

1.1 moves to amend H.F. No. 4415 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. SCHOOL CLOSURES DUE TO COVID-19; 2019-2020 SCHOOL YEAR.

1.4 Subdivision 1. Required school days and hours. (a) Notwithstanding any law to the
1.5 contrary, if a school district, charter school, the governor, commissioner of health, or
1.6 commissioner of education cancels a day or days of school for any of the reasons listed in
1.7 paragraph (b), the school district or charter school must compensate employees as provided
1.8 in subdivision 2.

1.9 (b) The following are reasons for a school cancellation under paragraph (a):

1.10 (1) providing for social distancing to prevent COVID-19 infections;

1.11 (2) cleaning or disinfecting school property to prevent COVID-19 infections; or

1.12 (3) complying with any requirement or suggestion by the state, the governor, or
1.13 commissioner of health related to a COVID-19 public health emergency.

1.14 (c) Notwithstanding any law to the contrary, for the purposes of this subdivision and
1.15 subdivisions 2 and 3, a school district or charter school "cancels" a school day on any day
1.16 that the school district or charter school requires the majority of students at any school site
1.17 or sites to not attend school, including when students are engaged in distance learning or
1.18 similar instruction away from their school building.

1.19 (d) Notwithstanding any law to the contrary, for the purposes of this subdivision and
1.20 subdivisions 2 and 3, a school district includes a cooperative unit under Minnesota Statutes,
1.21 section 123A.24, subdivision 2, that serves students on site.

2.1 Subd. 2. COVID-19 cancellation; employees. (a) This subdivision applies to an
2.2 employee of a school district or charter school that cancels a school day under subdivision
2.3 1 who:

2.4 (1) was scheduled to work on the day that school was canceled under subdivision 1;

2.5 (2) did not work on that day or worked fewer than the number of scheduled hours for
2.6 the employee on that day; and

2.7 (3) did not receive compensation for all scheduled hours that day.

2.8 (b) In addition to paragraph (a), this subdivision applies to any day or portion of a day
2.9 not worked, for which the employee was scheduled to work, that the employee did not work
2.10 at the recommendation or direction of a health care provider acting within the provider's
2.11 scope of practice or Department of Health staff member due to the possibility the employee
2.12 was infected with COVID-19.

2.13 (c) Notwithstanding any law to the contrary, for each day identified in paragraph (a) or
2.14 (b), a school district or charter school must compensate any school district or charter school
2.15 employee for any hours scheduled but not worked at the employee's regular rate of pay.

2.16 (d) Notwithstanding any law to the contrary, for the purposes of this subdivision, an
2.17 employee is scheduled to work if:

2.18 (1) a school district or charter school notified the employee of the schedule orally or in
2.19 writing;

2.20 (2) the employee works a fixed or periodically recurring schedule and had not notified
2.21 the school district or charter school that the employee intended to deviate from that schedule;
2.22 or

2.23 (3) if neither clause (1) nor (2) apply, the employee is deemed scheduled to work the
2.24 same number of hours and days as the last schedule for which the school district or charter
2.25 school provided notice.

2.26 (e) Subject to Minnesota Department of Health guidelines, labor agreements, and charter
2.27 school or school district policies, a charter school or school district may schedule an employee
2.28 to work on tasks outside of their normal purview.

2.29 (f) Notwithstanding any law to the contrary, compensation under this subdivision must
2.30 not be deducted from accrued sick or paid leave unless the employee is unable to work due
2.31 to illness, injury, or other incapacity, including treatment for a COVID-19 infection.

3.1 (g) Notwithstanding any law to the contrary, a school district or charter school must
3.2 count any hours or days for which an employee is entitled to compensation under this
3.3 subdivision as hours or days worked for the purpose of entitlement to or accrual of any
3.4 benefits to which the employee would be otherwise entitled.

3.5 (h) School districts and charter schools are encouraged to use their hourly workers for
3.6 COVID-19 response related work. This may include, but is not limited to, appropriate work
3.7 in food distribution, cleaning and disinfecting, or distance learning.

3.8 **Subd. 3. COVID-19 cancellation; contract employer compensation for eligible**
3.9 **employees.** (a) For purposes of this subdivision, "contract employer" means an employer
3.10 who provides student-related services throughout the school year to a school district or
3.11 charter school, and "eligible employee" means a person:

3.12 (1) whose primary task is to provide services to students attending a school district or
3.13 charter school;

3.14 (2) who was scheduled to work for the contract employer on any of the days that school
3.15 was canceled under subdivision 1;

3.16 (3) who did not work on any or all of those days; and

3.17 (4) who did not receive compensation for any or all of the employee's regularly scheduled
3.18 shifts or hours on those school days.

3.19 (b) A school district or charter school must notify a contract employer which days were
3.20 canceled under subdivision 1, if any.

3.21 (c) A contract employer who agrees to compensate its eligible employees at their regular
3.22 rate of pay for the hours of pay lost due to a school cancellation under subdivision 1, must
3.23 notify the district or charter school of its intended action and, once notified, the school
3.24 district or charter school must fully compensate the contract employer for the days identified
3.25 under paragraph (b).

