be transferable to other child care entities, the study  
6.14 must include all components of studies for a certified license-exempt child care center under  
6.15 this chapter.