

Children and Families

CHAPTER 119A

DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING

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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 119A.10 to 119A.17;
- (2) the family services and community-based collaboratives under section 121.8355;
- (3) the early childhood care and education council under section 119B.17;
- (4) the child care programs under sections 119B.01 to 119B.16;
- (5) the migrant child care program under section 256.01;

(6) the child care resource and referral program under sections 119B.18 and 119B.19; and

(7) the child care service development program under sections 119B.20 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 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 119A.25 to 119A.35 and 119A.36.

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*

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

CHILDREN'S TRUST FUND FOR PREVENTION OF CHILD ABUSE

119A.10 CITATION.

Sections 119A.11 to 119A.16 may be cited as the "children's trust fund for the prevention of child abuse act."

History: 1986 c 423 s 1; 1991 c 292 art 8 s 25

119A.11 DEFINITIONS.

Subdivision 1. Applicability. The definitions in this section apply to Laws 1986, chapter 423, sections 1 to 9.

Subd. 2. Act. "Act" means the children's trust fund for the prevention of child abuse act.

Subd. 3. Advisory council. "Advisory council" means the advisory council established under section 119A.13.

Subd. 4. Child. "Child" means a person under 18 years of age.

Subd. 5. Child abuse. "Child abuse" means sexual abuse, neglect, or physical abuse as defined in section 626.556, subdivision 2, paragraphs (a), (c), and (d).

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of children, families, and learning.

Subd. 7. **Local council.** "Local council" means a child abuse prevention council established under section 119A.14.

Subd. 8. **Prevention program.** "Prevention program" means a system that directly provides primary or secondary child abuse prevention services to a child, parent or prospective parent, guardian, or professional who works regularly with children, and may also include a research program related to the prevention of child abuse.

Subd. 9. **Primary prevention.** "Primary prevention" means a program or service designed to promote the general welfare of children and families.

Subd. 10. **Secondary prevention.** "Secondary prevention" means a program or service designed to prevent abuse of children who are in circumstances where there is a high risk that abuse will occur.

Subd. 11. **Tertiary prevention.** "Tertiary prevention" means a program or service provided after child abuse has occurred that is designed to prevent its recurrence.

Subd. 12. **Trust fund.** "Trust fund" means the children's trust fund for the prevention of child abuse established under section 119A.12.

History: 1986 c 423 s 2; 1991 c 292 art 8 s 8,25; 1Sp 1995 c 3 art 16 s 13

119A.12 TRUST FUND.

Subdivision 1. **Creation of trust fund.** A children's trust fund for the prevention of child abuse is established as an account in the state treasury. The commissioner of finance shall credit to the trust fund all amounts received under sections 119A.16 and 144.226, subdivision 3, and shall ensure that trust fund money is invested under section 11A.25. All money earned by the trust fund must be credited to the trust fund. The trust fund earns its proportionate share of the total annual state investment income.

Subd. 2. **Availability of funds for disbursement.** Until the total amount of assets in the trust fund exceeds \$20,000,000, not more than 60 percent of the gross amount contributed to the trust fund each year under section 144.226, subdivision 3, plus 100 percent of all earnings credited to the trust fund the previous fiscal year, are available for disbursement. When the commissioner of finance certifies that the assets in the trust fund exceed \$20,000,000, only the annual earnings and the funds received under section 119A.16 that are credited to the trust fund are available for disbursement.

Subd. 3. **Exception.** Notwithstanding subdivision 2, money received under section 119A.16 may be disbursed in its entirety. This money must not be taken into account when calculating the annual contributions to the trust fund under this section.

History: 1986 c 423 s 3; 1991 c 292 art 8 s 25

119A.13 DISBURSEMENT OF FUNDS FOR CHILD ABUSE PREVENTION.

Subdivision 1. **Authority to disburse funds.** The commissioner, with the advice and consent of the advisory council established under this section, may disburse trust fund money to any public or private nonprofit agency to fund a child abuse prevention program. State funds appropriated for child maltreatment prevention grants may be transferred to the children's trust fund special revenue account and are available to carry out this section.

