

CHAPTER 119A

DEPARTMENT OF EDUCATION; PROGRAMS

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119A.01 Subdivision 1. [Repealed, 2003 c 130 s 13]

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

Subd. 3. [Repealed, 2005 c 98 art 2 s 18]

119A.02 DEFINITIONS.

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

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

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

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; 2003 c 130 s 3,4*

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.0815, in the same range as that specified for the commissioner of management and budget.

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;

(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: *1Sp1995 c 3 art 16 s 3; 2Sp1997 c 3 s 18; 1999 c 86 art 1 s 27; 2003 c 130 s 12; 2007 c 13 art 3 s 12; 2009 c 101 art 2 s 109*

119A.04 TRANSFERS FROM OTHER AGENCIES.

Subdivision 1. [Repealed, 2014 c 262 art 1 s 12]

Subd. 2. **Department of Employment and Economic Development.** The powers and duties of the Department of Employment and Economic Development 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 256E.30 and 256E.32.

Subd. 3. [Repealed, 2014 c 272 art 8 s 4]

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.

Subd. 5. [Repealed, 1999 c 216 art 2 s 29; 1999 c 241 art 10 s 9]

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. State and federal appropriations for programs under section 256E.25, subdivision 5a, transferred from the Department of Employment and Economic Development, may not be used to replace, supplement, or supplant federal or state appropriations for any other program in the department.

Subd. 7. **Grantees of transferred programs.** Except as provided in Minnesota Rules, chapter 3350, the commissioner shall not reduce the number of organizations or eliminate specific types of organizations that are eligible to directly apply for grants made by programs transferred from the Department of Employment and Economic Development after January 1, 1997.

History: *1Sp1995 c 3 art 16 s 4,13; 1997 c 7 art 1 s 42; 1997 c 162 art 3 s 2,3; 1Sp1997 c 5 s 30; 1998 c 397 art 11 s 3; 1999 c 205 art 5 s 21; 2000 c 260 s 18; 2003 c 130 s 12; 2004 c 206 s 52; 2005 c 98 art 1 s 24; 2007 c 13 art 3 s 13*

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 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 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.

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 124D.23 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 chapter 13D;

(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 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.

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; 1998 c 397 art 11 s 3; 2003 c 130 s 12; 2004 c 228 art 1 s 28*

NEIGHBORHOOD-BASED SERVICES

119A.08 NEIGHBORHOOD-BASED SERVICES FOR CHILDREN AND FAMILIES.

Subdivision 1. Pilot projects authorized. The commissioner may establish a pilot project for family services collaboratives to deliver and broker services through neighborhood-based community organizations.

Subd. 2. Family service collaborative; pilot. (a) A family services collaborative under section 124D.23 may apply to the commissioner to participate in the pilot project in specified geographic areas. The selected collaborative must implement the program through family service centers and eligible community groups that have strong ties to a local neighborhood and represent the diversity of residents and that have a history of providing services in the neighborhood.

(b) An eligible organization must submit an application to the sponsoring family services collaborative with a description of areas to be served, a neighborhood presence, the needs of the area, the services to be provided with associated costs and resources, the intended outcomes, and the proposed methods of de-

livering service through volunteers, including any reimbursement or incentive not to exceed \$200 for any service. Proposed services and amounts must be listed in an outcomes-based format.

Subd. 3. **Eligible activities.** A participating center or group may deliver, or arrange for the delivery of, needed services listed in the application including assisting family members to achieve the GED requirements; assisting with English as a second language or citizenship classes and tests; assisting with access to early childhood programs, childhood immunizations, suitable child care, and home visits; and assisting in crime prevention through after-school enrichment activities, truancy prevention, and tutoring for academically underachieving children.

A collaborative that receives a grant under this section shall establish procedures to ensure the quality of the services paid for with grant funds and to monitor the delivery of services.

History: *1997 c 162 art 2 s 2; 1998 c 397 art 11 s 3*

119A.10 [Renumbered 256E.20]

119A.11 [Renumbered 256E.21]

119A.12 [Renumbered 256E.22]

119A.13 Subdivision 1. [Repealed, 1Sp2001 c 3 art 2 s 18]

Subd. 2. [Repealed, 1Sp2001 c 3 art 2 s 18]

Subd. 3. [Repealed, 1Sp2001 c 3 art 2 s 18]

Subd. 4. [Renumbered 119A.12, subd 7]

119A.14 Subdivision 1. [Renumbered 256E.24]

Subd. 2. [Repealed, 1Sp2001 c 3 art 2 s 18]

119A.15 [Renumbered 256E.25]

119A.16 [Renumbered 256E.26]

119A.17 [Renumbered 256E.27]

