

SF960 - SENATE E12 EDUCATION OMNIBUS

SF960 proposes an additional \$152 million for education. The bill provides no increases to the basic per-pupil funding formula and does not address underfunding in areas of special education other areas. The Senate however provides one-time classroom pandemic aid and invests additional funding for safe schools aid and funding for levy referendum equalization aid. The Senate bill also directs funding for subsidies for nonpublic schools through education savings account. Below is a more detailed summary of the bill but note the key funding components of the bill include:

- \$60 million for classroom pandemic aid
- \$11.5 million education savings accounts for private schools
- \$24 million to equalize local property taxes
- \$16 million for safe schools aid
- \$5 million for grants to increase teachers of color

[Link to most current bill language](#)

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FINANCE PROVISIONS

Minnesota classroom support aid: Appropriates \$60 million in FY22 only for classroom support aid. \$58 million is distributed to school districts based on the ratio of a district's FY20 average daily membership divided by the total FY20 average daily membership of all school districts and charter schools. Aid for a school district that received \$5,000 per pupil or more of federal COVID-19 revenue must not exceed the lesser of the amount calculated under this formula or \$1,000,000. The remaining \$2 million is directed to the MN State Academies and the four intermediate school districts.

- **Safe schools revenue:** Appropriates \$16 million in safe schools aid FY22-23 and \$37.7 million in FY24-25. Increases safe schools revenue in FY22-FY23 for a district to \$37 and \$46 FY24 and later. This is through a combined increase to the current levy and a new safe schools aid. Provides new safe schools aid for non-public schools equal to \$37 per enrolled student in FY22-23 and \$46 per enrolled student FY24 and later.

Referendum equalization aid: Appropriates \$24 million for referendum equalization aid. Modifies first and second-tier referendum equalization rates for FY23 and later:

- A district's first-tier referendum levy must not exceed the amount raised by a tax rate of 0.04 percent times the referendum market value of the district times the ratio of the district's first-tier referendum equalization allowance to \$460.
- A district's second tier referendum levy must not exceed the amount raised by a tax rate of 0.09 percent times the referendum market value of the district times the ratio of the district's second

tier referendum equalization allowance to an amount equal to 25 percent of the formula allowance, minus the sum of \$300 and the district’s first tier referendum equalization allowance.

Education Savings Accounts: Establishes the Education Savings Account Act and directs the MDE commissioner to adopt rules and policies necessary for the administer the program to issue ESA cards to parents making expenditures on behalf of a participating

An eligible student qualifies to participate in the program if their parent agrees to arrange for the provision of organized, appropriated educational services with measurable goals to the participating student in the subjects of reading, writing, mathematics, social studies, and science and to not enroll the participating student in a public school or charter school for as long as the student is participating in the program.

ESA funds can be used for qualifying expenses including tuition at a private school including post-secondary institutions; tutoring; curriculum and textbooks; transportation fees; fees for standardized assessments, advanced placement, or college exams; educational therapies by a licensed or certified provider, and computer hardware and software and other technological devices.

Pupil transportation adjustment: Increases the pupil transportation adjustment from 18.2 percent to 70 percent of a district’s unreimbursed transportation costs for the prior year.

General community education revenue: For FY23 and later, increases the general community education revenue allowance from \$5.42 to \$5.97. Adds supplemental community education aid equal to \$3.90 for FY23 and \$16.30 for FY24 and later, times the district's average daily membership for the school year.

POLICY PROVISIONS

School calendars: Provides additional flexibility in the flexible learning year programs, E-learning days, innovation zones, and allows school districts to continue distance learning into the future. Proposals include:

- Allows a school district to offer a full-time distance learning option to its enrolled resident students as part of its curriculum offerings. Allows a student to meet all their graduation requirements through distance learning.
- Removes the commissioner’s authority to approve or disapprove a school district’s application for the flexible learning year program. Allows a school board to approve their plan.
- Removes flexible learning year programs from the exceptions to the Labor Day start requirement.
- Eliminates language requiring the commissioner to give a school district one school year’s notice before revoking approval of a flexible learning year program.
- Allows a school board to include an unlimited number of distance learning days in the annual school calendar.

