

FILE NUMBER:	H.F. 2475
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DATE: March 27, 2008

- Version: Second committee engrossment
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- **Subject:** Omnibus Education Finance Bill
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Section

Article 1: K-12 Education

Overview

This article makes changes to Minnesota 's K-12 education funding system and portions of the state education code.

1 Required academic standards. (a) Makes physical education a required state academic standard.

(b) Requires physical education instruction to be consistent with education department or national physical education standards. Requires districts complying with national standards to notify the department in order to satisfy applicable federal reporting requirements.

- Makes this section applicable to ninth graders in the 2009-2010 school year.
 Revisions and reviews required. Directs the education commissioner to revise and align state physical education academic standards in the 2018-2019 school year, and makes the revised standards applicable in the 2021-2022 school year. Requires a subsequent review in the 2029-2030 school year.
- Makes this section applicable to ninth graders in the 2009-2010 school year.
 Graduation requirements; course credits. Makes ½ credit of physical education a requirement for graduation.

- 4 **Reimbursement for CLEP examination fees.** Strikes language allowing the state to reimburse students for up to six CLEP exam fees.
- 5 Definitions.

Subd. 1. Definitions. Indicates that the definitions in this section apply to Minnesota Statutes, chapter 120B, governing Minnesota 's educational accountability system.

Subd. 2. Growth. Defines "growth" as the comparison between a student's achievement score at two distinct points in time.

Subd. 3. Value-added. Defines "value-added" as the amount of achievement a student demonstrates above an established baseline for students' academic performance.

Subd. 4. Growth-based value-added. Defines "growth-based value-added" as a value-added system of assessments that measures the difference between an established baseline of academic growth and a student's own academic growth over time.

Subd. 5. Progress. Defines "progress" as a comparison between the average achievement of two different student groups at two different points in time.

Subd. 6. State growth norm. Defines "state growth norm" as an established statewide percentile or standard applicable to all students in a particular grade benchmarked to an established school year. Declares that beginning in the 2008-2009 school year, the state growth norm is benchmarked to 2006-2007 school year data for students until the education commissioner next changes the vertically linked scale score. Directs a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers, in collaboration with the Office of Educational Accountability, to recommend a new state growth norm that the commissioner must consider when revising standards. Directs the commissioner, when implementing the new state growth norm, to also establish criteria for identifying schools and school districts that demonstrate accelerated growth in order to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs.

Makes this section effective immediately. **Statewide testing and reporting system.**

Subd. 1a. Statewide and local assessments; results. (c) Requires the commissioner to include by the 2008-2009 school year a growth-based value-added indicator of student achievement when reporting assessment results.

(d) Requires statewide assessments to be used to evaluate student proficiency in the context of the state's grade level academic standards.

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Subd. 2. Statewide and local assessments; results. Directs the commissioner by the 2008-2009 school year to report assessment results using a growth-based value-added indicator of student achievement. Makes technical changes.

Makes this section effective immediately. System accountability and statistical adjustments.

Subd. 1. Educational accountability and public reporting. Directs the state Department of Education to maintain an educational accountability and public reporting system that promotes greater academic achievement, preparation for higher academic education, preparation for the world of work, citizenship, and the arts.

Subd. 3. Educational accountability. Expects the commissioner to use a growthbased value-added indicator of student achievement over time and to report student growth levels.

Subd. 4. Statistical adjustments; student performance data. Directs the commissioner to aggregate student data over time to report student performance and growth levels at the school, district, and statewide levels and to acknowledge the impact of significant demographic factors.

Makes this section effective immediately. **Student academic achievement and growth.**

Subd. 1. School and student indicators of growth and achievement. Directs the commissioner to maintain a system for measuring and reporting academic achievement and individual student growth. Requires the system to measure both the current adequate yearly progress of schools and the growth of individual students over time. Requires the system to identify schools with high growth levels and schools with low growth levels that need improvement. Strikes an outdated direction to the commissioner.

Subd. 2. Expectations for federally mandated student academic achievement. (a) Directs school districts to determine whether academic achievement levels at school sites meet federally mandated expectations for adequate yearly progress and to work with school sites that do not meet those expectations.

(b) Requires school sites that do not meet federally mandated expectations for adequate yearly progress to develop continuous improvement plans.