119A.20 [Repealed, 2005 c 98 art 2 s 18]

119A.21 [Repealed, 2005 c 98 art 2 s 18]

119A.22 [Repealed, 2005 c 98 art 2 s 18]

119A.23 [Repealed, 1Sp2001 c 3 art 2 s 18]

119A.25 [Renumbered 299A.291]

119A.26 [Renumbered 299A.292]

119A.27 [Renumbered 299A.293]

119A.28 Subdivision 1. [Renumbered 299A.294, subdivision 1]

Subd. 2. [Renumbered 299A.294, subd 2]

Subd. 3. [Renumbered 299A.294, subd 3]

Subd. 4. [Repealed, 1999 c 86 art 1 s 83]

119A.29 [Renumbered 299A.295]

119A.30 [Repealed, 1997 c 239 art 3 s 25]

119A.31 Subdivision 1. [Renumbered 299A.296, subdivision 1]

Subd. 2. [Renumbered 299A.296, subd 2]

Subd. 3. [Repealed, 1999 c 86 art 1 s 83]

119A.32 [Renumbered 299A.297]

119A.33 [Renumbered 299A.298]

119A.34 [Renumbered 299A.299]

119A.35 [Repealed, 2005 c 98 art 2 s 18]

FAMILY VISITATION CENTERS

119A.37 GRANTS FOR PARENTING TIME CENTERS.

Subdivision 1. **Purpose.** The commissioner shall issue a request for proposals from existing local nonprofit, nongovernmental, or governmental organizations, to use existing local facilities as parenting time centers which may also be used for parenting time exchanges. The commissioner shall award grants in amounts up to \$50,000 for the purpose of creating or maintaining parenting time centers in an effort to reduce children's vulnerability to violence and trauma related to parenting time, where there has been a history of domestic violence or abuse within the family. The commissioner shall award the grants to provide the greatest possible number of parenting time centers and to locate them to provide for the broadest possible geographic distribution of the centers throughout the state.

Each parenting time center must use existing local facilities to provide a healthy interactive environment for parents who are separated or divorced and for parents with children in foster homes to visit with their children. The centers must be available for use by district courts who may order parenting time to occur at a parenting time center. The centers may also be used as drop-off sites, so that parents who are under court order to have no contact with each other can exchange children for parenting time at a neutral site. Each center must provide sufficient security to ensure a safe parenting time environment for children and their parents. A grantee must demonstrate the ability to provide a 25 percent local match, which may include in-kind contributions.

Subd. 2. **County involvement.** Each county or group of counties is encouraged to provide supervised parenting time services in an effort to fill the gap in the court system that orders supervised parenting time but does not provide a center to accomplish the supervised parenting time as ordered. Each county or group of counties is encouraged to either financially contribute to an existing parenting time center in the area, or establish a new center if there is not one in the area, possibly through county social services. In creating a new center, the county may collaborate with other counties, other parenting time centers, family services collaboratives, court services, and any other entity or organization. The goal is to provide parenting time centers statewide. The county shall apply for funding that may be available through the federal government,

specifically for family preservation or family reunification purposes, or any other source of funding that will aid in developing and maintaining this vital service.

Subd. 3. **Funding.** The commissioner may award grants to create or maintain parenting time centers.

In awarding grants to maintain a parenting time center, the commissioner may award a grant to a center that can demonstrate a 25 percent local match, provided the center is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants to create a parenting time center, the commissioner shall give priority to:

- (1) areas of the state where no other parenting time center or similar facility exists;
- (2) applicants who demonstrate that private funding for the center is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

In awarding grants to create or maintain a parenting time center, the commissioner shall require the proposed center to meet standards developed by the commissioner to ensure the safety of the custodial parent and children.

Subd. 4. **Additional services.** Each parenting time center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse. Each parenting time center must have available an individual knowledgeable about or experienced in the provision of services to battered women and domestic abuse victims on its staff, its board of directors, or otherwise available to it for consultation.

Subd. 5. **Administration.** In administering the grants authorized by this section, the commissioner shall ensure that the term "parenting time center" is used in all future applications, publicity releases, requests for proposals, and other materials of like nature. Materials published prior to the enactment of this legislation which use different terms may be distributed by the commissioner until supplies are gone.

