A bill for an act
relating to human services; modifying education opportunities for participants in the Minnesota family investment program; amending Minnesota Statutes 2012, sections 256J.49, subdivision 13; 256J.53, subdivisions 1, 2, 5; 256J.531.

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

Section 1. Minnesota Statutes 2012, section 256J.49, subdivision 13, is amended to read:

Subd. 13. Work activity. (a) "Work activity" means any activity in a participant's approved employment plan that leads to employment. For purposes of the MFIP program, this includes activities that meet the definition of work activity under the participation requirements of TANF. Work activity includes:

(1) unsubsidized employment, including work study and paid apprenticeships or internships;

(2) subsidized private sector or public sector employment, including grant diversion as specified in section 256J.69, on-the-job training as specified in section 256J.66, paid work experience, and supported work when a wage subsidy is provided;

(3) unpaid work experience, including community service, volunteer work, the community work experience program as specified in section 256J.67, unpaid apprenticeships or internships, and supported work when a wage subsidy is not provided.

Unpaid work experience is only an option if the participant has been unable to obtain or maintain paid employment in the competitive labor market, and no paid work experience programs are available to the participant. Prior to placing a participant in unpaid work, the county must inform the participant that the participant will be notified if a paid work experience or supported work position becomes available. Unless a participant consents in writing to participate in unpaid work experience, the participant's employment plan may
only include unpaid work experience if including the unpaid work experience in the plan
will meet the following criteria:

(i) the unpaid work experience will provide the participant specific skills or
experience that cannot be obtained through other work activity options where the
participant resides or is willing to reside; and

(ii) the skills or experience gained through the unpaid work experience will result
in higher wages for the participant than the participant could earn without the unpaid
work experience;

(4) job search including job readiness assistance, job clubs, job placement,
job-related counseling, and job retention services;

(5) job readiness education, including English as a second language (ESL) or
functional work literacy classes as limited by the provisions of section 256J.531,
subdivision 2, general educational development (GED) or Minnesota adult diploma course
work, high school completion, and adult basic education as limited by the provisions of
section 256J.531, subdivision 1;

(6) job skills training directly related to employment, including postsecondary
education and training that can reasonably be expected to lead to employment, as limited
by the provisions of section 256J.53;

(7) providing child care services to a participant who is working in a community
service program;

(8) activities included in the employment plan that is developed under section
256J.521, subdivision 3; and

(9) preemployment activities including chemical and mental health assessments,
treatment, and services; learning disabilities services; child protective services; family
stabilization services; or other programs designed to enhance employability.

(b) "Work activity" does not include activities done for political purposes as defined
in section 211B.01, subdivision 6.

Sec. 2. Minnesota Statutes 2012, section 256J.53, subdivision 1, is amended to read:

Subdivision 1. Length of program. (a) In order for a postsecondary education
or training program to be an approved work activity as defined in section 256J.49,
subdivision 13, clause (6), it must be a program lasting 24 months four years or less, and
the participant must meet the requirements of subdivisions 2, 3, and 5.

(b) Participants with a high school diploma, general educational development (GED)
credential, or Minnesota adult diploma must be informed of the opportunity to participate
in postsecondary education or training while in the Minnesota family investment program.
Sec. 3. Minnesota Statutes 2012, section 256J.53, subdivision 2, is amended to read:

Subd. 2. Approval of postsecondary education or training. (a) In order for a postsecondary education or training program to be an approved activity in an employment plan, the plan must include additional work activities if the education and training activities do not meet the minimum hours required to meet the federal work participation rate under Code of Federal Regulations, title 45, sections 261.31 and 261.35.

(b) Participants seeking approval of a who are interested in participating in postsecondary education or training plan as part of their employment plan must provide documentation that discuss their education plans with their job counselor. Job counselors must work with participants to evaluate options by:

1. the employment goal can only be met with the additional education or training;
2. advising whether there are suitable employment opportunities that require the specific education or training in the area in which the participant resides or is willing to reside;
3. the education or training will result in significantly higher wages for the participant than the participant could earn without the education or training;
4. (2) assisting the participant in exploring whether the participant can meet the requirements for admission into the program; and
5. (3) there is a reasonable expectation that the participant will complete the training program discussing the participant's strengths and challenges based on such factors as the participant's MFIP assessment, previous education, training, and work history; current motivation; and changes in previous circumstances.

(b) The requirements of this subdivision do not apply to participants who are in:
1. a recognized career pathway program that leads to stackable credentials;
2. a training program lasting 12 weeks or less; or
3. the final year of a multi-year postsecondary education or training program.

Sec. 4. Minnesota Statutes 2012, section 256J.53, subdivision 5, is amended to read:

Subd. 5. Requirements after postsecondary education or training. Upon completion of an approved education or training program, a participant who does not meet the participation requirements in section 256J.55, subdivision 1, through unsubsidized employment must participate in job search. If, after six 12 weeks of job search, the participant does not find a full-time job consistent with the employment goal, the participant must accept any offer of full-time suitable employment, or meet with the job counselor to revise the employment plan to include additional work activities necessary to meet hourly requirements.
Sec. 5. Minnesota Statutes 2012, section 256J.531, is amended to read:

256J.531 BASIC EDUCATION; ENGLISH AS A SECOND LANGUAGE.

Subdivision 1. Approval of adult basic education. With the exception of classes related to obtaining a general educational development credential (GED), a participant must have reading or mathematics proficiency below a ninth grade level in order for adult basic education classes to be an approved work activity. A participant who lacks a high school diploma, general educational development (GED) credential, or Minnesota adult diploma must be allowed to pursue these credentials as an approved work activity, provided that the participant is making satisfactory progress. Participants eligible to pursue a general educational development (GED) credential or Minnesota adult diploma under this subdivision must be informed of the opportunity to participate while in the Minnesota family investment program. The employment plan must also specify that the participant fulfill no more than one-half of the participation requirements in section 256J.55, subdivision 1, through attending adult basic education or general educational development classes.

Subd. 2. Approval of English as a second language. In order for English as a second language (ESL) classes to be an approved work activity in an employment plan, a participant must be below a spoken language proficiency level of SPL6 or its equivalent, as measured by a nationally recognized test. In approving ESL as a work activity, the job counselor must give preference to enrollment in a functional work literacy program, if one is available, over a regular ESL program. A participant may not be approved for more than a combined total of 24 months of ESL classes while participating in the diversionary work program and the employment and training services component of MFIP. The employment plan must also specify that the participant fulfill no more than one-half of the participation requirements in section 256J.55, subdivision 1, through attending ESL classes. For participants enrolled in functional work literacy classes, no more than two-thirds of the participation requirements in section 256J.55, subdivision 1, may be met through attending functional work literacy classes.