

CHAPTER 119A

DEPARTMENT OF EDUCATION; PROGRAMS

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119A.01 ESTABLISHMENT; PURPOSE; AND GOALS.

Subdivision 1. [Repealed, 2003 c 130 s 13]

Subd. 2. [Renumbered 120A.02, paragraph (a)]

[For text of subd 3, see M.S.2002]

History: 2003 c 130 s 2,12

119A.02 DEFINITIONS.

[For text of subd 1, see M.S.2002]

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of education.

Subd. 3. **Department.** "Department" means the Department of Education.

[For text of subd 4, see M.S.2002]

History: 2003 c 130 s 3,4

119A.03 COMMISSIONER.

[For text of subd 1, see M.S.2002]

Subd. 2. **Duties of commissioner.** The commissioner shall:

(1) identify measurable outcomes by which programs administered by the department will be evaluated at the state and local level;

(2) develop linkages with other state departments to ensure coordination and consistent state policies promoting healthy development of children and families;

(3) prepare, in consultation with the children's cabinet and affected parties, prior to July 1 of each year, guidelines governing planning, reporting, and other procedural requirements necessary to administer this chapter;

(4) facilitate inclusive processes when designing or implementing guidelines and strategies to achieve agency goals for children and families listed in section 119A.01, subdivision 3;

(5) facilitate intergovernmental and public-private partnership strategies necessary to implement this chapter;

(6) submit to the federal government, or provide assistance to local governments and organizations in submitting, where appropriate and feasible, requests for federal waivers or recommendations for changes in federal law necessary to carry out the purposes of this chapter;

(7) coordinate review of all plans and other documents required under the guidelines provided for in clause (3);

(8) coordinate development of the management support system components required for implementation of this chapter;

(9) review other programs serving children and families to determine the feasibility for transfer to the Department of Education or the feasibility of inclusion in the funding consolidation process; and

(10) monitor local compliance with this chapter.

History: 2003 c 130 s 12

119A.04 TRANSFERS FROM OTHER AGENCIES.

Subdivision 1. **Department of Human Services.** The powers and duties of the Department of Human Services with respect to the following programs are transferred to the Department of Education under section 15.039. The programs needing federal approval to transfer shall be transferred when the federal government grants transfer authority to the commissioner:

- (1) children's trust fund under sections 119A.10 to 119A.17;
- (2) the family services and community-based collaboratives under section 124D.23;
- (3) the child care programs under sections 119B.011 to 119B.16;
- (4) the migrant child care program under section 256.01;
- (5) the child care resource and referral program under sections 119B.19 and 119B.211; and
- (6) the child care service development program under sections 119B.189 to 119B.24.

Subd. 2. **Department of Economic Security.** The powers and duties of the Department of Economic Security with respect to the following programs are transferred to the Department of Education under section 15.039 on July 1, 1997: (1) the Head Start program, including Project Cornerstone, under sections 119A.50 to 119A.54; and (2) community action agency programs and financial assistance under sections 119A.374 and 119A.376.

Subd. 3. **Office of Strategic and Long-Range Planning.** The powers and duties of the Office of Strategic and Long-Range Planning with respect to the following programs are transferred to the Department of Education under section 15.039. The programs needing federal approval to transfer shall be transferred when the federal government grants transfer authority to the commissioner:

- (1) the information redesign project under section 4A.01;
- (2) the action for children activity under section 4A.01;
- (3) the teen pregnancy prevention program under section 4A.01; and
- (4) the Minnesota children's initiative project under section 4A.01.

Subd. 4. **Department of Corrections.** The powers and duties with respect to the following program is transferred to the Department of Education under section 15.039: child abuse and child victims services under chapter 611A.

[For text of subds 6 and 7, see M.S.2002]

History: 2003 c 130 s 12

119A.05 FUNDING CONSOLIDATION.

[For text of subd 1, see M.S.2002]

Subd. 2. **Account.** A consolidated funding account is established under the control of the commissioner of education. The purpose of this account is to clearly identify and provide accountability for funds previously distributed to local grantees through the individual categorical grant programs in subdivision 5. By direction of the commissioner, after consultation with the partnership planning team and, upon a finding that the conditions specified in this section have been satisfied, funds must be transmitted to this account and allocated to local grantees by the commissioner.

[For text of subds 3 and 4, see M.S.2002]

Subd. 5. **Programs included.** Grant programs transferred to the department in Minnesota Statutes 2003, section 119A.04, and programs transferred from the abolished Department of Education under Laws 1995, First Special Session chapter 3, article 16, section 11, are eligible for local funding consolidation. Eligibility of any federally funded programs for local funding consolidation is conditioned upon obtaining necessary federal waivers or changes in federal law.

[For text of subds 6 and 7, see M.S.2002]

History: 2003 c 130 s 12

119A.11 DEFINITIONS.

[For text of subds 1 to 5, see M.S.2002]

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of education.

[For text of subds 7 to 12, see M.S.2002]

History: 2003 c 130 s 12

119A.15 PROCEDURES AND CRITERIA FOR DISBURSEMENT.

[For text of subds 1 to 5, see M.S.2002]

Subd. 5a. **Excluded programs.** Programs transferred to the Department of Education from the Department of Economic Security may not be included in the consolidated funding account and are ineligible for local consolidation. The commissioner may not apply for federal waivers to include these programs in funding consolidation initiatives. The programs include the following:

- (1) programs for the homeless under sections 119A.43 and 268.365;
- (2) emergency energy assistance and energy conservation programs under sections 119A.40 and 119A.42;
- (3) weatherization programs under section 119A.41;
- (4) foodshelf programs under section 119A.44 and the emergency food assistance program; and
- (5) lead abatement programs under section 119A.45.