- Renames e-learning days to distance learning days. Allows a school board to use its 2020-2021 school year distance learning plan as its plan for providing online instruction when there is a weather, health, or natural disaster emergency in the district.
- Expands the definition of hours of instruction to include all learning opportunities and services designed to support a student to be prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives.
- Removes the commissioner of education's authority to approve an innovation zone partnership to extend membership to other partners and removes the commissioner of education's authority to approve or reject the innovation zone partnership plan.

Area learning centers: Removes the requirement for an area learning center to be operated by at least two districts unless the district is in a city of the first class. Encourages districts to establish area learning centers with other districts.

Non-public schools:

- Guidance and counseling services: Expands the requirement that each district provides guidance and counseling services to nonpublic pupils. Includes elementary pupils enrolled in a nonpublic school within the school district as well as elementary and secondary pupils enrolled in an American Indian-controlled tribal contract or grant school located within the school district.
- Allows a school board and a nonpublic school to agree to a written plan for the school board to provide nonpublic pupil transportation. Allows a school board that provides nonpublic pupil transportation through its employees or contracts for pupil transportation to retain the nonpublic pupil transportation aid attributable to the plan. Allows the nonpublic school to make a payment to the school district to cover additional transportation services agreed to in the plan, but not required under current law. Requires the school district to report to the commissioner the number of nonpublic pupils transported, and the nonpublic pupil transportation expenditures incurred.

Worlds Best Workforce: Makes the following changes to WBWF:

- Defines "on track for graduation" as meaning a student that has earned at least five credits and has received no more than one failing grade in language arts, mathematics, science, or social studies by the end of grade 9.
- Amends WBWF performance measures for a school district or school sites to include participation in honors or gifted and talented programming and the number and percentage of students, by student subgroup, who are on track for graduation. Requires performance measures to be reported for all student subgroups.

Pupil discipline:

- Allows a student in kindergarten through grade 3 to be dismissed from school only if the child poses a safety threat to themselves or others.
- Requires a school board to annually convene a stakeholder group to review the district's discipline policy. Requires the group membership to consist of at least 25% parents or guardians of current students and at least 25 percent current students. Allows the school board to assign the policy review to an existing school or site council with the same makeup.
- Requires that the stakeholder group have access to discipline records, excluding any records with identifiable student information.

- Requires the discipline policy to include a process for an adult student, parent, or guardian to request a review of an imposed suspension.
- Requires the district to give a teacher that was physically assaulted by a student a copy of the report submitted to the MDE
- Requires a school principal to remove a student from class for at least three days if the student engaged in assault or violent behavior. Allows the student to return to the classroom after the student has been given assistance to prevent the inappropriate behavior from recurring.
- Requires that a paraprofessional assigned to work alone or regularly with a student with a disability notified of a student's history of violent behavior.

Academic standards review suspension: Directs the commissioner to suspend any ongoing review or revision of state academic standards or implementation of revised academic standards until June 1, 2023.

Post-secondary enrollment options: Proposes the following changes to the PSEO act:

- Allows a 10th-grade student that qualifies to enroll in a career or technical education course to enroll in more than one career or technical education course in the first semester of their 10th-grade year.
- Allows a student to notify their school district of their intent to enroll in PSEO courses at any time if the district did not meet the requirements for dissemination of information.
- Removes the limitation on postsecondary institutions ability to advertise PSEO programs on financial grounds
- Clarifies that a student enrolled in PSEO may have leadership roles in activities sponsored by their high school and participate in national organizations sponsored by their high school.
- Requires a school board to adopt an identical policy for weighted grade point averages for credits earned through PSEO coursework as it gives to credits earning through comparable concurrent enrollment coursework.
- Allows a school district to be reimbursed for transportation costs for PSEO students whose family income is at or below the federal poverty level. Prohibits the school district that is reimbursed for transporting a student under this subdivision from charging any pupil for transportation to or from a postsecondary institution.

