

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 2264**

(SENATE AUTHORS: WIKLUND)

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Introduction and first reading  
Referred to Education Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education finance; making changes to early learning programs;  
1.3 appropriating money; amending Minnesota Statutes 2020, sections 119A.52;  
1.4 119B.13, subdivision 1; 124D.1158; 124D.13, subdivision 2; 124D.151, subdivision  
1.5 6; 124D.165, subdivision 3; 124D.59, subdivision 2; 126C.05, subdivisions 1, 3;  
1.6 proposing coding for new law in Minnesota Statutes, chapter 145.

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

1.8 **ARTICLE 1**  
1.9 **EDUCATION PROGRAMS**

1.10 Section 1. Minnesota Statutes 2020, section 119A.52, is amended to read:

1.11 **119A.52 DISTRIBUTION OF APPROPRIATION.**

1.12 (a) The commissioner of education must distribute money appropriated for that purpose  
1.13 to federally designated Head Start programs to expand services and to serve additional  
1.14 low-income children. ~~Migrant and Indian reservation programs must be initially allocated~~  
1.15 ~~money based on the programs' share of federal funds.~~ in the following order: (1) 10.72  
1.16 percent of the total Head Start appropriation shall be allocated to federally designated tribal  
1.17 Head Start programs; (2) the tribal Head Start portion of the appropriation shall be allocated  
1.18 to tribal Head Start programs based on the programs' share of federal funds; (3) migrant  
1.19 programs must then be initially allocated funding based on the programs' share of federal  
1.20 funds. The remaining money must be initially allocated to the remaining local agencies  
1.21 based equally on the agencies' share of federal funds and on the proportion of eligible  
1.22 children in the agencies' service area who are not currently being served. A Head Start  
1.23 program must be funded at a per child rate equal to its contracted, federally funded base  
1.24 level at the start of the fiscal year. For all agencies without a federal Early Head Start rate,

2.1 the state average federal cost per child for Early Head Start applies. In allocating funds  
2.2 under this paragraph, the commissioner of education must assure that each Head Start  
2.3 program in existence in 1993 is allocated no less funding in any fiscal year than was allocated  
2.4 to that program in fiscal year 1993. Before paying money to the programs, the commissioner  
2.5 must notify each program of its initial allocation and how the money must be used. Each  
2.6 program must present a plan under section 119A.535. For any program that cannot utilize  
2.7 its full allocation at the beginning of the fiscal year, the commissioner must reduce the  
2.8 allocation proportionately. Money available after the initial allocations are reduced must  
2.9 be redistributed to eligible programs.

2.10 (b) The commissioner must develop procedures to make payments to programs based  
2.11 upon the number of children reported to be enrolled during the required time period of  
2.12 program operations. Enrollment is defined by federal Head Start regulations. The procedures  
2.13 must include a reporting schedule, corrective action plan requirements, and financial  
2.14 consequences to be imposed on programs that do not meet full enrollment after the period  
2.15 of corrective action. Programs reporting chronic underenrollment, as defined by the  
2.16 commissioner, will have their subsequent program year allocation reduced proportionately.  
2.17 Funds made available by prorating payments and allocations to programs with reported  
2.18 underenrollment will be made available to the extent funds exist to fully enrolled Head Start  
2.19 programs through a form and manner prescribed by the department.

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

2.26 Sec. 2. Minnesota Statutes 2020, section 119B.13, subdivision 1, is amended to read:

2.27 Subdivision 1. **Subsidy restrictions.** (a) The maximum rate paid for child care assistance  
2.28 in any county or county price cluster under the child care fund shall be the greater of the  
2.29 ~~25th~~ 30th percentile of the ~~2018~~ most recent child care provider rate survey or the rates in  
2.30 effect at the time of the update. The rate increase is effective the first full service period on  
2.31 or after January 1 of the year following the provider rate survey. For a child care provider  
2.32 located within the boundaries of a city located in two or more of the counties of Benton,  
2.33 Sherburne, and Stearns, the maximum rate paid for child care assistance shall be equal to  
2.34 the maximum rate paid in the county with the highest maximum reimbursement rates or the

3.1 provider's charge, whichever is less. The commissioner may: (1) assign a county with no  
3.2 reported provider prices to a similar price cluster; and (2) consider county level access when  
3.3 determining final price clusters.

3.4 (b) A rate which includes a special needs rate paid under subdivision 3 may be in excess  
3.5 of the maximum rate allowed under this subdivision.

3.6 (c) The department shall monitor the effect of this paragraph on provider rates. The  
3.7 county shall pay the provider's full charges for every child in care up to the maximum  
3.8 established. The commissioner shall determine the maximum rate for each type of care on  
3.9 an hourly, full-day, and weekly basis, including special needs and disability care.

