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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 96

1.1 A bill for an act

1.2 relating to early childhood learning; provisions modified relating to public school

1.3 age verification for admission, nonexclusionary preschool discipline, children's

1.4 eligibility for early learning scholarships, program eligibility for early learning

1.5 scholarships, and interagency early intervention committees; amending Minnesota

1.6 Statutes 2018, sections 120A.20, by adding a subdivision; 124D.165, subdivisions

1.7 3, 4; 125A.30; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

1.9 Section 1. Minnesota Statutes 2018, section 120A.20, is amended by adding a subdivision

1.10 to read:

1.11 Subd. 4. Verification of age for admission to public school. Public schools may request

1.12 documentation that verifies a pupil falls within the school's minimum and maximum age

1.13 requirements for admission to publicly funded prekindergarten, preschool, kindergarten, or

1.14 grades 1 to 12. Documentation may include a passport, a hospital birth record or physician's

1.15 certificate, a baptismal or religious certificate, an adoption record, health records,

1.16 immunization records, immigration records, previously verified school records, early

1.17 childhood screening records, Minnesota Immunization Information Connection records, or

1.18 an affidavit from a parent.

1.19 Sec. 2. [121A.425] FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL

1.20 AND PREKINDERGARTEN.

1.21 Subdivision 1. Disciplinary dismissals prohibited. A pupil enrolled in a preschool or

1.22 prekindergarten program, including a child participating in early childhood family education,

1.23 school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other

1.24 school-based preschool or prekindergarten program may not be subject to dismissals under

2.1 this chapter. Notwithstanding this subdivision, expulsions and exclusions may be used only
2.2 after resources outlined in subdivision 2 have been exhausted, and only in circumstances
2.3 where there is an ongoing serious safety threat to the child or others.

2.4 Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary
2.5 discipline must include at least one of the following:

2.6 (1) collaborating with the pupil's family or guardian, child mental health consultant or
2.7 provider, education specialist, or other community-based support;

2.8 (2) creating a plan, written with the parent or guardian, that details the action and support
2.9 needed for the pupil to fully participate in a preschool or prekindergarten program; or

2.10 (3) providing a referral for needed support services, including parenting education, home
2.11 visits, other supportive education interventions, or, where appropriate, an evaluation to
2.12 determine if the pupil is eligible for special education services or section 504 services.

2.13 Sec. 3. Minnesota Statutes 2018, section 124D.165, subdivision 3, is amended to read:

2.14 Subd. 3. **Administration.** (a) The commissioner shall establish application timelines
2.15 and determine the schedule for awarding scholarships that meets operational needs of eligible
2.16 families and programs. The commissioner must give highest priority to applications from
2.17 children who:

2.18 (1) have a parent under age 21 who is pursuing a high school diploma or a course of
2.19 study for a high school equivalency test;

2.20 (2) are in foster care or otherwise in need of protection or services; or

2.21 (3) have experienced homelessness in the last 24 months, as defined under the federal
2.22 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

2.23 The commissioner may prioritize applications on additional factors including family
2.24 income, geographic location, and whether the child's family is on a waiting list for a publicly
2.25 funded program providing early education or child care services.

2.26 (b) The commissioner shall establish a target for the average scholarship amount per
2.27 child based on the results of the rate survey conducted under section 119B.02.

2.28 (c) A four-star rated program that has children eligible for a scholarship enrolled in or
2.29 on a waiting list for a program beginning in July, August, or September may notify the
2.30 commissioner, in the form and manner prescribed by the commissioner, each year of the
2.31 program's desire to enhance program services or to serve more children than current funding
2.32 provides. The commissioner may designate a predetermined number of scholarship slots

3.1 for that program and notify the program of that number. For fiscal year 2018 and later, the
 3.2 statewide amount of funding directly designated by the commissioner must not exceed the
 3.3 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district
 3.4 or Head Start program qualifying under this paragraph may use its established registration
 3.5 process to enroll scholarship recipients and may verify a scholarship recipient's family
 3.6 income in the same manner as for other program participants.