Subd. 2. **Advisory council.** An advisory council of 19 members is established under section 15.059. The commissioners of human services, public safety, health, children, families, and learning, and corrections shall each appoint one member. The subcommittee on committees of the senate and the speaker of the house of representatives shall each appoint two members of their respective bodies, one from each caucus. The governor shall appoint an additional ten members who shall demonstrate knowledge in the area of child abuse and shall represent the demographic and geographic composition of the state, and to the extent possible, represent the following groups: local government, parents, racial and ethnic minority communities, the religious community, professional providers of child abuse prevention and treatment services, and volunteers in child abuse prevention and treatment services. The council shall advise and assist the commissioner in carrying out sections 119A.10 to 119A.16. The council does not expire as provided by section 15.059, subdivision 5.

Subd. 3. Plan for disbursement of funds. By June 1, 1987, the commissioner, assisted by the advisory council, shall develop a plan to disburse money from the trust fund. In developing the plan, the commissioner shall review prevention programs. The plan must ensure that all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money. Biennially thereafter the commissioner shall send the plan to the legislature and the governor by January 1 of each odd-numbered year.

Subd. 4. Responsibilities of the commissioner. (a) The commissioner shall:

(1) provide for the coordination and exchange of information on the establishment and maintenance of prevention programs;

(2) develop and publish criteria for receiving trust fund money by prevention programs;

(3) review, approve, and monitor the spending of trust fund money by prevention programs;

(4) provide statewide educational and public informational seminars to develop public awareness on preventing child abuse; to encourage professional persons and groups to recognize instances of child abuse and work to prevent them; to make information on child abuse prevention available to the public and to organizations and agencies; and to encourage the development of prevention programs;

(5) establish a procedure for an annual, internal evaluation of the functions, responsibilities, and performance of the commissioner in carrying out Laws 1986, chapter 423. In a year in which the state plan is prepared, the evaluation must be coordinated with the preparation of the state plan;

(6) provide technical assistance to local councils and agencies working in the area of child abuse prevention; and

(7) accept and review grant applications beginning June 1, 1987.

(b) The commissioner shall recommend to the governor and the legislature changes in state programs, statutes, policies, budgets, and standards that will reduce the problems of child abuse, improve coordination among state agencies that provide prevention services, and improve the condition of children, parents, or guardians in need of prevention program services.

History: 1986 c 423 s 4; 1987 c 358 s 113; 1Sp1987 c 4 art 2 s 6; 1988 c 629 s 57; 1989 c 119 s 1; 1991 c 292 art 8 s 9,25; 1992 c 515 s 2; 1Sp1993 c 1 art 3 s 31; 1Sp1995 c 3 art 16 s 13

119A.14 LOCAL CHILD ABUSE PREVENTION COUNCILS.

Subdivision 1. Establishment of council. A child abuse prevention council may be established in any county or group of counties that was eligible to receive funds under Minnesota Statutes 1986, section 145.917 as of January 1, 1986. A council organized in such a county or group of counties shall be authorized by the commissioner to review programs seeking trust fund money on finding that the council meets the criteria in this subdivision:

(a) The council has submitted a plan for the prevention of child abuse that includes a survey of programs and services, assesses the need for additional programs or services, and demonstrates that standards and procedures have been established to ensure that funds will be distributed and used according to Laws 1986, chapter 423.

(b) A single-county council shall consist of:

(1) members of a multidisciplinary child protection team which must be established under section 626.558; and

(2) if necessary, enough additional members appointed by the county with knowledge in the area of child abuse so that a majority of the council is composed of members who do not represent public agencies.

(c) A multicounty council shall be selected by the combined membership of those multidisciplinary teams which have been established in the counties under section 626.558 and shall consist of:

(1) one representative each from local human services agencies, county attorney offices, county sheriff offices, and health and education agencies, chosen from among the membership of all the teams;

(2) one representative from any other public agency group represented among the combined teams; and

(3) enough additional members from the public who have knowledge in the area of child abuse so that a majority of the council is composed of members who do not represent public agencies.