3.10 (d) If a child uses one provider, the maximum payment for one day of care must not  
3.11 exceed the daily rate. The maximum payment for one week of care must not exceed the  
3.12 weekly rate.

3.13 (e) If a child uses two providers under section 119B.097, the maximum payment must  
3.14 not exceed:

3.15 (1) the daily rate for one day of care;

3.16 (2) the weekly rate for one week of care by the child's primary provider; and

3.17 (3) two daily rates during two weeks of care by a child's secondary provider.

3.18 (f) Child care providers receiving reimbursement under this chapter must not be paid  
3.19 activity fees or an additional amount above the maximum rates for care provided during  
3.20 nonstandard hours for families receiving assistance.

3.21 (g) If the provider charge is greater than the maximum provider rate allowed, the parent  
3.22 is responsible for payment of the difference in the rates in addition to any family co-payment  
3.23 fee.

3.24 ~~(h) All maximum provider rates changes shall be implemented on the Monday following~~  
3.25 ~~the effective date of the maximum provider rate.~~

3.26 ~~(i) Beginning September 21, 2020,~~ (h) The maximum registration fee paid for child care  
3.27 assistance in any county or county price cluster under the child care fund shall be the greater  
3.28 of the ~~25th~~ 30th percentile of the ~~2018~~ most recent child care provider rate survey or the  
3.29 registration fee in effect at the time of the update. Each maximum registration fee update  
3.30 must be implemented on the same schedule as maximum child care assistance rate increases  
3.31 under paragraph (a). Maximum registration fees must be set for licensed family child care  
3.32 and for child care centers. For a child care provider located in the boundaries of a city located

4.1 in two or more of the counties of Benton, Sherburne, and Stearns, the maximum registration  
 4.2 fee paid for child care assistance shall be equal to the maximum registration fee paid in the  
 4.3 county with the highest maximum registration fee or the provider's charge, whichever is  
 4.4 less.

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

4.6 Sec. 3. Minnesota Statutes 2020, section 124D.1158, is amended to read:

4.7 **124D.1158 SCHOOL BREAKFAST PROGRAM.**

4.8 Subdivision 1. **Purpose.** The purpose of the school breakfast program is to provide  
 4.9 affordable morning nutrition to children so that they can effectively learn. Public and  
 4.10 nonpublic schools that participate in the federal school breakfast program may receive state  
 4.11 breakfast aid. Schools shall encourage all children to eat a nutritious breakfast, either at  
 4.12 home or at school, and shall work to eliminate barriers to breakfast participation at school  
 4.13 such as inadequate facilities and transportation.

4.14 Subd. 2. **Program; eligibility.** Each school year, public and nonpublic schools that  
 4.15 participate in the federal school breakfast program are eligible for the state breakfast program.

4.16 Subd. 3. **Program reimbursement.** Each school year, the state must reimburse each  
 4.17 participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid  
 4.18 breakfast served to students in grades 1 to 12, and \$1.30 for each fully paid breakfast served  
 4.19 to a prekindergarten student enrolled in an approved voluntary prekindergarten program  
 4.20 under section 124D.151, early childhood special education students participating in a program  
 4.21 authorized under section 124D.151, or a kindergarten student.

4.22 Subd. 4. **No fees.** A school that receives school breakfast aid under this section must  
 4.23 make breakfast available without charge to all participating students in grades 1 to 12 who  
 4.24 qualify for free or reduced-price meals and to all prekindergarten students enrolled in an  
 4.25 approved voluntary prekindergarten program under section 124D.151, early childhood  
 4.26 special education students participating in a program authorized under section 124D.151,  
 4.27 and all kindergarten students.

4.28 Sec. 4. Minnesota Statutes 2020, section 124D.13, subdivision 2, is amended to read:

4.29 Subd. 2. **Program requirements.** (a) Early childhood family education programs are  
 4.30 programs for children in the period of life from birth to kindergarten, for the parents and  
 4.31 other relatives of these children, ~~and~~ for expectant parents, and for noncustodial providers  
 4.32 of child care. To the extent that funds are insufficient to provide programs for all children,

5.1 early childhood family education programs should emphasize programming for a child from  
5.2 birth to age three and encourage parents and other relatives to involve four- and five-year-old  
5.3 children in school readiness programs, and other public and nonpublic early learning  
5.4 programs. A district may not limit participation to school district residents. Early childhood  
5.5 family education programs must provide:

5.6 (1) programs to educate parents and other relatives about the physical, cognitive, social,  
5.7 and emotional development of children and to enhance the skills of parents and other relatives  
5.8 in providing for their children's learning and development;