(c) Directs the commissioner to assist school districts and school sites that do not meet federally mandated expectations for adequate yearly progress.

Subd. 3. Student growth; other state measures. (a) Declares that the state's

educational system measuring individual students' educational growth is based on highly reliable assessments and indicators of educational growth that show a student's prior achievement.

(b) Directs the commissioner to use a growth-based value-added system. Directs the commissioner to apply the state growth norm to students in grades 4 through 8 beginning in the 2008-2009 school year and to benchmark the state growth norm to 2006-2007 school year data. Requires the model to allow users to report student growth at and above the state norm and, for all student categories with a cell size of at least 20, to report and compare aggregated and disaggregated state growth data using the nine student categories identified under the federal No Child Left Behind Act and two student gender categories. Requires the model to measure the effects of teacher teams within a grade, teacher teams across an entire grade, the school, and the school district on student growth. Prohibits the model from compiling test results for teacher teams of fewer than three teachers.

(c) Allows the commissioner to incorporate other growth-based value-added analysis in measuring district or school growth and accelerated growth, if practicable and consistent with this section.

(d) Directs the commissioner, beginning July 1, 2011, to annually report on the Minnesota student report card two core measures indicating the extent to which current high school graduates are prepared for postsecondary academic and career opportunities: a preparation measure indicating the number and percent of high school graduates in the most recent school year who completed course work important to preparing them for postsecondary academic and career opportunities; and a rigorous coursework measure indicating the number and percent of high school graduates in the most recent school year who successfully completed rigorous academic coursework or industry certification courses or programs. Requires the commissioner to analyze and report separate categories of student information using the nine student categories identified under the federal No Child Left Behind Act and two student gender categories.

(e) Also requires the commissioner, beginning July 1, 2011, to annually report summary data showing students' average self-reported sense of school safety, school engagement, and the quality of the students' relationship with teachers, administrators, and other students. Requires the commissioner to consistently gather the data from students in grades 4 or 5, in one grade level in grades 6 through 8, and one grade level in high school as determined by the commissioner in consultation with experts. Defines all data underlying the summary data as nonpublic data.

Subd. 4. Improving schools. Directs the commissioner to annually report to the public and the legislature best practices learned from those schools that demonstrate accelerated growth compared to the state growth norm.

Makes subdivision 3, paragraph (b) applicable in the 2009 - 2020 school year and later. Makes subdivision 3, paragraph (d) applicable in the 2010-2011 school year

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and later. Makes subdivision 3, paragraph (e), applicable to high school students in the 2009-2010 school year and later and to students in grades 4 through 8 in the 2010-2011 school year and later.

School accountability; appeals process.

Subd. 1. School performance report cards. (a) Directs the commissioner to report student academic performance under the federally mandated adequate yearly progress measure, student academic growth based on individual student achievement, school safety and student engagement, rigorous course work, two separate student-to-teacher ratios, staff characteristics excluding salaries, student enrollment demographics, district mobility and extracurricular activities.

Subd. 2. Adequate yearly progress data. Declares that all data the department uses to determine adequate yearly progress status, set state growth norms, and determine student growth are nonpublic data until ten days after the appeals process concludes. Directs the department to annually post federally mandated adequate yearly progress data and state student growth data to its public Web site by September 1.

Makes this section effective immediately.

Growth-based value-added assessment program. (a) Directs the commissioner to implement a growth-based value-added assessment program. Strikes language related to a trial program.

(b) Strikes language allowing the commissioner to issue a request for proposals to contract with an organization that provides a value-added assessment model.

Makes this section effective immediately.

11 Teachers' and administrators' licenses; fees; licensure via portfolio.

Subd. 1. Licensure applications. Requires teacher candidates for licensure via portfolio to pay the processing fee applicable to other licensure applicants.

Subd. 2. Licensure via portfolio. (a) Requires teacher candidates for licensure via portfolio to pay a \$75 fee to the Minnesota education department to determine whether the candidate is eligible for licensure via portfolio.

(b) Allows a qualified candidate to use the licensure via portfolio to obtain an initial license or add a licensure field. Specify portfolio content requirements for candidates seeking an initial license and for teachers seeking to add a licensure field.