(d) In any multicounty group eligible to establish a council under this subdivision, at least 50 percent of the counties must have established a multidisciplinary team under section 626.558 before a council may be established.

Subd. 2. Review by council. To be eligible to receive a grant from the trust fund, an applicant must have had its program reviewed by a child abuse prevention council from the applicant's geographic area formed by the commissioner to meet the criteria in this section. In reviewing all such programs, the council shall consider the extent to which the applicant meets the criteria and standards in Laws 1986, chapter 423, and the degree to which the program meets the needs of the geographic area. The council shall provide to the advisory council its comments and recommendations concerning each program reviewed and shall provide the advisory council with its prioritization by rank ordering of all programs reviewed.

History: 1986 c 423 s 5; 1991 c 199 art 2 s 22; 1991 c 292 art 8 s 25

119A.15 PROCEDURES AND CRITERIA FOR DISBURSEMENT.

Subdivision 1. Establishment. The commissioner shall establish in the plan for prevention of child abuse the criteria for distribution of trust fund money. All money shall be distributed for programs and services involving primary or secondary prevention, and no money shall be distributed for programs and services involving tertiary prevention.

Subd. 2. Matching and other requirements. Trust fund money shall only be distributed to applicants that demonstrate an ability to match 40 percent of the amount of trust fund money requested and whose proposals meet the other criteria. The matching requirement may be met through in-kind donations. In awarding grants, the commissioner shall consider the extent to which the applicant has demonstrated a willingness and ability to:

(1) continue the prevention program or service if trust fund money is eliminated or reduced; and

(2) provide prevention program models and consultation to other organizations and communities.

Subd. 3. Use of funds. Priority must be given to applicants whose matching funds do not consist, in whole or in part, of state or federal funds. Any trust fund money received must not be used to compensate for a decrease in previously existing funding levels unless that decrease is attributable to a decision made by state, federal, or other entities not controlled by the applicant and the applicant demonstrates that it has made reasonable efforts to retain all previously existing funding.

Subd. 4. Statewide or regional programs. The commissioner may fund programs that intend to serve the entire state or a region larger than the area served by any local council even if the program has not been reviewed by any local council. The commissioner may, however, solicit comments or recommendations about the applicant or the program from a local council covering any area to be served by the applicant's proposed program.

Subd. 5. Local council as recipient of funds. The commissioner may disburse funds to a local council on the same basis as to any other applicant, or as administrative costs in carrying out Laws 1986, chapter 423, if all criteria and standards are met. Funds disbursed as administrative costs to a local council must not exceed five percent of total funds disbursed to the area served by the local council.

Subd. 6. Contracts. The commissioner shall use state or local resources and staff if practicable, but may enter into contracts with public or nonprofit private agencies to fulfill the requirements of Laws 1986, chapter 423.

Subd. 7. Rules. The commissioner may adopt rules to carry out Laws 1986, chapter 423.

History: 1986 c 423 s 6; 1Sp1987 c 4 art 2 s 7; 1991 c 292 art 8 s 25

119A.16 ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.

The commissioner may accept federal money and gifts, donations, and bequests for the purposes of Laws 1986, chapter 423. Money so received and proceeds from the sale of promotional items, minus sales promotional costs, must be deposited in the trust fund and must be made available annually to the commissioner.

History: 1986 c 423 s 7; 1987 c 358 s 114; 1991 c 292 art 8 s 25

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 children, families, and learning 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 children, families, and learning to carry out sections 119A.10 to 119A.16.

History: 1986 c 423 s 9; 1991 c 292 art 8 s 10,25; 1Sp1995 c art 16 s 13

ABUSED CHILD PROGRAM**119A.20 ABUSED CHILD PROGRAM.**

Subdivision 1. **Definitions.** For the purposes of sections 119A.20 to 119A.23, the following terms have the meanings given.