History: 1992 c 571 art 10 s 17; 1995 c 207 art 4 s 21; 1997 c 203 art 5 s 37; 1997 c 239 art 7 s 2,3; 2000 c 444 art 2 s 2; 2000 c 445 art 2 s 5; 2002 c 379 art 1 s 40

119A.374 [Renumbered 256E.30]

119A.375 [Renumbered 256E.31]

119A.376 [Renumbered 256E.32]

119A.40 [Renumbered 216C.263]

119A.41 [Renumbered 216C.264]

119A.42 [Renumbered 216C.265]

119A.425 [Renumbered 216C.266]

119A.43 [Renumbered 256E.33]

119A.44 [Renumbered 256E.34]

119A.445 [Renumbered 256E.35]

119A.45 MS 2006 [Renumbered 256E.37]

119A.46 [Renumbered 144.9512]

HEAD START PROGRAM

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 shall allocate funds according to the formula in section 119A.52 to public or private nonprofit agencies for the purpose of providing supplemental funds for the federal Head Start program.

Subd. 2. **Data classification.** Data collected on individuals from which the identity of any individual receiving services may be determined are private data on individuals as defined in section 13.02.

Subd. 3. **Early childhood literacy programs.** (a) A research-based early childhood literacy program premised on actively involved parents, ongoing professional staff development, and high quality early literacy program standards is established to increase the literacy skills of children participating in Head Start to prepare them to be successful readers and to increase families' participation in providing early literacy experiences to their children. Program providers must:

- (1) work to prepare children to be successful learners;
- (2) work to close the achievement gap for at-risk children;
- (3) use a culturally relevant integrated approach to early literacy that daily offers a literacy-rich classroom learning environment composed of books, writing materials, writing centers, labels, rhyming, and other related literacy materials and opportunities;
- (4) support children's home language while helping the children master English and use multiple literacy strategies to provide a cultural bridge between home and school;
- (5) use literacy mentors, ongoing literacy groups, and other teachers and staff to provide appropriate, extensive professional development opportunities in early literacy and classroom strategies for preschool teachers and other preschool staff;
- (6) use ongoing data-based assessments that enable preschool teachers to understand, plan, and implement literacy strategies, activities, and curriculum that meet children's literacy needs and continuously improve children's literacy;
- (7) foster participation by parents, community stakeholders, literacy advisors, and evaluation specialists; and
- (8) provide parents of English learners with oral and written information to monitor the program's impact on their children's English language development, to know whether their children are progressing in developing their English proficiency and, where practicable, their native language proficiency, and to actively engage with their children in developing their English and native language proficiency.

Program providers are encouraged to collaborate with qualified, community-based early childhood providers in implementing this program and to seek nonstate funds to supplement the program.

(b) Program providers under paragraph (a) interested in extending literacy programs to children in kindergarten through grade 3 may elect to form a partnership with an eligible organization under section 124D.38, subdivision 2, or 124D.42, subdivision 6, clause (3), schools enrolling children in kindergarten through grade 3, and other interested and qualified community-based entities to provide ongoing literacy programs that offer seamless literacy instruction focused on closing the literacy achievement gap. To close the literacy achievement gap by the end of third grade, partnership members must agree to use best efforts and practices and to work collaboratively to implement a seamless literacy model from age three to grade 3, consistent with paragraph (a). Literacy programs under this paragraph must collect and use literacy data to:

(1) evaluate children's literacy skills;

(2) monitor the progress and provide reading instruction appropriate to the specific needs of English learners; and

(3) formulate specific intervention strategies to provide reading instruction to children premised on the outcomes of formative and summative assessments and research-based indicators of literacy development.

The literacy programs under this paragraph also must train teachers and other providers working with children to use the assessment outcomes under clause (2) to develop and use effective, long-term literacy coaching models that are specific to the program providers.

History: 1989 c 282 art 2 s 171; 1994 c 483 s 1; 1Sp1995 c 3 art 16 s 13; 1997 c 162 art 1 s 8; 2000 c 468 s 23; 2003 c 130 s 12; 2006 c 263 art 6 s 1; 2007 c 146 art 2 s 1; 1Sp2011 c 11 art 7 s 1; 2014 c 272 art 1 s 1

119A.51 [Repealed, 2006 c 263 art 6 s 9]

119A.52 DISTRIBUTION OF APPROPRIATION.

(a) The commissioner of education must distribute money appropriated for that purpose to federally designated Head Start programs to expand services and to serve additional low-income children. Migrant and Indian reservation programs must be initially allocated money based on the programs' 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 program must be funded at a per child rate equal to its contracted, federally funded base level at the start of the fiscal year. For all agencies without a federal Early Head Start rate, the state average federal cost per child for Early Head Start applies. In allocating funds under this paragraph, the commissioner of education must assure that each Head Start program in existence in 1993 is allocated no less funding in any fiscal year than was allocated to that program in fiscal year 1993. Before paying money to the programs, the commissioner must notify each program of its initial allocation and how the money must be used. Each program must present a plan under section 119A.535. For any program that cannot utilize its full allocation at the beginning of the fiscal year, the commissioner must reduce the allocation proportionately. Money available after the initial allocations are reduced must be redistributed to eligible programs.

