

CHAPTER 119A

DEPARTMENT OF CHILDREN, FAMILIES, AND
LEARNING

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and goals.
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119A.01 ABOLISHMENT; ESTABLISHMENT; PURPOSE; AND GOALS.

Subdivision 1. **Abolishment.** The position of commissioner of education and the department of education are abolished. The employees of the department of education are transferred to the department of children, families, and learning under section 15.039, subdivision 7.

Subd. 2. **Establishment.** The department of children, families, and learning is established.

Subd. 3. **Purpose.** The purpose in creating the department is to increase the capacity of Minnesota communities to measurably improve the well-being of children and families by:

- (1) coordinating and integrating state funded and locally administered family and children programs;
- (2) improving flexibility in the design, funding, and delivery of programs affecting children and families;
- (3) providing greater focus on strategies designed to prevent problems affecting the well-being of children and families;
- (4) enhancing local decision making, collaboration, and the development of new governance models;
- (5) improving public accountability through the provision of research, information, and the development of measurable program outcomes;
- (6) increasing the capacity of communities to respond to the whole child by improving the ability of families to gain access to services;
- (7) encouraging all members of a community to nurture all the children in the community; and
- (8) supporting parents in their dual roles as breadwinners and parents.

History: *1Sp1995 c 3 art 16 s 1*

119A.02 DEFINITIONS.

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

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of children, families, and learning.

Subd. 3. **Department.** "Department" means the department of children, families, and learning.

Subd. 4. **Local grantee.** "Local grantee" means a local unit of government or an agency or organization that receives funds under section 119A.04.

History: *1Sp1995 c 3 art 16 s 2*

119A.03 COMMISSIONER.

Subdivision 1. **General.** The department is under the administrative control of the commissioner. The commissioner is appointed by the governor with the advice and consent of the senate. The commissioner must possess broad knowledge and experience in strengthening children and families. The commissioner has the general powers as provided in section 15.06, subdivision 6.

The commissioner's salary must be established according to the procedure in section 15A.081, subdivision 1, in the same range as that specified for the commissioner of finance.

Subd. 2. Duties of the 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, the commission on children, youth, and their families, and affected parties, prior to January 1, 1996, and prior to July 1 of each year thereafter, 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 children, families, and learning or the feasibility of inclusion in the funding consolidation process; and
- (10) monitor local compliance with this chapter.

History: *1Sp1995 c 3 art 16 s 3*

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 children, families, and learning 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 257.80 to 257.807;
 - (2) the family services and community-based collaboratives under section 121.8355;
 - (3) the early childhood care and education council under section 256H.195;
 - (4) the child care programs under sections 256H.01 to 256H.19;
 - (5) the migrant child care program under section 256.01;
 - (6) the child care resource and referral program under sections 256H.196 and 256H.20;
- and
- (7) the child care service development program under sections 256H.21 to 256H.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 children, families, and learning under section 15.039 on July 1, 1997: (1) the Head Start program, including Project Cornerstone, under sections 268.912 to 268.916; and (2) community action agency programs and financial assistance under sections 268.52 and 268.54.

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 children, families, and learning 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 children, families, and learning under section 15.039: child abuse and child victims services under chapter 611A.

Subd. 5. Department of public safety. The powers and duties with respect to the following program is transferred to the department of children, families, and learning under section 15.039: drug policy and violence prevention and the community advisory violence prevention councils under sections 299A.29 to 299A.37 and 299A.40.

Subd. 6. Funding for transferred programs. State appropriations for programs transferred under this section may not be used to replace appropriations for K-12 programs.

History: *1Sp1995 c 3 art 16 s 4*

NOTE: This section, as added by Laws 1995, First Special Session chapter 3, article 16, section 4, is effective July 1, 1996. See Laws 1995, First Special Session chapter 3, article 16, section 15.

119A.05 FUNDING CONSOLIDATION.

Subdivision 1. Authority for funding consolidation. Notwithstanding existing law governing allocation of funds by local grantees, mode of service delivery, grantee planning and reporting requirements, and other procedural requirements for the grant programs identified in this section, a local grantee may elect to consolidate all or a portion of funding received from the programs under subdivision 5 in a collaboration funding plan, if all conditions specified in this section are satisfied. County boards, school boards, or governing boards of other grantees may elect not to consolidate funding for a program.

For grantees electing consolidation, the commissioner may, with the approval of the board of government innovation and cooperation, waive all provisions of rules inconsistent with the intent of this section. This waiver authority does not apply to rules governing client protections, due process, or inclusion of clients, parents, cultures, and ethnicities in decision making. Funding to a local grantee must be determined according to the funding formulas or allocation rules governing the individual programs listed in section 119A.04.

Subd. 2. Account. A consolidated funding account is established under the control of the commissioner of children, families, and learning. 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.

Subd. 3. Eligibility; accountability. To be eligible to receive funding for local consolidation, as provided for in this section, a grantee must meet the following requirements:

(1) demonstrate participation by counties and schools in a local collaborative process as defined in section 121.8355 or in a similar process of collaboration with other local governments and community organizations which satisfies the governance and planning guidelines published by the commissioner as provided for in this section;

(2) document consultation by counties and schools with community action agencies and other community groups;

(3) complete and document, according to guidelines published by the commissioner, a collaborative planning process which clearly identifies:

(i) allocation of resources in the collaboration annual funding plan;

(ii) a description of the governance structure for the execution of the funding plan;

(iii) outcomes consistent with the statewide goals identified in this chapter and in statutes governing previous categorical funding included in the collaboration funding plan; and

(iv) indicators sufficient to measure improvement or decline in specified outcomes compared to baseline performance;

(4) conduct a public hearing on the funding consolidation plan under section 471.705;

(5) agree to periodically report information concerning progress in addressing outcomes, as provided for in guidelines to be published by the commissioner; and

(6) execute a written agreement between the commissioner and the local grantees setting forth responsibilities, obligations, and conditions consistent with this section. The agreement must state that the funds that are being locally consolidated will be used collectively only to achieve the objectives of the separate programs being locally consolidated.

Subd. 4. Geographic area. The geographic area for a local consolidated funding process must be an entire county, a multicounty area, or, with the approval of the county board and commissioner, a subcounty area, if county funds are used. The process may provide for coordination of service delivery in jurisdictions that extend across county boundaries.

Subd. 5. Programs included. Grant programs transferred to the department of children, families, and learning in section 119A.04 and programs transferred from the abolished department of education 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.

Subd. 6. Entry into program. Grantees who meet all requirements of this section may elect to begin using funding for a local consolidated funding process beginning January 1, 1996, or at each six-month interval. Other local grantees that meet all requirements of this section may elect to begin using funding for a local consolidation funding process beginning July 1, 1996, or at each six-month interval.

Subd. 7. Sanctions. If the commissioner finds that a grantee has failed to comply with this section, the grantee becomes subject to all requirements of individual grant programs as specified in statutes and rules.

History: *1Sp1995 c 3 art 16 s 5*