Subd. 2. **Abused child.** "Abused child" means a child, under the age of 18 years, who has suffered physical, emotional, or mental injury, harmful neglect, sexual abuse or exploitation, or negligent treatment.

Subd. 3. **Abused children services.** "Abused children services" means any service or program designed to provide advocacy, education, prevention, or direct service to or on behalf of abused children, children at risk, and their families.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of the department of children, families, and learning or a designee.

History: 1994 c 552 s 1; 1Sp1995 c.3 art 16 s 13

119A.21 GRANTS TO SERVICE PROVIDER PROGRAMS.

Subdivision 1. **Grants awarded.** The commissioner shall award grants to programs which provide abused children services. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations.

Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the commissioner for a grant to provide abused children services. The application shall be submitted in a form approved by the commissioner after consultation with the abused children advisory council and shall include:

(1) a proposal for the provision of abused children services to, or on behalf of, abused children, children at risk, and their families;

(2) a proposed budget;

(3) evidence of ability to represent the interests of abused children and their families to local law enforcement agencies and courts, social services, and health agencies;

(4) evidence of ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(5) any other information the commissioner may require by policy or by rule adopted under chapter 14, after considering the recommendations of the abused children advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (5), in order to qualify for renewal

funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of funding.

Subd. 3. Duties. Every public or private nonprofit agency which receives a grant under this section to provide abused children services shall comply with all requirements of the commissioner related to the administration of the grants.

Subd. 4. Classification of data collected by grantees. Personal history information and other information collected, used, or maintained by a grantee from which the identity of any abused child or family members may be determined is private data on individuals as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with provisions of chapter 13.

History: 1994 c 552 s 2

119A.22 DUTIES OF THE COMMISSIONER.

The commissioner shall:

(1) review applications and award grants to programs pursuant to section 119A.21 after considering the recommendation of the abused children advisory council;

(2) appoint members of the abused children advisory council created under section 119A.23 and provide consultative staff and other administrative services to the council;

(3) after considering the recommendation of the abused children advisory council, appoint a program director to perform the duties set forth in this clause. In appointing the program director the commissioner shall give due consideration to the list of applicants submitted to the commissioner pursuant to this section. The program director shall administer the funds appropriated for sections 119A.20 to 119A.23, consult with and provide staff to the advisory council and perform other duties related to abused children's programs as the commissioner may assign;

(4) design a uniform method of collecting data on abused children's programs to be used to monitor and assure compliance of the programs funded under section 119A.21;

(5) provide technical aid to applicants in the development of grant requests and to programs in meeting the data collection requirements established by the commissioner; and

(6) adopt, under chapter 14, all rules necessary to implement the provisions of sections 119A.20 to 119A.23.

History: 1994 c 552 s 3

119A.23 ADVISORY COUNCIL.

Subdivision 1. Generally. The commissioner shall appoint a 12-member advisory council to advise the commissioner on the implementation and continued operation of sections 119A.20 to 119A.23. The abused children advisory council shall also serve as a liaison between the commissioner and organizations that provide abused children services. The terms of members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Council members shall not receive per diem but shall receive expense reimbursements as specified in section 15.059. In other matters section 15.059 shall govern the operation of the advisory council.

Subd. 2. Membership. Persons appointed shall be knowledgeable about or have interests in issues concerning abused children and the programs that serve them, including the need for effective advocacy services. The membership of the council shall broadly represent the interests of abused children throughout Minnesota, including representation of people of color and other individuals from traditionally underserved population, and must include one member from the department of human services child protection unit. No more than six members of the council may be representatives of community or governmental organizations that provide abused children services. One-half of the council's members shall reside in the metropolitan area consisting of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. Duties. The advisory council shall:

- (1) advise the commissioner on all planning, development, data collection, rulemaking, funding, and evaluation of abused children programs under section 119A.22;
- (2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs are consistent with section 119A.21;
- (3) recommend to the commissioner the names of five applicants for the position of abused children program director;
- (4) advise the commissioner on the rules adopted under chapter 14;
- (5) review applications received by the commissioner for grants under section 119A.21 and make recommendations on the awarding of grants; and
- (6) advise the program director in the performance of duties in the administration and coordination of the programs funded under section 119A.21.