5.9 (2) structured learning activities requiring interaction between children and their parents  
5.10 or relatives;

5.11 (3) structured learning activities for children that promote children's development and  
5.12 positive interaction with peers, which are held while parents or relatives attend parent  
5.13 education classes;

5.14 (4) information on related community resources;

5.15 (5) information, materials, and activities that support the safety of children, including  
5.16 prevention of child abuse and neglect;

5.17 (6) a community needs assessment that identifies new and underserved populations,  
5.18 identifies child and family risk factors, particularly those that impact children's learning and  
5.19 development, and assesses family and parenting education needs in the community;

5.20 (7) programming and services that are tailored to the needs of families and parents  
5.21 prioritized in the community needs assessment; and

5.22 (8) information about and, if needed, assist in making arrangements for an early childhood  
5.23 health and developmental screening under sections 121A.16 and 121A.17, when the child  
5.24 nears the third birthday.

5.25 Early childhood family education programs should prioritize programming and services  
5.26 for families and parents identified in the community needs assessment, particularly those  
5.27 families and parents with children with the most risk factors birth to age three.

5.28 Early childhood family education programs are encouraged to provide parents of English  
5.29 learners with translated oral and written information to monitor the program's impact on  
5.30 their children's English language development, to know whether their children are progressing  
5.31 in developing their English and native language proficiency, and to actively engage with  
5.32 and support their children in developing their English and native language proficiency.

6.1 The programs must include learning experiences for children, parents, and other relatives  
6.2 that promote children's early literacy and, where practicable, their native language skills  
6.3 and activities for children that require substantial involvement of the children's parents or  
6.4 other relatives. The program may provide parenting education programming or services to  
6.5 anyone identified in the community needs assessment. Providers must review the program  
6.6 periodically to assure the instruction and materials are not racially, culturally, or sexually  
6.7 biased. The programs must encourage parents to be aware of practices that may affect  
6.8 equitable development of children.

6.9 (b) For the purposes of this section, "relative" or "relatives" means noncustodial  
6.10 grandparents or other persons related to a child by blood, marriage, adoption, or foster  
6.11 placement, excluding parents.

6.12 Sec. 5. Minnesota Statutes 2020, section 124D.151, subdivision 6, is amended to read:

6.13 Subd. 6. **Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1,  
6.14 paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school  
6.15 district or charter school must not exceed 60 percent of the kindergarten pupil units for that  
6.16 school district or charter school under section 126C.05, subdivision 1, paragraph (e).

6.17 (b) In reviewing applications under subdivision 5, the commissioner must limit the total  
6.18 number of participants in the voluntary prekindergarten and school readiness plus programs  
6.19 under Laws 2017, First Special Session chapter 5, article 8, section 9, to not more than 7,160  
6.20 participants for fiscal ~~years year 2019, 2020, and 2021, and 3,160 participants for fiscal~~  
6.21 ~~years 2022~~ and later.

6.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

6.23 Sec. 6. Minnesota Statutes 2020, section 124D.165, subdivision 3, is amended to read:

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

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

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

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

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

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

7.6 (c) A four-star rated program that has children eligible for a scholarship enrolled in or  
7.7 on a waiting list for a program beginning in July, August, or September may notify the  
7.8 commissioner, in the form and manner prescribed by the commissioner, each year of the  
7.9 program's desire to enhance program services or to serve more children than current funding  
7.10 provides. The commissioner may designate a predetermined number of scholarship slots  
7.11 for that program and notify the program of that number. For fiscal year 2018 and later, the  
7.12 statewide amount of funding directly designated by the commissioner must not exceed the  
7.13 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district  
7.14 or Head Start program qualifying under this paragraph may use its established registration  
7.15 process to enroll scholarship recipients and may verify a scholarship recipient's family  
7.16 income in the same manner as for other program participants.

7.17 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not  
7.18 been accepted and subsequently enrolled in a rated program within ~~ten~~ three months of the  
7.19 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order  
7.20 to be eligible for another scholarship. If a family is unable to enroll in an eligible program  
7.21 within three months, they may request an extension based on an established set of criteria  
7.22 that would be developed under the commissioner's authority. A child may not be awarded  
7.23 more than one scholarship in a 12-month period.

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

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

8.1 Sec. 7. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

8.2 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through  
8.3 grade 12, an early childhood special education student under Part B, section 619 of IDEA,  
8.4 or a prekindergarten student enrolled in an approved voluntary prekindergarten program  
8.5 under section 124D.151 or a school readiness plus program who meets the requirements  
8.6 under subdivision 2a or the following requirements:

8.7 (1) the pupil, as declared by a parent or guardian first learned a language other than  
8.8 English, comes from a home where the language usually spoken is other than English, or  
8.9 usually speaks a language other than English; and

8.10 (2) the pupil is determined by a valid assessment measuring the pupil's English language  
8.11 proficiency and by developmentally appropriate measures, which might include observations,  
8.12 teacher judgment, parent recommendations, or developmentally appropriate assessment  
8.13 instruments, to lack the necessary English skills to participate fully in academic classes  
8.14 taught in English.

