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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **3407**

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The bill was read for the first time and referred to the Committee on Finance

A bill for an act

relating to early childhood; providing for early childhood education; amending Minnesota Statutes 2008, sections 121A.16; 121A.17, subdivision 5; 124D.15, by adding a subdivision; 124D.20, subdivision 8; Minnesota Statutes 2009 Supplement, sections 124D.10, subdivision 8; 124D.15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Section 1. Minnesota Statutes 2008, section 121A.16, is amended to read:

**121A.16 EARLY CHILDHOOD HEALTH AND DEVELOPMENT  
SCREENING; PURPOSE.**

The legislature finds that early detection of children's health and developmental problems can reduce their later need for costly care, minimize their physical and educational disabilities, and aid in their rehabilitation. The purpose of sections 121A.16 to 121A.19 is to assist parents and communities in improving the health of Minnesota children and in planning educational and health programs. Charter schools that elect to provide a screening program must comply with the requirements of sections 121A.16 to 121A.19.

Sec. 2. Minnesota Statutes 2008, section 121A.17, subdivision 5, is amended to read:

Subd. 5. **Developmental screening program information.** The board must inform each resident family with a child eligible to participate in the developmental screening program, and a charter school that provides screening must inform families that apply for admission to the charter school, about the availability of the program and the state's requirement that a child receive a developmental screening or provide health records indicating that the child received a comparable developmental screening from a public or

2.1 private health care organization or individual health care provider not later than 30 days  
2.2 after the first day of attending kindergarten in a public school. A school district must  
2.3 inform all resident families with eligible children under age seven that their children may  
2.4 receive a developmental screening conducted either by the school district or by a public or  
2.5 private health care organization or individual health care provider and that the screening  
2.6 is not required if a statement signed by the child's parent or guardian is submitted to the  
2.7 administrator or other person having general control and supervision of the school that  
2.8 the child has not been screened.

2.9 Sec. 3. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 8, is  
2.10 amended to read:

2.11 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all  
2.12 federal, state, and local health and safety requirements applicable to school districts.

2.13 (b) A school must comply with statewide accountability requirements governing  
2.14 standards and assessments in chapter 120B.

2.15 (c) A school sponsored by a school board may be located in any district, unless the  
2.16 school board of the district of the proposed location disapproves by written resolution.

2.17 (d) A charter school must be nonsectarian in its programs, admission policies,  
2.18 employment practices, and all other operations. A sponsor may not authorize a charter  
2.19 school or program that is affiliated with a nonpublic sectarian school or a religious  
2.20 institution. A charter school student must be released for religious instruction, consistent  
2.21 with section 120A.22, subdivision 12, clause (3).

2.22 (e) Charter schools must not be used as a method of providing education or  
2.23 generating revenue for students who are being home-schooled.

2.24 (f) The primary focus of a charter school must be to provide a comprehensive  
2.25 program of instruction for at least one grade or age group from five through 18 years  
2.26 of age. Instruction may be provided to people younger than five years and older than  
2.27 18 years of age.

2.28 (g) A charter school may not charge tuition.

2.29 (h) A charter school is subject to and must comply with chapter 363A and section  
2.30 121A.04.

2.31 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal  
2.32 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections  
2.33 123B.34 to 123B.39.

2.34 (j) A charter school is subject to the same financial audits, audit procedures, and  
2.35 audit requirements as a district. Audits must be conducted in compliance with generally

3.1 accepted governmental auditing standards, the Federal Single Audit Act, if applicable,  
 3.2 and section 6.65. A charter school is subject to and must comply with sections 15.054;  
 3.3 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 471.38; 471.391; 471.392; and  
 3.4 471.425. The audit must comply with the requirements of sections 123B.75 to 123B.83,  
 3.5 except to the extent deviations are necessary because of the program at the school.  
 3.6 Deviations must be approved by the commissioner and authorizer. The Department of  
 3.7 Education, state auditor, legislative auditor, or authorizer may conduct financial, program,  
 3.8 or compliance audits. A charter school determined to be in statutory operating debt under  
 3.9 sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

3.10 (k) A charter school is a district for the purposes of tort liability under chapter 466.

3.11 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,  
 3.12 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

3.13 (m) A charter school is subject to the Pledge of Allegiance requirement under  
 3.14 section 121A.11, subdivision 3.

3.15 (n) A charter school offering online courses or programs must comply with section  
 3.16 124D.095.

3.17 (o) A charter school and charter school board of directors are subject to chapter 181.

3.18 (p) A charter school must comply with section 120A.22, subdivision 7, governing  
 3.19 the transfer of students' educational records and sections 138.163 and 138.17 governing  
 3.20 the management of local records.

3.21 (q) A charter school that provides early childhood health and developmental  
 3.22 screening must comply with sections 121A.16 to 121A.19.