[For text of subds 6 and 7, see M.S.2002]

History: 2003 c 130 s 12

119A.17 ANNUAL APPROPRIATION.

All earnings from trust fund assets, all sums received under section 119A.16, and 60 percent of the amount collected under section 144.226, subdivision 3, are appropriated annually from the children's trust fund for the prevention of child abuse to the commissioner of education to carry out sections 119A.10 to 119A.16. In fiscal year 1987 only, the first \$75,000 collected under section 144.226, subdivision 3, is appropriated from the children's trust fund for the prevention of child abuse to the commissioner of education to carry out sections 119A.10 to 119A.16.

History: 2003 c 130 s 12

119A.20 ABUSED CHILD PROGRAM.

[For text of subds 1 to 3, see M.S.2002]

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of the Department of Education or a designee.

History: 2003 c 130 s 12

119A.374 FINANCIAL ASSISTANCE FOR COMMUNITY ACTION AGENCIES.

Subdivision 1. **Authorization.** The commissioner of education may provide financial assistance for community action agencies, Indian reservations, and migrant and seasonal farmworker organizations to carry out community action programs as described in section 119A.376 in accordance with the Omnibus Reconciliation Act of 1981, Public Law 97-35, as amended in 1984, Public Law 98-558, state law, and federal law and regulation.

[For text of subds 2 to 4, see M.S.2002]

History: 2003 c 130 s 12

119A.43 TRANSITIONAL HOUSING PROGRAMS.

[For text of subds 1 to 9, see M.S.2002]

Subd. 10. **Licensing requirements not applicable.** The requirements of sections 245A.01 to 245A.16 and chapter 245C do not apply to transitional housing and support services funded under this section unless the commissioner of human services determines that the program is primarily a residential program within the meaning of section 245A.02, subdivision 14.

[For text of subd 11, see M.S.2002]

History: 2003 c 15 art 1 s 33

119A.445 FAMILY ASSETS FOR INDEPENDENCE.

[For text of subds 1 to 6, see M.S.2002]

Subd. 7. **Program reporting.** The fiscal agent on behalf of each fiduciary organization participating in a family assets for independence initiative must report quarterly to the commissioner of human services and to the commissioner of education identifying the participants with accounts, the number of accounts, the amount of savings and matches for each participant's account, the uses of the account, and the number of businesses, homes, and educational services paid for with money from the account, as well as other information that may be required for the commissioner to administer the program and meet federal TANF reporting requirements.

History: 2003 c 130 s 12

119A.46 LEAD ABATEMENT PROGRAM.

Subdivision 1. **Definitions.** (a) The definitions in section 144.9501 and in this subdivision apply to this section.

(b) "Eligible organization" means a lead contractor, city, board of health, community health department, community action agency as defined in section 119A.374, or community development corporation.

(c) "Commissioner" means the commissioner of education, or the commissioner of the Minnesota Housing Finance Agency as authorized by section 462A.05, subdivision 15c.

[For text of subds 2 to 10, see M.S.2002]

History: 2003 c 130 s 12

119A.50 HEAD START PROGRAM.

Subdivision 1. **Department of Education.** The Department of Education is the state agency responsible for administering the Head Start program. The commissioner of education may make grants to public or private nonprofit agencies for the purpose of providing supplemental funds for the federal Head Start program.

[For text of subd 2, see M.S.2002]

History: 2003 c 130 s 12

119A.52 DISTRIBUTION OF APPROPRIATION AND PROGRAM COORDINATION.

The commissioner of education must distribute money appropriated for that purpose to Head Start program grantees to expand services and to serve additional low-income children. Money must be allocated to each project Head Start grantee in existence on the effective date of Laws 1989, chapter 282. Migrant and Indian reservation grantees must be initially allocated money based on the grantees' share of federal funds. The remaining money must be initially allocated to the remaining local agencies based equally on the agencies' share of federal funds and on the proportion of eligible children in the agencies' service area who are not currently being served. A Head Start grantee must be funded at a per child rate equal to its contracted, federally funded base level for program accounts 20, 22, and 25 at the start of the fiscal year. In allocating funds under this paragraph, the commissioner of education must assure that each Head Start grantee is allocated no less funding in any fiscal year than was allocated to that grantee in fiscal year 1993. The commissioner may provide additional funding to grantees for start-up costs incurred by grantees due to the increased number of children to be served. Before paying money to the grantees, the commissioner must notify each grantee of its initial allocation, how the money must be used, and the number of low-income children that must be served with the allocation. Each grantee must present a work plan to the commissioner for approval. The work plan must include the estimated number of low-income children and families it will be able to serve, a description of the program design and service delivery area which meets the needs of and encourages access by low-income working families, a program design that ensures fair and equitable access to Head Start services for all populations and parts of the service area, and a plan for coordinating services to maximize assistance for child care costs available to families under chapter 119B. For any grantee that cannot utilize its full allocation, the commissioner must reduce the allocation proportionately. Money available after the initial allocations are reduced must be redistributed to eligible grantees.

History: 1Sp2003 c 9 art 7 s 1

119A.53 FEDERAL REQUIREMENTS.

Grantees and the commissioner shall comply with federal regulations governing the federal Head Start program, except for funding for innovative initiatives under section 119A.52, which may be used to operate differently than federal Head Start regulations. If a state statute or rule conflicts with a federal statute or regulation, the state statute or rule prevails.

History: 1Sp2003 c 9 art 7 s 2