8.15 (b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the  
8.16 previous school year took a commissioner-provided assessment measuring the pupil's  
8.17 emerging academic English, shall be counted as an English learner in calculating English  
8.18 learner pupil units under section 126C.05, subdivision 17, and shall generate state English  
8.19 learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff  
8.20 score or is otherwise counted as a nonproficient participant on the assessment measuring  
8.21 the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers,  
8.22 consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic  
8.23 language proficiency in English, including oral academic language, sufficient to successfully  
8.24 and fully participate in the general core curriculum in the regular classroom.

8.25 (c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education  
8.26 or prekindergarten under section 124D.151, through grade 12 shall not be counted as an  
8.27 English learner in calculating English learner pupil units under section 126C.05, subdivision  
8.28 17, and shall not generate state English learner aid under section 124D.65, subdivision 5,  
8.29 if:

8.30 (1) the pupil is not enrolled during the current fiscal year in an educational program for  
8.31 English learners under sections 124D.58 to 124D.64; or

8.32 (2) the pupil has generated seven or more years of average daily membership in Minnesota  
8.33 public schools since July 1, 1996.

9.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

9.2 Sec. 8. Minnesota Statutes 2020, section 126C.05, subdivision 1, is amended to read:

9.3 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age  
9.4 of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in  
9.5 average daily membership enrolled in the district of residence, in another district under  
9.6 sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under  
9.7 chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22,  
9.8 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03  
9.9 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

9.10 (a) A prekindergarten pupil with a disability who is enrolled in a program approved by  
9.11 the commissioner and has an individualized education program is counted as the ratio of  
9.12 the number of hours of assessment and education service to 825 times 1.0 with a minimum  
9.13 average daily membership of 0.28, but not more than 1.0 pupil unit.

9.14 (b) A prekindergarten pupil who is assessed but determined not to be disabled is counted  
9.15 as the ratio of the number of hours of assessment service to 825 times 1.0.

9.16 ~~(c) A kindergarten pupil with a disability who is enrolled in a program approved by the~~  
9.17 ~~commissioner is counted as the ratio of the number of hours of assessment and education~~  
9.18 ~~services required in the fiscal year by the pupil's individualized education program to 875,~~  
9.19 ~~but not more than one.~~

9.20 ~~(d)~~ (c) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled  
9.21 in an approved voluntary prekindergarten program under section 124D.151 is counted as  
9.22 the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil  
9.23 units.

9.24 ~~(e)~~ (d) A kindergarten pupil who is not included in paragraph (c) is counted as 1.0 pupil  
9.25 unit if the pupil is enrolled in a free all-day, every day kindergarten program available to  
9.26 all kindergarten pupils at the pupil's school that meets the minimum hours requirement in  
9.27 section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day,  
9.28 every day kindergarten program available to all kindergarten pupils at the pupil's school.

9.29 ~~(f)~~ (e) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

9.30 ~~(g)~~ (f) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

9.31 ~~(h)~~ (g) A pupil who is in the postsecondary enrollment options program is counted as  
9.32 1.2 pupil units.

- 10.1 ~~(i) For fiscal years 2018 through 2021,~~ (h) A prekindergarten pupil who:
- 10.2 (1) is not included in paragraph (a), (b), or ~~(d)~~ (c);
- 10.3 (2) is enrolled in a school readiness plus program under Laws 2017, First Special Session
- 10.4 chapter 5, article 8, section 9; and
- 10.5 (3) has one or more of the risk factors specified by the eligibility requirements for a
- 10.6 school readiness plus program,
- 10.7 is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more
- 10.8 than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same
- 10.9 manner as a voluntary prekindergarten student for all general education and other school
- 10.10 funding formulas.

10.11 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

10.12 Sec. 9. Minnesota Statutes 2020, section 126C.05, subdivision 3, is amended to read:

10.13 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units for

10.14 fiscal year 1998 and thereafter must be computed according to this subdivision.

10.15 (a) The compensation revenue concentration percentage for each building in a district

10.16 equals the product of 100 times the ratio of:

10.17 (1) the sum of the number of pupils enrolled in the building eligible to receive free lunch

10.18 plus one-half of the pupils eligible to receive reduced priced lunch on October 1 of the

10.19 previous fiscal year; to

10.20 (2) the number of pupils enrolled in the building on October 1 of the previous fiscal

10.21 year.