3.26 (d) Notwithstanding paragraph (c), a school district or charter school and contract
3.27 employer may, by mutual agreement, adjust the full, regularly scheduled daily contract rate
3.28 if special circumstances within the district warrant an adjustment.

3.29 **Subd. 4. Student teachers.** (a) Notwithstanding any law to the contrary, a teacher
3.30 preparation program provider may award credit for satisfactory completion of teacher
3.31 preparation field experience, student teaching, or related assessments interrupted or canceled
3.32 for a COVID-19-related reason during the 2019-2020 school year even if the field experience,

4.1 student teaching, or assessment did not meet the requirements of Minnesota Rules, chapters
4.2 8705 or 8710.

4.3 (b) Notwithstanding any law to the contrary, the Professional Educator Licensing and
4.4 Standards Board must not in any way penalize a teacher preparation program, teacher
4.5 preparation program provider, or applicant for a teaching license based on any credit awarded
4.6 under paragraph (a).

4.7 Subd. 5. **Probationary teachers.** For the 2019-2020 school year only, for purposes of
4.8 Minnesota Statutes, sections 122A.40, subdivision 5, paragraph (e), and 122A.41, subdivision
4.9 2, paragraph (d), the minimum number of days of teacher service that a probationary teacher
4.10 must complete equals the difference between 120 days and the number of scheduled
4.11 instructional days that were canceled for COVID-19-related reasons under subdivision 1.

4.12 Subd. 6. **Accounting.** Notwithstanding any law to the contrary, services paid under
4.13 subdivisions 2 and 3, including expenses recorded in the food service fund, may be charged
4.14 to the same Uniform Financial Accounting and Reporting Standards codes to which the
4.15 service is charged for an instructional day.

4.16 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.17 is retroactive to the beginning of the 2019-2020 school year. This section expires June 30,
4.18 2020.

4.19 Sec. 2. **COMMISSIONER OF EDUCATION, PELSB, AND BOARD OF SCHOOL**
4.20 **ADMINISTRATORS COVID-19 EMERGENCY POWERS.**

4.21 (a) Notwithstanding Minnesota Statutes, chapters 120A and 120B, or Minnesota Rules,
4.22 chapter 3501, the commissioner of education is granted authority and must waive for students
4.23 and schools affected by a COVID-19 disruption provisions relating to the:

4.24 (1) required number of instructional days and hours;

4.25 (2) required credits and earning of credits, including credits for advancement in grade;

4.26 (3) state graduation requirements; and

4.27 (4) state requirements on standardized assessments, including requirements allowing
4.28 students to take a college entrance exam in school on a regular school day.

4.29 In providing these waivers, the commissioner must consider the quality of the continuity
4.30 of education and the mastery of academic standards, with provisions for students to
4.31 demonstrate the potential toward grade advancement and graduation. Before making any

5.1 waivers under this paragraph, the commissioner of education must consult with
5.2 representatives of school boards reflective of school districts throughout the state.

5.3 (b) Notwithstanding any law to the contrary, COVID-19-related absences do not count
5.4 toward the 15 consecutive school days under Minnesota Statutes, section 126C.05.

5.5 (c) Notwithstanding any law to the contrary, the commissioner of education may waive
5.6 any requirements under Minnesota Statutes, chapter 260A regarding truancy related to
5.7 COVID-19 related absences.

5.8 (d) Notwithstanding any law to the contrary, the Professional Educator Licensing and
5.9 Standards Board must waive any requirements under Minnesota Statutes, chapter 122A, or
5.10 Minnesota Rules, chapters 8700, 8705, 8710, and 8750, that would otherwise negatively
5.11 impact a teacher preparation program, teacher preparation provider, or teacher license
5.12 applicant affected by a COVID-19-related disruption.

5.13 (e) Notwithstanding any law to the contrary, the Board of School Administrators and
5.14 the Professional Education Licensing and Standards Board must extend by six months any
5.15 calendar year 2020 deadline for completion of license renewal requirements for licenses
5.16 under their jurisdiction.

5.17 (f) A court must not construe anything in this section as creating a right of action for a
5.18 student, parent, teacher license applicant, teacher preparation program, teacher preparation
5.19 program provider, or any other individual or entity to enforce any provision of this section.

5.20 (g) By January 1, 2021, the commissioner of education must report on all waivers made
5.21 under paragraphs (a) and (c) to the chairs of the committees in the house of representatives
5.22 and senate with jurisdiction over kindergarten through grade 12 education and finance.

5.23 (h) By January 1, 2021, the Professional Educator Licensing and Standards Board must
5.24 report on all waivers made under paragraph (d) to the chairs of the committees in the house
5.25 of representatives and senate with jurisdiction over kindergarten through grade 12 education
5.26 and finance.

5.27 **EFFECTIVE DATE.** Paragraphs (a), (b), and (c) of this section expire June 30, 2020.
5.28 Paragraph (d) of this section expires October 31, 2020.