(c) Allows a qualified candidate to use the licensure via portfolio to obtain an initial license or add a licensure field. Specify portfolio content requirements for candidates seeking an initial license and for teachers seeking to add a licensure field.

(d) Sets nonrefundable fees that candidates must pay to the Board of Teaching to review candidate portfolios. Directs the Board of Teaching to deposit revenue from

fees into a specified state account. Allows the Board of Teaching to waive or reduce fees based on candidates' need.

- 12 Local school district wellness policies; Web site. Directs school districts to post the school wellness policy on the district Web site.
- **13 Wind energy conversion system.** Authorizes a school board, individually or as a member of a joint powers board, to become a partner, member, or shareholder in a company that is formed for the sole purpose of constructing, acquiring, owning, or financing a wind energy conversion system.
- 14 **Contract; duties.** Strikes language requiring school superintendents to submit annual reports to the education commissioner on expenditures needed to ensure that 80 percent of students receive a passing score on the statewide assessments.
- **15 Alternative facilities qualifications.** Authorizes a school district that qualified for alternative facilities revenue on July 1, 2007, to remain qualified for revenue under the program regardless of the school district's total square footage of building space.
- **16 Bonds for certain capital facilities.** Increases the maximum length of repayment for certain capital facilities bonds from ten to 15 years.
- 17 Pupils in adjoining states. Creates an alternative method for transferring revenue between Minnesota school districts and non-Minnesota school districts for cross-border open enrolled students.
- **18 Tuition payments.** Amends the current K-12 tuition payment statute to include an option for negotiated K-12 reciprocity agreements between Minnesota and neighboring states. Requires all payments for cross-border students to be made under the reciprocity statute if the state has entered into a reciprocity agreement with a neighboring state.
- **19 Effective if reciprocal.** Eliminates the existing applicability language specific only to the state of South Dakota .
- 20 Appeal to the commissioner. Modifies the authority for the commissioner to set a tuition rate for cross-border open enrolled students in cases where no K-12 tuition reciprocity has been established. Modifies the current process that authorizes a parent to appeal a tuition amount established by a school district to the commissioner of education by changing the commissioner's role from agreeing to a tuition rate to setting the tuition rate.
- 21 Reciprocity with adjoining states.

Subd. 1. Agreements. Authorizes the Minnesota commissioner of education to enter into an agreement with the designated authority from an adjoining state to establish an enrollment options program. Requires the agreement to:

- apply only to students who are not residents of Minnesota who live in adjoining states;
- set negotiated and equal reciprocal tuition amounts;
- adjust revenue amounts between states based on the number of students from each state attending school in the other state;
- establish application procedures;
- list any reasons why an applicant student from another state may be denied enrollment in the serving state; and
- ensure that no Minnesota district is responsible for providing transportation to a

resident student who attends school in another state.

Subd. 2. Pupil accounting. Requires Minnesota school districts to include a cross-border nonresident student in their pupil counts as if the student were a non-resident student from another Minnesota school district. Allows Minnesota school districts to count resident students who attend school in an adjoining state in the Minnesota district's resident pupil count in the same manner as in-state open enrollment students.

Subd. 3. Procedures. Grants the Department of Education authority to collect data and transfer payments according to this section. Applies the K-12 reciprocity statute to all transfer of students between participating states. Allows aid payments to be made under section 127A.45. Creates an exemption from this process to a school district in another state that has fewer than 150 pupils if that state also grants the same exemption (this exemption is intended to avoid triggering any mandatory school consolidation statute in neighboring states).

- 22 **Reciprocity exception.** Creates an exemption to the tuition payments statute in cases where students are transferring between adjoining states according to the new K-12 tuition reciprocity statute.
- **23 Leave to teach in a charter school.** Requires teachers to request a leave or an extension of a leave to teach at a charter school either before February 1 in the school year preceding the school year in which the teacher wishes to return to the district or before February 1 in the calendar year in which the teacher's leave is scheduled to terminate.
- 24 State total adult basic education aid. Modifies the growth factor by which the state total adult basic aid increases each year from the growth in program contact hours over the two most recent years to a ten-year average growth rate. Keeps the state total aid amount growth limited to not more than three percent in any one year.
- **25** General education development (GED) test fees. Increases from \$20 to \$40 the amount that the commissioner may charge individuals to take the GED test.
- 26 Third party billing; Minnesota State Academies. Directs the Minnesota State Academies to seek reimbursement from third parties for the cost of those services the academies provide that are covered by a child's public or private health plan.