10.22 (b) The compensation revenue pupil weighting factor for a building equals the lesser of

10.23 one or the quotient obtained by dividing the building's compensation revenue concentration

10.24 percentage by 80.0.

10.25 (c) The compensation revenue pupil units for a building equals the product of:

10.26 (1) the sum of the number of pupils enrolled in the building eligible to receive free lunch

10.27 and one-half of the pupils eligible to receive reduced priced lunch on October 1 of the

10.28 previous fiscal year; times

10.29 (2) the compensation revenue pupil weighting factor for the building; times

10.30 (3) .60.

11.1 (d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under  
 11.2 section 124D.151, charter schools, and contracted alternative programs in the first year of  
 11.3 operation, compensation revenue pupil units shall be computed using data for the current  
 11.4 fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative  
 11.5 program begins operation after October 1, compensatory revenue pupil units shall be  
 11.6 computed based on pupils enrolled on an alternate date determined by the commissioner,  
 11.7 and the compensation revenue pupil units shall be prorated based on the ratio of the number  
 11.8 of days of student instruction to 170 days.

11.9 ~~(e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued~~  
 11.10 ~~in fiscal year 2022 due to the reduction in the participation limit under section 124D.151,~~  
 11.11 ~~subdivision 6, those discontinued seats must not be used to calculate compensation revenue~~  
 11.12 ~~pupil units for fiscal year 2022.~~

11.13 ~~(f)~~ (e) The percentages in this subdivision must be based on the count of individual  
 11.14 pupils and not on a building average or minimum.

11.15 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

## 11.16 ARTICLE 2

### 11.17 MEDICAL DATA AND HEALTH RECORDS

11.18 Section 1. **[145.9011] FETAL AND INFANT DEATH STUDIES.**

11.19 **Subdivision 1. Purpose.** The commissioner of health may conduct fetal and infant death  
 11.20 studies to assist the planning, implementation, and evaluation of medical, health, and welfare  
 11.21 service systems and to reduce the numbers of preventable fetal and infant deaths in  
 11.22 Minnesota.

11.23 **Subd. 2. Access to data.** (a) The commissioner of health has access to medical data as  
 11.24 defined in section 13.384, subdivision 1, paragraph (b), medical examiner data as defined  
 11.25 in section 13.83, subdivision 1, and health records created, maintained, or stored by providers  
 11.26 as defined in section 144.291, subdivision 2, paragraph (i), without the consent of the subject  
 11.27 of the data, and without the consent of the parent, other guardian, or legal representative of  
 11.28 the subject of the data, when the subject of the data is:

11.29 (1) a live-born infant that died within the first year of life;

11.30 (2) a fetal death which meets the criteria required for reporting as defined in section  
 11.31 144.222; or

11.32 (3) the biological mother of a fetus or infant as described in clause (1) or (2).

12.1 The commissioner has access only to medical data and health records related to fetal or  
12.2 infant deaths that occur on or after July 1, 2000, including the names of the providers and  
12.3 clinics where care was received before, during, or relating to the pregnancy or fetal death  
12.4 or death of the infant. The commissioner has access to records maintained by the medical  
12.5 examiner, coroner, or hospitals for the purpose of providing the name and location of any  
12.6 pre-pregnancy, prenatal, postpartum, or pediatric care received by the subject of the data  
12.7 and biological mother.

12.8 (b) The provider or responsible authority that creates, maintains, or stores the data shall  
12.9 furnish the data upon the request of the commissioner. The provider or responsible authority  
12.10 may charge a fee for providing the data, not to exceed the actual cost of retrieving and  
12.11 duplicating the data.

12.12 (c) The commissioner shall make a good faith reasonable effort to notify the parent,  
12.13 spouse, other guardian, or legal representative of the subject of the data before collecting  
12.14 data on the subject. For purposes of this paragraph, "reasonable effort" means one notice  
12.15 is sent by certified mail to the last-known address of the parent, guardian, or legal  
12.16 representative informing the recipient of the data collection and offering a public health  
12.17 nurse support visit if desired.

12.18 (d) The commissioner does not have access to coroner or medical examiner data that  
12.19 are part of an active investigation as described in section 13.83.

12.20 (e) The commissioner may request and receive from the coroner or medical examiner  
12.21 the name of the health care provider that provided prenatal, postpartum, pediatric, and other  
12.22 health services to the subject of the data and biological mother.

12.23 (f) The commissioner shall have access to Department of Human Services data to identify  
12.24 sources of care and services to assist with evaluation of welfare systems to reduce preventable  
12.25 fetal and infant deaths.