Subd. 4. Conflict of interest. A member of the advisory council shall be excluded from participating in review and recommendation concerning a grant allocation if the member:

- (1) serves or has served any time during the last three years as an employee, consultant, volunteer, or governing board member of an organization whose application is being reviewed; or
- (2) has a financial interest in the funding of the applicant organization.

Subd. 5. Advisory council recommendations. The commissioner shall consider the advisory council's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding, and abused children services for programs funded under section 119A.21. Before taking action on matters related to programs and abused children services, except day-to-day administrative operations, the commissioner shall notify the advisory council of the intended action. Notification of grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration.

History: 1994 c 552 s 4

DRUG POLICY; VIOLENCE PREVENTION

119A.25 DEFINITIONS.

Subdivision 1. Applicability. For purposes of sections 119A.25 to 119A.33, the following terms have the meanings given them in this section.

Subd. 2. Chemical abuse. "Chemical abuse" means the use of a controlled substance or the abuse of alcoholic beverages.

Subd. 3. Controlled substance. "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Subd. 4. Prevention activity. "Prevention activity" means an activity carried on by a government agency that is designed to reduce chemical abuse and dependency, including education, prevention, treatment, and rehabilitation programs.

Subd. 5. Supply reduction activity. "Supply reduction activity" means an activity carried on by a government agency that is designed to reduce the supply or use of controlled substances, including law enforcement, eradication, and prosecutorial activities.

History: 1989 c 290 art 9 s 1; 1989 c 356 s 56; 1991 c 279 s 10-13

119A.26 OFFICE OF DRUG POLICY AND VIOLENCE PREVENTION.

Subdivision 1. Office; assistant commissioner. The office of drug policy and violence prevention is an office in the department of children, families, and learning headed by an assistant commissioner appointed by the commissioner to serve in the unclassified service. The assistant commissioner may appoint other employees. The assistant commissioner shall coordinate the violence prevention activities and the prevention and supply reduction activities of state and local agencies and provide one professional staff member to assist on a full-time basis the work of the chemical abuse prevention resource council.

Subd. 2. Duties. (a) The assistant commissioner shall:

(1) gather, develop, and make available throughout the state information and educational materials on preventing and reducing violence in the family and in the community, both directly and by serving as a clearinghouse for information and educational materials from schools, state and local agencies, community service providers, and local organizations;

(2) foster collaboration among schools, state and local agencies, community service providers, and local organizations that assist in violence intervention or prevention;

(3) assist schools, state and local agencies, service providers, and organizations, on request, with training and other programs designed to educate individuals about violence and reinforce values that contribute to ending violence;

(4) after consulting with all state agencies involved in preventing or reducing violence within the family or community, develop a statewide strategy for preventing and reducing violence that encompasses the efforts of those agencies and takes into account all money available for preventing or reducing violence from any source;

(5) submit the strategy to the governor and the legislature by January 15 of each calendar year, along with a summary of activities occurring during the previous year to prevent or reduce violence experienced by children, young people, and their families; and

(6) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of activities to prevent or reduce violence within the family or community.

(b) The assistant commissioner shall gather and make available information on prevention and supply reduction activities throughout the state, foster cooperation among involved state and local agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of prevention and supply reduction activities.

(c) The assistant commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. The assistant commissioner shall recommend to the commissioner recipients of grants under sections 119A.30 and 299A.33, after consultation with the chemical abuse prevention resource council.