Makes this section effective for revenue for fiscal year 2008.

- 27 Adjustments for tuition reciprocity with adjoining states. Adjusts Minnesota 's special education appropriations cap to reflect the transfers of special education tuition payments to and from adjoining states. Authorizes the receipt and disbursement of special education payments from and to adjoining states according to the K-12 reciprocity agreement with that state.
- **28 Transition revenue.** Adds a new component to transition revenue to factor in any changes in general education revenue due to the K-12 reciprocity agreement replacing a tuition billing agreement.
- **29 Transition for tuition reciprocity.** Sets the new transition revenue component equal to the loss in revenue for a Minnesota school district because of the K-12 reciprocity process agreement replacing the tuition billing between the Minnesota school district and the school district in the adjoining state.
- **30 Referendum revenue.** Modifies the notice requirement for language that must appear on a

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ballot to renew a school district operating referendum levy, replacing the words "you may be voting for a property tax increase" with "...you are not changing your operating referendum amount per pupil from its level in the previous year..." Makes the change effective for elections after June 30, 2008.

- **31 Permanent school fund.** Maintains an annual general education offset of the first \$36 per pupil in permanent school fund income (this is the current forecast amount for fiscal year 2010). Section 31 dedicates any future increases in permanent school fund income to school technology purpose.
- **32 County apportionment deduction.** Removes school district's wind energy production tax proceeds from the list of revenues that are subtracted from general education aid through the county apportionment formula effective for fiscal year 2009. This change has the effect of restoring wind energy payments to school districts as additional revenue.
- **33** Safe schools levy. Requires the additional safe schools levy authority of \$3 per pupil unit that was added by the 2007 Legislature to be used only for expanding the availability of licensed school support staff.
- **34 Application of limiting tax legislation.** Adds intermediate school districts to the authority to engage in tax and aid anticipation borrowing.
- **35 Limitations.** Clarifies a reference to school district fiscal years.
- **36 Intermediate school districts.** Specifically authorizes an intermediate school district to borrow against its expected receipt of state aids, federal aids, and membership fees and tuition payments from its member districts. Allows the intermediate school district, upon its member district approval, to amend its bylaws to allow it to pledge the full faith and credit of its member districts to repay the short-term borrowing of the intermediate school district.
- **37 Enabling resolution; form of certificates of indebtedness.** Adds intermediate school districts to the authority to issue certificates of indebtedness for cash flow borrowing.
- **38 State payment of debt obligation upon potential default.** Extends the state guarantee of school district debt to intermediate school districts. Restores language in subdivision 4a that was inadvertently repealed in 2003 that allows the state to recapture aid payments if a school district defaults on state-guaranteed bond payments.
- **39** School endowment fund; use of revenue. Creates a new source of technology funding for school districts. Sets the funding equal to any annual amounts generated by permanent school fund in excess of \$36 per pupil. Distributes the amount in excess of \$36 per pupil on a per pupil basis to all school districts. Requires that the revenue be used only for technology purposes.
- **40 Payments to third parties.** Includes K-12 tuition reciprocity payments in the statute that requires the state to make current year aid payments to third parties.
- 41 Statewide health improvement program. Adds § 145.986. Establishes a statewide health improvement program.

Subd. 1. Goals. States the initial goals of the public health improvement program. Permits the commissioner of health, in consultation with the State Community Health Advisory Committee and other stakeholders, to make recommendations as to future goals related to alcohol and illegal drug use.

Subd. 2. Funding local communities. Requires the commissioner of health to provide funding to community health boards, beginning January 1, 2009, in order to coordinate locally developed programs targeted at achieving measurable health

improvement goals.

Provides that funding to community health boards will be based on a per capita formula, plus \$50,000 in base funding to each community health board. (There are 53 community health boards in the state.)

States that by January 15, 2011, the commissioner must recommend whether additional funding should be provided to community health boards based on health disparities in the populations served.