12.26 Subd. 3. **Management of records.** After the commissioner has collected all data on a  
12.27 subject of a fetal or infant death study that is needed to perform the study, the data from  
12.28 source records obtained under subdivision 2, other than data identifying the subject, must  
12.29 be transferred to separate records to be maintained by the commissioner. Notwithstanding  
12.30 section 138.17, after the data have been transferred, all source records obtained under  
12.31 subdivision 2 possessed by the commissioner must be destroyed.

12.32 Subd. 4. **Classification of data.** (a) Data provided to the commissioner from source  
12.33 records under subdivision 2, including identifying information on individual providers, data  
12.34 subjects, or their family, and data derived by the commissioner under subdivision 3 for the

13.1 purpose of carrying out fetal or infant death studies, are classified as confidential data on  
13.2 individuals or confidential data on decedents, as defined in sections 13.02, subdivision 3;  
13.3 and 13.10, subdivision 1, paragraph (a).

13.4 (b) Information classified under paragraph (a) shall not be subject to discovery or  
13.5 introduction into evidence in any administrative, civil, or criminal proceeding. Such  
13.6 information otherwise available from an original source shall not be immune from discovery  
13.7 or barred from introduction into evidence merely because it was utilized by the commissioner  
13.8 in carrying out fetal or infant death studies.

13.9 (c) Summary data on fetal and infant death studies created by the commissioner, which  
13.10 do not identify individual data subjects or individual providers, shall be public in accordance  
13.11 with section 13.05, subdivision 7.

13.12 (d) Data provided by the commissioner of human services to the commissioner of health  
13.13 under this section retains the same classification the data held when retained by the  
13.14 commissioner of human services, as required under section 13.03, subdivision 4, paragraph  
13.15 (c).

13.16 Subd. 5. **Fetal and infant mortality reviews.** The commissioner of health shall convene  
13.17 case review committees to conduct death study reviews, make recommendations, and  
13.18 publicly share summary information, especially for racial and ethnic groups, including  
13.19 American Indians and African Americans, that experience significantly disparate rates of  
13.20 fetal and infant mortality. The case review committees may include but are not limited to  
13.21 medical examiners or coroners, health care institutions that provide care to pregnant people  
13.22 and infants, obstetric and pediatric practitioners, Medicaid representatives, state agency  
13.23 women and infant program representatives, and individuals from the communities with  
13.24 disparate rates and other subject matter experts as appropriate. The case review committees  
13.25 shall review data from source records obtained under subdivision 2, other than data  
13.26 identifying the subject or the provider. Every three years beginning December 1, 2022, the  
13.27 case review committees shall provide findings and recommendations to the Maternal and  
13.28 Child Health Advisory Task Force and the commissioner from review of fetal and infant  
13.29 deaths and provide specific recommendations designed to reduce disparities in fetal and  
13.30 infant deaths.

13.31 Subd. 6. **Community action committees.** (a) The commissioner shall convene  
13.32 community action committees to implement the priority recommendations from the case  
13.33 review committees.

14.1 (b) Members of the community action committees may include but are not limited to  
 14.2 local, tribal, and state government representatives; local hospital or health care administration;  
 14.3 local public health; nonprofit organizations serving the community's mothers, infants, and  
 14.4 fathers; state maternal and child health consultants; case review committee members;  
 14.5 representatives of communities disproportionately affected by fetal and infant death;  
 14.6 Minnesotans with lived experiences; and others based on recommendations.

14.7 **ARTICLE 3**

14.8 **GRANTS AND APPROPRIATIONS**

14.9 **Section 1. DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**  
 14.10 **CHILD CARE AND DEVELOPMENT BLOCK GRANT ALLOCATION.**

14.11 (a) The commissioner of human services shall allocate \$10,948,000 in fiscal year 2022,  
 14.12 \$36,571,000 in fiscal year 2023, \$35,522,000 in fiscal year 2024, and \$49,710,000 in fiscal  
 14.13 year 2025 from the child care development block grant amount in the federal fund for the  
 14.14 rate increase under Minnesota Statutes, section 119B.13, subdivision 1, paragraph (a).

14.15 (b) Each year, an amount equal to at least 88 percent of the federal discretionary funding  
 14.16 in the Child Care Development Block Grant of 2014, Public Law 113-186, in federal fiscal  
 14.17 year 2018 above the amounts authorized in federal fiscal year 2017, not to exceed the cost  
 14.18 of rate adjustments, shall be allocated to pay the cost of rate adjustments based on the most  
 14.19 recent market survey.