(d) The assistant commissioner shall:

(1) after consultation with all state agencies involved in prevention or supply reduction activities, develop a state chemical abuse and dependency strategy encompassing the efforts of those agencies and taking into account all money available for prevention and supply reduction activities, from any source;

(2) submit the strategy to the governor and the legislature by January 15 of each year, along with a summary of prevention and supply reduction activities during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of prevention and supply reduction activities;

(4) provide information, including information on drug trends, and assistance to state and local agencies, both directly and by functioning as a clearinghouse for information from other agencies;

(5) facilitate cooperation among drug program agencies; and

(6) in coordination with the chemical abuse prevention resource council, review, approve, and coordinate the administration of prevention, criminal justice, and treatment grants.

History: 1989 c 290 art 9 s 2; 1991 c 238 art 1 s 14; 1991 c 279 s 14; 1991 c 345 art 2 s 51; 1992 c 571 art 10 s 20; 1Sp1995 c 3 art 16 s 13

119A.27 CHEMICAL ABUSE AND VIOLENCE PREVENTION COUNCIL.

Subdivision 1. Establishment; membership. A chemical abuse and violence prevention council consisting of 19 members is established. The commissioners of public safety, children, families, and learning, health, corrections, and human services, the director of the office of strategic and long-range planning, and the attorney general shall each appoint one

member from among their employees. The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities; and other community representatives. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

Subd. 2. Acceptance of funds and donations. The council may accept federal money, gifts, donations, and bequests for the purpose of performing the duties set forth in this section and section 119A.28. The council shall use its best efforts to solicit funds from private individuals and organizations to match state appropriations.

History: 1989 c 290 art 9 s 3; 1991 c 279 s 15; 1991 c 345 art 2 s 52; 1992 c 571 art 10 s 21; 1994 c 636 art 9 s 2; 1Sp1995 c 3 art 16 s 13

119A.28 RESPONSIBILITIES OF COUNCIL.

Subdivision 1. Purpose of council. The general purpose of the council is to serve as an advisory body to the governor and the legislature on all aspects of alcohol and drug abuse.

Subd. 2. Specific duties and responsibilities. In furtherance of the general purpose specified in subdivision 1, the council shall:

(1) assist state agencies in the coordination of drug policies and programs and in the provision of services to other units of government, communities, and citizens;

(2) promote among state agencies policies to achieve uniformity in state and federal grant programs and to streamline those programs;

(3) oversee comprehensive data collection and research and evaluation of alcohol and drug program activities;

(4) seek the advice and counsel of appropriate interest groups and advise the assistant commissioner of the office of drug policy and violence prevention;

(5) seek additional private funding for community-based programs and research and evaluation;

(6) evaluate whether law enforcement narcotics task forces should be reduced in number and increased in geographic size, and whether new sources of funding are available for the task forces;

(7) continue to promote clarity of roles among federal, state, and local law enforcement activities; and

(8) establish criteria to evaluate law enforcement drug programs.

Subd. 3. Grant programs. The council shall, in coordination with the assistant commissioner of the office of drug policy and violence prevention, review and approve state agency plans regarding the use of federal funds for programs to reduce chemical abuse or reduce the supply of controlled substances. The appropriate state agencies would have responsibility for management of state and federal drug grant programs.

Subd. 4. Annual report. By February 1 each year, the council shall submit a written report to the governor and the legislature describing its activities during the preceding year, describing efforts that have been made to enhance and improve utilization of existing resources and to identify deficits in prevention efforts, and recommending appropriate changes, including any legislative changes that it considers necessary or advisable in the area of chemical abuse and violence prevention policy, programs, and services.

History: 1989 c 290 art 9 s 4; 1991 c 279 s 16; 1992 c 571 art 10 s 22,23; 1994 c 636 art 9 s 3

119A.29 YOUTH NEIGHBORHOOD CENTERS; PILOT PROJECTS ESTABLISHED.