Subd. 3. Outcomes. (a) Requires the commissioner of health to set performance measures and annually review progress toward those goals. Permits the commissioner to assist communities in making sufficient progress.

(b) Requires the commissioner to determine baseline data against which progress will be measured.

Subd. 4. Media campaign. Requires the commissioner of health to conduct a statewide marketing campaign to reinforce efforts to address health improvement goals. Requires the commissioner to consult with local public health representatives in developing and conducting these campaigns.

42 AP/IB/concurrent enrollment appropriation. Authorizes the FY 2008 appropriation for AP/IB and concurrent enrollment programs to carry forward into FY 2009.

43 Special education task force report. (a) Extends the term of the special education task force to February 15, 2009. Directs the task force to submit a report to the legislature recommending how state statutes and rules that exceed minimum federal requirements might be amended to conform to federal requirements or made more effective as determined by a majority of task force members. Directs the task force to recommend rules governing aversive and deprivation procedures by school district employees or persons under contract with a school district.

(b) Replaces the education department member of the task force representing regulators with a parent advocate selected by a statewide organization that advocates on behalf of children with disabilities.

(c) Directs the education department to provide technical assistance upon request.

Makes this section effective immediately.

- 44 **Special education task force appropriation.** Amends the special education task force appropriation to include an additional \$20,000 for task force activities in FY 2009.
- **45 Plainview-Elgin-Millville.** Appropriates an additional \$7,000 to the Plainview-Elgin-Millville school district to fully restore the funds lost to the district's community education fund balance penalty.
- **46 Appropriations; Department of Education.** Reduces the fiscal year 2009 appropriation to the Minnesota Department of Education by four percent (from \$22.653 million to \$21.761 million).

- **47 Flood total appropriation for schools.** Modifies the total appropriation made to the commissioner of education for payments to school districts adversely affected by the August 2007 floods to fit the actual amounts expended.
- **48** Flood appropriations; Rushford-Peterson. Modifies the appropriations rider language that set aside \$250,000 for a disaster relief facilities grant to the Rushford-Peterson school district to reflect the \$120,000 actually spent on facilities repairs.
- **49 Disaster relief facilities grants to other districts.** Reduces the appropriation available for disaster relief facilities grants to other school districts from \$90,000 to \$14,000 (this is the amount that was actually disbursed under this clause).
- 50 Fund transfers.

Subd. 1. Capital account transfers. Allows any school district on June 30, 2008, to transfer up to \$51 per pupil unit from its reserved for operating capital account to its undesignated general fund balance. Requires the school board to adopt a written resolution stating the amount of the transfer and declaring that the district's operating capital needs are being met prior to making the transfer.

- **51 Onetime general education revenue increase.** Adds an amount to each district's general education revenue, for fiscal year 2009 only, equal to \$51 per pupil unit.
- **52 Alternative teacher compensation aid.** Limits participation in the alternative teacher compensation program for FY 2009 only to those districts that were previously participating or that had an application pending as of February 29, 2008 .
- **53 Implementing a student growth-based value-added system.** (a) Directs the education commissioner to convene a group of assessment and evaluation experts and interested educators and parents to examine the actual statewide performance of students using Minnesota's growth-based value-added system and establish criteria for identifying schools and school districts that demonstrate accelerated growth in order to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs.

(b) Directs the commissioner to report to the legislature by February 15, 2009, describing the criteria for identifying accelerated growth. Causes the group to expire on June 30, 2009

Makes this section effective immediately and applicable to school report cards in the 2008-2009 school year and later.

54 Implementing rigorous course work measures related to student performance. (a) Directs the education commissioner to convene a group of experts and interested stakeholders, including parents, to develop a model projecting anticipated performance of each high school on preparation and rigorous course work measures that compares the school with similar schools. Requires the model to use information about entering high school students based on particular background characteristics that are predictive of differing rates of college readiness. Includes 8th grade achievement levels, student mobility, student attendance, and the size of each entering 9th grade class among the predictive characteristics including the nine student categories identified under the No Child Left Behind Act and two student gender categories. Directs the commissioner to use the predicted level of entering students' performance to provide a context for interpreting

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graduating students' actual performance. Causes this group to expire July 1, 2011 .