14.20 (c) When increased federal discretionary child care development block grant funding is  
 14.21 used to pay for the rate increase under paragraph (a), the commissioner, in consultation with  
 14.22 the commissioner of management and budget, may adjust the amount of working family  
 14.23 credit expenditures as needed to meet the state's maintenance of effort requirements for the  
 14.24 TANF block grant.

14.25 **Sec. 2. APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

14.26 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 14.27 appropriated from the general fund to the Department of Education for the fiscal years  
 14.28 designated.

14.29 Subd. 2. **School readiness.** (a) For revenue for school readiness programs under  
 14.30 Minnesota Statutes, sections 124D.15 and 124D.16:

14.31	\$	<u>33,683,000</u>	<u>.....</u>	<u>2022</u>
14.32	\$	<u>33,683,000</u>	<u>.....</u>	<u>2023</u>

15.1 (b) The 2022 appropriation includes \$3,368,000 for 2021 and \$30,315,000 for 2022.

15.2 (c) The 2023 appropriation includes \$3,368,000 for 2022 and \$30,315,000 for 2023.

15.3 Subd. 3. **Early learning scholarships.** (a) For the early learning scholarship program  
 15.4 under Minnesota Statutes, section 124D.165:

15.5 \$ 70,709,000 ..... 2022

15.6 \$ 70,709,000 ..... 2023

15.7 (b) This appropriation is subject to the requirements under Minnesota Statutes, section  
 15.8 124D.165, subdivision 6.

15.9 Subd. 4. **Head Start program.** For Head Start programs under Minnesota Statutes,  
 15.10 section 119A.52:

15.11 \$ 25,100,000 ..... 2022

15.12 \$ 25,100,000 ..... 2023

15.13 Subd. 5. **Early childhood family education aid.** (a) For early childhood family education  
 15.14 aid under Minnesota Statutes, section 124D.135:

15.15 \$ 34,277,000 ..... 2022

15.16 \$ 35,895,000 ..... 2023

15.17 (b) The 2022 appropriation includes \$3,339,000 for 2021 and \$30,938,000 for 2022.

15.18 (c) The 2023 appropriation includes \$3,437,000 for 2022 and \$32,458,000 for 2023.

15.19 Subd. 6. **Developmental screening aid.** (a) For developmental screening aid under  
 15.20 Minnesota Statutes, sections 121A.17 and 121A.19:

15.21 \$ 3,582,000 ..... 2022

15.22 \$ 3,562,000 ..... 2023

15.23 (b) The 2022 appropriation includes \$360,000 for 2021 and \$3,222,000 for 2022.

15.24 (c) The 2023 appropriation includes \$358,000 for 2022 and \$3,204,000 for 2023.

15.25 Subd. 7. **Parent-child home program.** For a grant to the parent-child home program:

15.26 \$ 900,000 ..... 2022

15.27 \$ 900,000 ..... 2023

15.28 The grant must be used for an evidence-based and research-validated early childhood literacy  
 15.29 and school readiness program for children ages 16 months to four years at its existing  
 15.30 suburban program location. The program must include urban and rural program locations  
 15.31 for fiscal years 2022 and 2023.

16.1 Subd. 8. Kindergarten entrance assessment initiative and intervention program. For  
 16.2 the kindergarten entrance assessment initiative and intervention program under Minnesota  
 16.3 Statutes, section 124D.162:

16.4 \$ 1,016,000 ..... 2022

16.5 \$ 785,000 ..... 2023

16.6 The base for fiscal year 2024 is \$985,000. The base for fiscal year 2025 is \$785,000.

16.7 Subd. 9. Quality rating and improvement system. (a) For transfer to the commissioner  
 16.8 of human services for the purposes of expanding the quality rating and improvement system  
 16.9 under Minnesota Statutes, section 124D.142, in greater Minnesota and increasing supports  
 16.10 for providers participating in the quality rating and improvement system:

16.11 \$ 1,750,000 ..... 2022

16.12 \$ 1,750,000 ..... 2023

16.13 (b) The amounts in paragraph (a) must be in addition to any federal funding under the  
 16.14 child care and development block grant authorized under Public Law 101-508 in that year  
 16.15 for the system under Minnesota Statutes, section 124D.142.

16.16 (c) Any balance in the first year does not cancel but is available in the second year.

16.17 Subd. 10. Early childhood programs at tribal contract schools. For early childhood  
 16.18 family education programs at tribal contract schools under Minnesota Statutes, section  
 16.19 124D.83, subdivision 4:

16.20 \$ 68,000 ..... 2022

16.21 \$ 68,000 ..... 2023

16.22 Subd. 11. Educate parents partnership. For the educate parents partnership under  
 16.23 Minnesota Statutes, section 124D.129:

16.24 \$ 49,000 ..... 2022

16.25 \$ 49,000 ..... 2023

16.26 Subd. 12. Home visiting aid. (a) For home visiting aid under Minnesota Statutes, section  
 16.27 124D.135:

16.28 \$ 465,000 ..... 2022

16.29 \$ 442,000 ..... 2023

16.30 (b) The 2022 appropriation includes \$47,000 for 2021 and \$418,000 for 2022.