Subdivision 1. **Establishment; requirements.** The commissioner of children, families, and learning may establish pilot projects at neighborhood centers serving youths between the ages of 11 to 21. The centers may offer recreational activities, social services, meals, job skills and career services, and provide referrals for youths to other available services outside the centers. The commissioner may consult with other appropriate agencies and, to the extent possible, use existing resources and staff in creating the programs. The commissioner shall ensure that the programs, if offered, are adequately staffed by specially trained personnel and outreach street workers. Each center may integrate community volunteers into the program's activities and services and cooperate with local law enforcement agencies. The centers must be open during hours convenient to youths including evenings, weekends, and extended summer hours. However, there may not be any conflicts with truancy laws. Each center must have a plan for evaluation designed to measure the program's effectiveness in aiding youths.

Subd. 2. **Advisory board.** The commissioner shall establish an advisory board to help develop plans and programs for the youth centers established in subdivision 1. The commissioner shall encourage both youths and their families to participate on the board.

History: 1995 c 226 art 3 s 44; 1Sp1995 c 3 art 16 s 13; 1996 c 408 art 2 s 4

119A.30 LAW ENFORCEMENT AND COMMUNITY GRANTS.

Subdivision 1. **Grant programs.** (a) The commissioner shall develop grant programs to:

(1) assist law enforcement agencies in purchasing equipment, provide undercover buy money, and pay other nonpersonnel costs;

(2) assist community and neighborhood organizations in efforts to prevent or reduce criminal activities in their areas, particularly activities involving youth and the use and sale of drugs; and

(3) assist law enforcement agencies in efforts to target and apprehend violent habitual criminals.

(b) The commissioner shall prescribe criteria for eligibility and the award of grants and reporting requirements for recipients.

Subd. 2. **Selection and monitoring.** The chemical abuse and violence prevention council shall assist in the selection and monitoring of grant recipients.

History: 1989 c 290 art 9 s 6; 1990 c 499 s 3; 1991 c 279 s 17; 1994 c 636 art 9 s 4; 1994 c 636 art 4 s 15

119A.31 COMMUNITY CRIME PREVENTION PROGRAMS; GRANTS.

Subdivision 1. **Programs.** The commissioner shall, in consultation with the chemical abuse and violence prevention council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control and prevention efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) community-based programs designed to provide services for children aged 8 to 13 who are juvenile offenders or who are at risk of becoming juvenile offenders. The programs must give priority to:

(i) juvenile restitution;

(ii) prearrest or pretrial diversion, including through mediation;

(iii) probation innovation;

(iv) teen courts, community service; or

(v) post incarceration alternatives to assist youth in returning to their communities;

(2) community-based programs designed to provide at-risk children and youth aged 8 to 13 with after-school and summer enrichment activities;

(3) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities such as neighborhood youth centers;

(4) neighborhood block clubs and innovative community-based crime prevention programs;

(5) community- and school-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk children and youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(6) community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken;

(7) community-based collaboratives that coordinate multiple programs and funding sources to address the needs of at-risk children and youth, including, but not limited to, collaboratives that address the continuum of services for juvenile offenders and those who are at risk of becoming juvenile offenders;

(8) programs that are proven successful at increasing the rate of school success or the rate of post-secondary education attendance for high-risk students;

(9) community-based programs that provide services to homeless youth;

(10) programs designed to reduce truancy; and

(11) other community- and school-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Subd. 2. Grant procedure. A local unit of government or a nonprofit community-based entity may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

(1) a description of each program for which funding is sought;

(2) outcomes and performance indicators for the program;

(3) a description of the planning process that identifies local community needs, surveys existing programs, provides for coordination with existing programs, and involves all affected sectors of the community;

(4) the geographical area to be served by the program;

(5) statistical information as to the number of arrests in the geographical area for violent crimes and for crimes involving schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; or any provision of chapter 152 that is punishable by a maximum sentence greater than ten years; and

(6) the number of economically disadvantaged youth in the geographical areas to be served by the program.

The commissioner shall give priority to funding community-based collaboratives, programs that demonstrate substantial involvement by members of the community served by the program and programs that either serve the geographical areas that have the highest crime rates, as measured by the data supplied under clause (4), or serve geographical areas that have the largest concentrations of economically disadvantaged youth. Up to 2.5 percent of the appropriation may be used by the commissioner to administer the program.