(b) Directs the commissioner to propose an expanded high school student data system to report preparation and rigorous coursework measures and facilitate additional research on college readiness. Lists parameters for the proposal.

Makes this section effective immediately and applicable to school report cards beginning July 1, 2011 .

Implementing measures for assessing students' self-reported sense of school safety, engagement in school, and the quality of relationship with teachers, administrators, and other students. (a) Directs the commissioner to consult with interested stakeholders, including parents, and convene a group of experts to select or devise a student survey instrument that best meets specified state accountability requirements.

(b) Directs the commissioner to report to the legislature by February 15, 2009. Causes this group to expire June 30, 2009.

Makes this section effective immediately and applicable to school report cards beginning July 1, 2011 .

56 Growth-based value-added system. Directs the commissioner to use a growth-based value-added system consistent with the growth-based value-added model contained in a document labeled "Educational Report Card Growth Model" and developed with the department. Requires the document to be deposited with named state libraries and the state revisor's office. Directs a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers to determine whether the implemented state growth-based value-added model is consistent with the document and to report its determination to the legislature by February 15, 2009 .

Makes this section effective immediately.

57 Expedited process; specific learning disability rule. Allows the education commissioner to use the expedited rulemaking process to conform the state rule on specific learning disabilities to new federal requirement under IDEIA of 2004.

Makes this section effective immediately.

- **58** Ending participation in No Child Left Behind. Directs the education commissioner to nullify and revoke by August 1, 2009, the plan that Minnesota submitted to the federal government on implementing the No Child Left Behind Act and any related state contract or agreement.
- 59 Appropriations.

Subd. 1. Department of Education. Appropriates the sums indicated in the following subdivisions from the general fund to the commissioner of education for the years designated.

Subd. 2. Additional general education aid. Appropriates an additional \$18.9 million from the general fund for general education aid.

Subd. 3. Rushford-Peterson. Appropriates \$158,000 for a grant to Independent School District No. 239, Rushford-Peterson, for declining pupil aid and transportation costs associated with the August 2007 floods.

Subd. 4. Virginia. Appropriates \$100,000 for a grant to Independent School District No. 701, Virginia, for emergency facility repairs.

Subd. 5. Lancaster . Appropriates \$100,000 for a grant to Independent School District No. 356, Lancaster, to replace the district's lost sparsity aid.

Subd. 6. Principal's Leadership Institute. Appropriates \$400,000 for a grant to the Principal's Leadership Institute under section 122A.74.

Repealer. Repeals sections governing aversive and deprivation procedures (Minn. Stat. § 121A.67), placing special education students in a state institution on a temporary basis (Minn. Stat. § 125A.16), tuition billing requirements for nonresident students (Minn. Stat. § 125A.19), a definition of assistive technology device (Minn. Stat. § 125A.57), and a session law granting the Department of Education rulemaking authority (Laws 2006, ch. 263, art. 3, § 16). Also repeals Laws 2007, chapter 2, article 1, section 11, subdivisions 3 and 4 (these are education provisions in the flood bill that are no longer needed).

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Article 2: Forecast Adjustments

Overview

An appropriations deficiency occurs when the appropriation in law is smaller than the amount necessary to fully fund the program. For the last several years, the legislature and the executive branch have operated under a series of budget principles that require the legislature to fully fund programs and for the forecast to reflect the full cost of these programs.

This bill makes corrections to appropriations for fiscal years 2008 and 2009 to reflect the February 2008 forecast of spending. These appropriations are already included in the February 2008 Forecast of base expenditures.

Appropriations that are modified in this bill to match the February 2008 Forecast aid estimates include:

- general education aid;
- referendum tax base replacement aid;
- enrollment options transportation;
- abatement aid;
- consolidation transition aid;
- nonpublic pupil aid;
- nonpublic pupil transportation aid;
- charter school building lease aid;
- integration aid;
- aid for tribal contract schools;
- aid for children with disabilities;
- travel for home-based services;
- health and safety aid;
- debt service equalization aid;
- deferred maintenance aid;
- school technology and operating capital grants;
- school lunch aid;
- school breakfast aid;
- Early Childhood Family Education aid;
- school readiness aid;
- health and developmental screening aid;
- community education aid;
- adults with disabilities program aid; and
- adult basic education aid.