16.31 (c) The 2023 appropriation includes \$46,000 for 2022 and \$396,000 for 2023.

17.1 Subd. 13. **Summer preschool for four- and five-year-olds.** (a) For grants to provide  
 17.2 high-quality early learning opportunities to four- and five-year-olds by providing funds to  
 17.3 be used in a three- or four-star-rated private preschool, a public preschool, or a public  
 17.4 prekindergarten in-person learning program.

17.5 § 20,000,000 ..... 2021

17.6 (b)(1) Grant funds of up to \$4,800 per enrolled and attending student must be allocated  
 17.7 to children who need additional support, were four or five years old on September 1, 2020,  
 17.8 and have not yet attended kindergarten. Grant funds must be used for applicable program  
 17.9 costs limited to tuition, transportation, food service, and interpreter or multilingual student  
 17.10 support costs.

17.11 (2) Prioritization for program participation must take into consideration children who  
 17.12 qualify for free and reduced-price lunch and meet at least one of the following eligibility  
 17.13 categories, with the highest priority to children qualifying under multiple categories:

17.14 (i) children in foster care, under child protection, experiencing homelessness, tribally  
 17.15 enrolled, or children of teenage parents; or

17.16 (ii) children at risk for or currently receiving supports and services.

17.17 (c) In order to qualify for a grant, a summer preschool program must: (1) offer a minimum  
 17.18 of six instructional hours per day, for five days per week, for between ten and 12 weeks;  
 17.19 (2) continue to meet school-year standards of school readiness, voluntary prekindergarten,  
 17.20 school readiness plus, Head Start, or three- or four-star Parent Aware rating; and (3) allow  
 17.21 families to participate on a sliding fee scale for services if space permits.

17.22 (d)(1) Programs that qualify under paragraph (c) may apply for grant funding to the  
 17.23 commissioner, in the form and manner prescribed by the commissioner. The application  
 17.24 must indicate the number of students the program has the capacity to serve. The commissioner  
 17.25 must equitably distribute grant funds across school-based, Head Start, and community  
 17.26 preschool and child care programs.

17.27 (2) A program that receives grant funds must report student information following the  
 17.28 criteria required under the applicable program type and as determined by the commissioner.

17.29 (e) Up to 0.5 percent of this appropriation is available for grant administration.

17.30 (f) This is a onetime appropriation and is available until June 30, 2022.

17.31 Subd. 14. **Early childhood tribal education and engagement grants.** (a) For grants  
 17.32 to the 11 Tribal Nations located in Minnesota to provide programming and services for

18.1 parents and children who are enrolled or eligible for enrollment in a federally recognized  
 18.2 tribe. Admission may not be limited to those enrolled or eligible for enrollment in a federally  
 18.3 recognized tribe:

18.4        \$        3,300,000   ..... 2022

18.5        \$        3,300,000   ..... 2023

18.6        (b) Grant funds must be used to support programming and services in one or more of  
 18.7 three focus areas:

18.8        (1) implementing strategies to support comprehensive, authentic family engagement  
 18.9 and education;

18.10       (2) implementing strategies to increase language and literacy outcomes through language  
 18.11 revitalization efforts; or

18.12       (3) implementing strategies supporting the recruitment and retention of prospective  
 18.13 American Indian teachers and enhancing the practice of current American Indian teachers  
 18.14 and adults who work in tribal communities through deep pedagogical professional  
 18.15 development.

18.16       (c) Each Tribal Nation may apply to the department for grants of up to \$100,000 per  
 18.17 focus area for a maximum amount of \$285,000. Each Tribal Nation grant recipient must  
 18.18 submit an annual proposal to the commissioner that outlines specific strategies for providing  
 18.19 early childhood family engagement and education programs and outreach.

18.20       (d) The department will provide technical assistance to the grant recipients by designing,  
 18.21 in collaboration with the 11 Tribal Nations, guidance that includes potential strategies and  
 18.22 examples of comprehensive, coherent approaches.

18.23       (e) Each tribe awarded a grant will submit an annual report to the commissioner on July  
 18.24 1 on the numbers of families and children participating and measurable outcomes on  
 18.25 engagement, language revitalization, and supporting American Indian teachers in tribal  
 18.26 communities.

18.27       (f) Up to five percent is reserved to the department for program and grant administration.

18.28       (g) Any balance in the first year does not cancel but is available in the second year.