

**Subject** COVID-19 education related closures

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### Overview

H.F. 4415, the DE9 amendment, provides for compensation for hourly school employees and allows entities that contract with schools to provide services to be reimbursed for paying their employees, for changes in school employment practices related to COVID-19 related school closures and the conversion to distance learning programs.

The bill addresses school finance formula glitches resulting from the conversion to the distance learning model.

The bill also creates and legislatively approves certain waivers of state law regarding assessments, graduation and course requirements, and potential licensure issues faced by prospective and current teachers.

## Article 1: School Closures Due to COVID-19

### Section Description: Article 1 – School Closures Due to COVID-19

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#### 1 Distance learning period; 2019-2020 school year.

**Subd. 1. Definitions.** Defines “distance learning period” as March 18 through May 4, 2020, unless extended by emergency executive order.

**Subd. 2. Distance learning period; employees.** Provides that a school district or charter school must pay hourly employees for any hours they were scheduled to work but did not during the distance learning period.

**Subd. 3. COVID-19 cancellation; contract employer to pay eligible employees.** Provides that employers who contract with schools to provide services may choose to pay employees for hours they were scheduled to work but did not during the distance learning period. If the employer chooses to pay those employees, the school district must reimburse the employer.

**Section Description: Article 1 – School Closures Due to COVID-19**

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- 2 Probationary teachers.**  
Reduces the number of service days required for probationary teachers by the number of instructional days canceled for a COVID-19 related reason.
- 3 Truancy.**  
Provides that student absences from March 1 through the end of the distance learning period do not count towards truancy referrals.
- 4 Effective date.**  
Provides that sections 1 to 3 are effective retroactive to the beginning of the 2019-2020 school year and expire on June 30, 2020.

## **Article 2: Formula Adjustments**

This article adjusts school finance formulas to limit revenue losses in fiscal years 2020, 2021, and 2022 because of changes in school programming necessitated by Minnesota’s response to COVID-19 for school districts occurring because of school closures and the shift to distance learning plans. The formula adjustments are designed to be revenue neutral as compared to the February 2020 Forecast K12 budget base.

**Section Description: Article 2 – Formula Adjustments**

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- 1 School aid formula adjustments.**  
Adjusts school aid formulas so that revenue is not lost to schools due to COVID-19 closures and adjustments to the delivery of educationally-related services. These provisions are intended to reflect that school employees are still employed, but may be providing services and activities in different manners for the remainder of the 2019-2020 school year.
  - Subd. 1. Special education pupil transportation.** Special education pupil transportation aid is based on the costs of providing the pupil transportation services. A portion of the revenue is based on miles students are actually transported. Allows the Minnesota Department of Education (MDE) to recalculate the aid, not to exceed the forecast amount for the program so that state aid is not lost. Note: This is a base adjustment for fiscal year 2021.
  - Subd. 2. School meals.** Minnesota supplements the federal payments for school meals. Minnesota’s state aid is distributed based on the actual number of breakfasts, lunches, and school milk served to students. As of March 18, 2020, all school districts have converted over to providing the meals under the summer food service program. The state appropriations savings due to the lower meal

**Section Description: Article 2 – Formula Adjustments**

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counts is reallocated to schools providing summer food service meals for the remainder of the school year. Note: This is a reallocation of revenue that would otherwise be lost to school districts for the remainder of fiscal year 2020.

**Subd. 3. Career and technical revenue.** School districts receive career and technical revenue based on 35 percent of the actual costs of services provided to career and technical education (CTE) students. Should this appropriation fall short of the February 2020 Forecast estimate for the program, MDE is authorized to recalculate CTE revenue amounts in an equitable manner to ensure the full expected amount of funding is distributed to schools. Note: This is a base adjustment for fiscal year 2021.

**Subd. 4. Nonpublic pupil transportation aid.** School districts provide transportation services for nonpublic schools. Many school districts provide this service through contracted transportation services. The school districts are reimbursed for this service based on a formula that determines the costs of the program. This provision authorizes MDE to recalculate the aid, if necessary to ensure that the full appropriation is distributed to school districts. Note: This is a base adjustment for fiscal year 2022.

**Subd. 5. Interdistrict desegregation and integration transportation aid.** School districts are reimbursed for certain interdistrict transportation expenses for students participating in voluntary integration efforts. This provision allows MDE to recalculate the appropriation so that state aid is not foregone. Note: This is a base adjustment for fiscal year 2021.

**Subd. 6. Adult basic education aid.** Adult basic education (ABE) programs are funded by the state through an aid formula that reflects the number of hours of service provided to program participants (contact hours). This provision allows MDE to readjust the contact hour reimbursement rate to fully spend the appropriation. Note: This is a base adjustment for fiscal year 2021.

**Subd. 7. School employees; maximizing state revenue.** The state aid formulas for special education pupil transportation and CTE are dependent on a statutorily defined group of essential employees providing these services. For accounting purposes, school food service employees may only be counted for their work spent on food service activities. This provision grants MDE flexibility in these categories of funding to ensure that funds wouldn't be lost due to state-imposed restrictions. The provision is not intended to modify a school district's use of qualified staff to provide services.

**Section Description: Article 2 – Formula Adjustments**

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**Subd. 8. Report.** Requests MDE to report to the legislature on how funds were reallocated among school districts for the remainder of the 2019-2020 school year due to the flexibility provided by this section.

**2 Accounting.**

Uniform Financial Accounting and Reporting Standards (UFARS) is a multidimension accounting system that each school district must use. UFARS assigns each financial transaction a 17-digit code which attributes the spending to the proper place. An “object” code’s major categories include salaries and benefits among others. This section authorizes a school district to continue to account for the hours that an employee is paid in the same salary and benefit categories as if the employee were performing the employee’s regular job functions under the distance learning model of education. A similar provision was included in the 2019 snow days law.

### **Article 3: State Agency COVID-19 Emergency Powers**

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**1 Commissioner of education and Professional Educator Licensing and Standards Board COVID-19 emergency powers.**

Grants power to the commissioner of education to waive requirements related to earning credit, class advancement, or graduation, based on a COVID-19 disruption. The section also waives state assessment and standardized testing requirements for the 2019-2020 school year. Finally, the section requires the Professional Educator Licensing and Standards Board to issue provisional licenses for candidates who could not complete required licensure exams and extends by six months requirements for teacher license renewal.

**2 Reporting; right of action.**

Clarifies that the article does not create a right of action for any individual, entity, or group and requires reporting to the legislature.



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