5.29 **Sec. 3. SCHOOL AIDS FORMULAS ADJUSTED.**

5.30 Subdivision 1. **Special education.** Notwithstanding any law to the contrary, fiscal year
5.31 2020 expenditures for services under section 1, subdivisions 2 and 3, for employees and
5.32 contracted services that would have been eligible for state special education aid under section

6.1 125A.76 and for special education tuition billing under sections 125A.11 and 127A.47 in
6.2 the absence of school closures due to COVID-19 must be included as eligible expenditures
6.3 for the calculation of state special education aid and special education tuition billing.

6.4 Subd. 2. **School meals.** (a) Notwithstanding any law to the contrary, for school meals
6.5 served beginning on or after March 18, 2020, the commissioner of education may adjust
6.6 the appropriations remaining under Laws 2019, First Special Session chapter 11, article 7,
6.7 section 1, subdivisions 1, 2, and 3, as specified in paragraph (b).

6.8 (b) On June 30, 2020, the commissioner must subtract the amount actually paid to
6.9 participants for the 2019-2020 school year under subdivisions 1, 2, and 3, through March
6.10 17, 2020, from the total appropriations for each program. The commissioner must then
6.11 allocate the remaining funds under each appropriation to participants in the summer food
6.12 service program on a per meal basis for meals served on or after March 18, 2020, and before
6.13 July 1, 2020.

6.14 Subd. 3. **Career and technical aid.** Notwithstanding any law to the contrary, for the
6.15 2019-2020 school year only, the commissioner of education may recalculate career and
6.16 technical revenue for school districts, cooperatives, and charter schools to ensure that the
6.17 total statewide career and technical revenue does not fall below the amount estimated for
6.18 the 2019-2020 school year based on the February 2020 forecast. For expenses incurred on
6.19 or after March 13, 2020, the commissioner may recalculate school district, cooperatives,
6.20 and charter school amounts based on any other mechanism that allows for the full amount
6.21 of this appropriation to be equitably paid to school districts, cooperatives, and charter
6.22 schools. These amounts must be prorated at the end of the year if career and technical
6.23 revenue were to exceed the February 2020 forecast estimate of this revenue.

6.24 Subd. 4. **Nonpublic pupil transportation aid.** Notwithstanding any law to the contrary,
6.25 for the 2019-2020 school year only, the commissioner of education may recalculate nonpublic
6.26 pupil transportation aid for school districts to ensure that the total aid does not fall below
6.27 the amount estimated for the 2019-2020 school year based on the February 2020 Forecast.
6.28 For miles traveled and expenses incurred on or after March 13, 2020, the commissioner
6.29 may recalculate school district amounts based on any mechanism that allows for the full
6.30 amount of this appropriation to be equitably paid to school districts. These amounts must
6.31 be prorated at the end of the year if nonpublic pupil aid were to exceed the February 2020
6.32 Forecast estimate of this aid.

6.33 Subd. 5. **Interdistrict desegregation transportation aid.** Notwithstanding any law to
6.34 the contrary, for the 2019-2020 school year only, the commissioner of education may

7.1 recalculate interdistrict desegregation or integration transportation aid for school districts
7.2 to ensure that the total aid does not fall below the amount estimated for the 2019-2020
7.3 school year based on the February 2020 Forecast. For miles traveled and expenses incurred
7.4 on or after March 13, 2020, the commissioner may recalculate school district amounts based
7.5 on any mechanism that allows for the full amount of this appropriation to be equitably paid
7.6 to school districts. These amounts must be prorated at the end of the year if interdistrict
7.7 desegregation or integration transportation aid were to exceed the February 2020 Forecast
7.8 estimate of this aid.

7.9 Subd. 6. **Adult basic education aid.** Notwithstanding any law to the contrary, for the
7.10 2019-2020 school year only, the commissioner of education may recalculate adult basic
7.11 education aid to ensure that the total aid does not fall below the amount estimated for the
7.12 2019-2020 school year based on the February 2020 Forecast. The commissioner may
7.13 recalculate contact hour rate or otherwise adjust the formula so that the full amount of this
7.14 appropriation to be equitably paid to aid recipients. These amounts must be prorated at the
7.15 end of the year if adult basic education aid were to exceed the February 2020 Forecast
7.16 estimate of this aid.

7.17 Subd. 7. **School employees; maximizing state revenue.** Notwithstanding any law to
7.18 the contrary, for purposes of state aid formulas under subdivisions 1 and 3, the commissioner
7.19 of education may include in any counts and costs of essential personnel the services provided
7.20 by individuals who were essential personnel prior to March 13, 2020 for the purpose of
7.21 maximizing state aid payments to school districts, cooperative units, and charter schools.

7.22 Subd. 8. **Report.** The commissioner of education must notify school districts and charter
7.23 schools of these formula changes as soon as practicable. The commissioner must issue a
7.24 report by January 15, 2021, to the legislative committees having jurisdiction over kindergarten
7.25 through grade 12 education matters describing the formula changes and the distributional
7.26 impact on school districts and charter schools.

7.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
7.28 applies to the 2019-2020 school year."

7.29 Amend the title accordingly