(b) The commissioner must develop procedures to make payments to programs based upon the number of children reported to be enrolled during the required time period of program operations. Enrollment is defined by federal Head Start regulations. The procedures must include a reporting schedule, corrective

action plan requirements, and financial consequences to be imposed on programs that do not meet full enrollment after the period of corrective action. Programs reporting chronic underenrollment, as defined by the commissioner, will have their subsequent program year allocation reduced proportionately. Funds made available by prorating payments and allocations to programs with reported underenrollment will be made available to the extent funds exist to fully enrolled Head Start programs through a form and manner prescribed by the department.

(c) Programs with approved innovative initiatives that target services to high-risk populations, including homeless families and families living in homeless shelters and transitional housing, are exempt from the procedures in paragraph (b). This exemption does not apply to entire programs. The exemption applies only to approved innovative initiatives that target services to high-risk populations, including homeless families and families living in homeless shelters, transitional housing, and permanent supportive housing.

History: 1989 c 282 art 2 s 173; 1991 c 292 art 3 s 34; 1993 c 369 s 89; 1994 c 483 s 1; 1Sp1995 c 3 art 16 s 13; 1997 c 162 art 1 s 11; 1Sp2003 c 9 art 7 s 1; 2006 c 263 art 6 s 2; 2007 c 146 art 9 s 1; 2009 c 96 art 6 s 1

119A.53 FEDERAL REQUIREMENTS.

Programs and the commissioner shall comply with federal regulations governing the federal Head Start program, except for funding for innovative initiatives under section 119A.535 as approved by the commissioner, 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: 1989 c 282 art 2 s 174; 1Sp1995 c 3 art 16 s 13; 1Sp2003 c 9 art 7 s 2; 2006 c 263 art 6 s 3

119A.535 APPLICATION REQUIREMENTS.

Eligible Head Start organizations must submit a plan to the department for approval on a form and in the manner prescribed by the commissioner. The plan must include:

- (1) the number of low-income children and families the program will be able to serve;
- (2) a description of the program design and service delivery area which meets the needs of and encourages access by low-income working families;
- (3) a program design that ensures fair and equitable access to Head Start services for all populations and parts of the service area;
- (4) a plan for providing Head Start services in conjunction with full-day child care programs to minimize child transitions, increase program intensity and duration, and improve child and family outcomes as required in section 119A.5411;
- (5) identification of regular Head Start, early Head Start, full-day services identified in section 119A.5411, and innovative services based upon demonstrated needs to be provided; and
- (6) evidence parents of English learners are provided with oral or written information to monitor the program's impact on their children's English language development, know whether their children are progressing in developing their English proficiency, and, where practicable, their native language proficiency, and actively engage with their children in developing their English and native language proficiency.

History: 2006 c 263 art 6 s 4; 2007 c 146 art 9 s 2; 2014 c 272 art 1 s 2

119A.54 [Repealed, 1999 c 86 art 1 s 83]

119A.5411 FULL-DAY REQUIREMENTS.

The following phase-in of full-day services in Head Start programs or licensed child care as defined in chapter 245A is required:

(1) by fiscal year 2009, a minimum of 25 percent of the total state-funded enrollment throughout the state must be provided in full-day services;

(2) by fiscal year 2011, a minimum of 40 percent of the total state-funded enrollment throughout the state must be provided in full-day services; and

(3) by fiscal year 2013, a minimum of 50 percent of the total state-funded enrollment throughout the state must be provided in full-day services.

Head Start programs may provide full-day services as part of their own program model or through agreements with licensed full-day child care programs. If licensed child care providers do not exist in a geographic area, choose not to participate, cannot meet the federal Head Start performance standards after sufficient opportunity, or a Head Start program is unable to establish the full-day services as a part of their own program model, the Head Start program may request exemption from the commissioner.

History: 2007 c 146 art 9 s 3

119A.545 AUTHORITY TO WAIVE REQUIREMENTS DURING DISASTER PERIODS.

The commissioner of education may waive requirements under sections 119A.50 to 119A.535, for up to nine months after the disaster, for Head Start programs in areas where a federal disaster has been declared under United States Code, title 42, section 5121, et seq., or the governor has exercised authority under chapter 12. The commissioner shall notify the chairs of the appropriate senate and house of representatives committees ten days before the effective date of any waiver granted under this section.

History: 1Sp1995 c 3 art 16 s 13; 1997 c 203 art 1 s 15; 1Sp1997 c 5 s 46; 1998 c 383 s 37; 1999 c 86 art 1 s 62; 2003 c 130 s 12; 2004 c 206 s 52; 2006 c 263 art 6 s 5