Subd. 3. Report. The commissioner shall submit a written report to the children's cabinet and chairs of the committees of the senate and house of representatives with jurisdiction over criminal justice policy and funding of crime prevention programs, by February 1 each year, based on the information provided by applicants under this subdivision.

History: 1989 c 290 art 9 s 7; 1990 c 499 s 4; 1991 c 279 s 18; 1993 c 326 art 12 s 4,5; art 13 s 18; 1994 c 576 s 38,39; 1994 c 636 art 6 s 22; art 9 s 5; 1995 c 226 art 4 s 4; 1996 c 408 art 2 s 5

119A.32 OTHER DUTIES.

The assistant commissioner assigned to the office of drug policy and violence prevention, in consultation with the chemical abuse and violence prevention council, shall:

(1) provide information and assistance upon request to school preassessment teams established under section 126.034 and school and community advisory teams established under section 126.035;

(2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;

(4) assist in coordinating the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; and

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

History: 1989 c 290 art 9 s 8; 1989 c 356 s 57; 1991 c 279 s 19; 1992 c 571 art 10 s 25; 1994 c 636 art 9 s 6

119A.33 COOPERATION OF OTHER AGENCIES.

State agencies, and agencies and governing bodies of political subdivisions, shall cooperate with the assistant commissioner assigned to the office of drug policy and shall provide any public information requested by the assistant commissioner assigned to the office of drug policy.

History: 1989 c 290 art 9 s 9

119A.34 MULTIDISCIPLINARY CHEMICAL ABUSE PREVENTION TEAM.

Subdivision 1. Establishment of team. A county, a multicounty organization of counties formed by an agreement under section 471.59, or a city with a population of no more than 50,000, may establish a multidisciplinary chemical abuse prevention team. The chemical abuse prevention team may include, but not be limited to, representatives of health, mental health, public health, law enforcement, educational, social service, court service, community education, religious, and other appropriate agencies, and parent and youth groups. For purposes of this section, "chemical abuse" has the meaning given in Minnesota Rules, part 9530.6605, subpart 6. When possible the team must coordinate its activities with existing local groups, organizations, and teams dealing with the same issues the team is addressing.

Subd. 2. Duties of team. (a) A multidisciplinary chemical abuse prevention team shall:

(1) assist in coordinating chemical abuse prevention and treatment services provided by various groups, organizations, and agencies in the community;

(2) disseminate information on the chemical abuse prevention and treatment services that are available within the community in which the team is established;

(3) develop and conduct educational programs on chemical abuse prevention for adults and youth within the community in which the team is established;

(4) conduct activities to address other high-risk behaviors related to chemical abuse, including, but not limited to, suicide, delinquency, and family violence; and

(5) conduct other appropriate chemical abuse prevention activities.

(b) The team, in carrying out its duties under this subdivision, must focus on chemical abuse issues and needs unique to the community in which the team is established. In defining the needs and goals of the team, the team shall consult with the governmental body of the city or county in which the team is established. When a team is established in a multicounty area, the team shall consult with representatives of the county boards of each county.

(c) The team, in carrying out its duties, shall comply with the government data practices act in chapter 13, and requirements for confidentiality of records under Code of Federal Regulations, title 42, sections 2.1 to 2.67, as amended through December 31, 1988, and section 254A.09.

Subd. 3. Grants for demonstration program. The assistant commissioner of the office of drug policy may award a grant to a county, multicounty organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse

prevention team. The assistant commissioner may approve up to five applications for grants under this subdivision. The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.

Subd. 4. Assistant commissioner; administration of grants. The assistant commissioner shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program under the Drug Free Schools and Communities Act, Public Law Number 100-690. The process for administering the grants must include establishing criteria the assistant commissioner shall apply in awarding grants. The assistant commissioner shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information about the applicant and other information the assistant commissioner considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the assistant commissioner. The assistant commissioner shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.

History: 1989 c 290 art 12 s 1; 1991 c 345 art 2 s 53