3.23 **Sec. 4. [124D.145] EARLY LEARNING AND CARE SYSTEM.**

3.24 The early learning and care system is defined to be a coherent structure of  
 3.25 research-based curriculum content, instructional practice, child and program assessments,  
 3.26 and performance-based child and programmatic standards as well as family supports,  
 3.27 professional development, engagement and outreach, accountability, financing, and  
 3.28 governance efforts that contribute to all aspects of children's development and prepare  
 3.29 all children for kindergarten. This includes children's readiness for success in meeting  
 3.30 Minnesota's kindergarten academic standards under section 120B.021. The system is  
 3.31 delivered through a variety of public and private child care, preschool, Head Start, and  
 3.32 school-based programs and services.

3.33 Sec. 5. Minnesota Statutes 2009 Supplement, section 124D.15, subdivision 3, is  
 3.34 amended to read:

4.1 Subd. 3. **Program requirements.** A school readiness program provider must:

4.2 (1) assess each child's cognitive skills with a comprehensive child assessment  
4.3 instrument when the child enters and again before the child leaves the program to inform  
4.4 program planning and parents and promote kindergarten readiness;

4.5 (2) provide comprehensive program content and intentional instructional practice  
4.6 aligned with the state early childhood learning guidelines and kindergarten standards and  
4.7 based on early childhood research and professional practice that is focused on children's  
4.8 cognitive, social, emotional, and physical skills and development and prepares children  
4.9 for the transition to kindergarten, including early literacy skills;

4.10 (3) coordinate appropriate kindergarten transition with parents and kindergarten  
4.11 teachers;

4.12 ~~(4) arrange for early childhood screening and appropriate referral;~~

4.13 ~~(5)~~ (4) involve parents in program planning and decision making;

4.14 ~~(6)~~ (5) coordinate with relevant community-based services;

4.15 ~~(7)~~ (6) cooperate with adult basic education programs and other adult literacy  
4.16 programs;

4.17 ~~(8)~~ (7) ensure staff-child ratios of one-to-ten and maximum group size of 20 children  
4.18 with the first staff required to be a teacher; and

4.19 ~~(9)~~ (8) have teachers knowledgeable in early childhood curriculum content,  
4.20 assessment, and instruction.

4.21 Sec. 6. Minnesota Statutes 2008, section 124D.15, is amended by adding a subdivision  
4.22 to read:

4.23 Subd. 15. **Eligibility.** (a) A child is eligible to participate in a school readiness  
4.24 program if the child:

4.25 (1) is at least three years old on September 1;

4.26 (2) has completed health and developmental screening under sections 121A.16 to  
4.27 121A.19; and

4.28 (3) has one or more of the following risk factors:

4.29 (i) qualifies for free or reduced-price lunch;

4.30 (ii) is an English language learning child;

4.31 (iii) is homeless;

4.32 (iv) has an individualized education program (IEP) or an individual interagency  
4.33 intervention plan (IIIP);

4.34 (v) is identified, through health and developmental screenings under sections  
4.35 121A.16 to 121A.19, with a potential risk factor that may influence learning; or

5.1 (vi) is defined as at risk by the school district.

5.2 (b) Children who do not meet the eligibility requirements may participate in a school  
 5.3 readiness program on a fee-for-service basis.

5.4 Sec. 7. Minnesota Statutes 2008, section 124D.20, subdivision 8, is amended to read:

5.5 Subd. 8. **Uses of general revenue.** (a) General community education revenue  
 5.6 may be used for:

5.7 (1) nonvocational, recreational, and leisure time activities and programs;

5.8 (2) programs for adults with disabilities, if the programs and budgets are approved  
 5.9 by the department;

5.10 (3) adult basic education programs, according to section 124D.52;

5.11 (4) summer programs for elementary and secondary pupils;

5.12 (5) implementation of a youth development plan;

5.13 (6) implementation of a youth service program;

5.14 (7) early childhood family education programs, according to section 124D.13; ~~and~~

5.15 (8) school readiness programs, according to section 124D.15; and

5.16 (9) extended day programs, according to section 124D.19, subdivision 11.

5.17 ~~(9)~~ (b) In addition to money from other sources, a district may use up to ten percent  
 5.18 of its community education revenue for equipment that is used exclusively in community  
 5.19 education programs. This revenue may be used only for the following purposes:

5.20 ~~(i)~~ (1) to purchase or lease computers and related materials;

5.21 ~~(ii)~~ (2) to purchase or lease equipment for instructional programs; and

5.22 ~~(iii)~~ (3) to purchase textbooks and library books.

5.23 ~~(b)~~ (c) General community education revenue must not be used to subsidize the  
 5.24 direct activity costs for adult enrichment programs. Direct activity costs include, but  
 5.25 are not limited to, the cost of the activity leader or instructor, cost of materials, or  
 5.26 transportation costs.