3.7 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not
 3.8 been accepted and subsequently enrolled in a rated program within ten months of the
 3.9 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order
 3.10 to be eligible for another scholarship. A child may not be awarded more than one scholarship
 3.11 in a 12-month period.

3.12 (e) A child who receives a scholarship who has not completed development screening
 3.13 under sections 121A.16 to 121A.19 must complete that screening within 90 days of first
 3.14 attending an eligible program or within 90 days after the child's third birthday if awarded
 3.15 a scholarship under the age of three.

3.16 (f) For fiscal year 2017 and later, a school district or Head Start program enrolling
 3.17 scholarship recipients under paragraph (c) may apply to the commissioner, in the form and
 3.18 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of
 3.19 the application, the commissioner must pay each program directly for each approved
 3.20 scholarship recipient enrolled under paragraph (c) according to the metered payment system
 3.21 or another schedule established by the commissioner.

3.22 Sec. 4. Minnesota Statutes 2018, section 124D.165, subdivision 4, is amended to read:

3.23 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an
 3.24 early learning scholarship, a program must:

3.25 (1) participate in the quality rating and improvement system under section 124D.142;
 3.26 and

3.27 (2) beginning July 1, ~~2020~~ 2024, have a three- or four-star rating in the quality rating
 3.28 and improvement system.

3.29 (b) Any program accepting scholarships must use the revenue to supplement and not
 3.30 supplant federal funding.

3.31 ~~(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship~~
 3.32 ~~program pilot sites are eligible to accept an early learning scholarship under this section.~~

4.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.2 Sec. 5. Minnesota Statutes 2018, section 125A.30, is amended to read:

4.3 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

4.4 (a) A group of school districts or special education cooperatives, in cooperation with
4.5 the county and tribal health and human service agencies located in the county or counties
4.6 in which the districts or cooperatives are located, must establish an Interagency Early
4.7 Intervention Committee for children with disabilities under age five and their families under
4.8 this section, and for children with disabilities ages three to 22 consistent with the requirements
4.9 under sections 125A.023 and 125A.027. Committees must include representatives of local
4.10 health, education, and county human service agencies, early childhood family education
4.11 programs, Head Start, parents of young children with disabilities under age 12, child care
4.12 resource and referral agencies, school readiness programs, current service providers, and
4.13 agencies that serve families experiencing homelessness, and may also include representatives
4.14 from other private or public agencies and school nurses. The committee must elect a chair
4.15 from among its members and must meet at least quarterly.

4.16 (b) The committee must develop and implement interagency policies and procedures
4.17 concerning the following ongoing duties:

4.18 (1) develop public awareness systems designed to inform potential recipient families,
4.19 especially parents with premature infants, or infants with other physical risk factors associated
4.20 with learning or development complications, of available programs and services;

4.21 (2) to reduce families' need for future services, and especially parents with premature
4.22 infants, or infants with other physical risk factors associated with learning or development
4.23 complications, implement interagency child find systems designed to actively seek out,
4.24 identify, and refer infants and young children with, or at risk of, disabilities, including a
4.25 child under the age of three who: (i) is the subject of a substantiated case of abuse or neglect
4.26 or (ii) is identified as directly affected by illegal substance abuse, or withdrawal symptoms
4.27 resulting from prenatal drug exposure;

4.28 (3) implement a process for assuring that services involve cooperating agencies at all
4.29 steps leading to individualized programs;

4.30 (4) identify the current services and funding being provided within the community for
4.31 children with disabilities under age five and their families; and

5.1 (5) develop a plan for the allocation and expenditure of federal early intervention funds
5.2 under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446) and
5.3 United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313).

5.4 (c) The local committee shall also participate in needs assessments and program planning
5.5 activities conducted by local social service, health and education agencies for young children
5.6 with disabilities and their families.