Tier 1 posting requirements: Strikes the requirement that a school district or charter school must post a teaching position that it was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position before hiring or renewing a Tier 1 licensed teacher.

Hiring, dismissing: Prohibits a school district from giving preference in the hiring or dismissal of a teacher based on the teacher's seniority. Directs a school district to annually report all new teacher hires and terminations, including layoffs, by race and ethnicity to PELSB.

Negotiated unrequested leave of absence: Prohibits the unrequested leave of absence plan agreed to by the school board and the exclusive bargaining representative from requiring the board to place a teacher on unrequested leave of absence first based on their tier of licensure.

Teacher mentorship and retention of effective teachers: Requires a school district to develop a teacher mentoring program for teachers new to the profession or district. Requires PELSB to make grant application forms available for the mentorship grants.

Licensure renewals: Directs PELSB to extend, by six months, any calendar year 2021 deadline for completion of licensure renewal requirements because of COVID-19 interruptions.

Short-call substitute teacher pilot: Allows a school district to employ a person who meets the professional requirements for a Tier 1 license without a baccalaureate degree as a short-call substitute in any content area, not limited to career and technical education. Requires a school district to request a background check according to section 123B.03 on the substitute teacher. Directs the school district to report to PELSB on the short-call substitute teachers employed under this section.

School health services: Requires that a pupil who is medically fragile and who requires clinical nursing services at home receive clinical nursing services care at school or while being transported to and from school. The school and the parent or legal guardian may work with the pupil's provider about services and care needed to meet the pupil's clinical nursing service needs. Requires that a parent or legal guardian of a pupil who is medically fragile and who requires clinical nursing services at school or while being transported to and from school must meet with the school to discuss options available.

Special education recovery services and supports: Requires a school district or charter school to invite the parents of a student with a disability to a meeting of each individualized education program team as soon as practicable, to determine whether special education services and supports are necessary to address the lack of progress on IEP goals or in the general education curriculum due to distributions from COVID-19. States that the services and supports may include extended school year services, additional IEP services, compensatory services, or other appropriate services. Requires services and supports be included in the IEP of the student. Requires the district or charter school to report to the commissioner the services and supports provided to students with disabilities under this section, including the cost. Allows a school district or charter school to use federal funds to comply with this section.

Third-party reimbursement: Directs the commissioners of education and human services to consult with stakeholders to find strategies to streamline access and reimbursement for behavioral health services for children with an individualized education program or an individualized family service plan who are enrolled in Medical Assistance.

Consulting fees: Requires a school board to post on its website a summary of consulting fees for professional services that exceeded \$25,000 under the UFARS object code 305. Requires the district to include a statement that more information is available upon request.

Basic skills revenue-annual expenditure report: Requires a district to report expenditures for basic skills revenue by functional area.

Uses of general community education revenue: Authorizes the use of community education revenue for other programs, such as those offered by non-school organizations. Requires that funds used for other programs be consistent with the purpose of community education programs.

Community education advisory council: Requires that each district's community education advisory council create a system to receive and review feedback and input on the use of general community education revenue. Requires that each district's community education advisory council make written recommendations to the community education director and the school board on the use of general community education revenue.

Fund transfers FY21 only; revenue redirection FY21 only: Allows a school district to redirect any reserved or restricted revenue to another use in FY21 only. Prohibits revenue redirection for funds that are already dedicated to staff salaries and benefits or for funds already dedicated under federal law. Requires the school board to adopt a written resolution that approves the revenue redirection. Requires the board-approved resolution to specify the amount that will be redirected and how the funds will be used.

School meal policies: Requires districts to provide meals to students in a respectful manner and prohibits them from imposing certain restrictions or limiting a student's participation in certain activities due to an unpaid student meal debt.

Notification of Environmental Hazards: Requires a school district, charter school, or nonpublic school, upon notification by the Department of Health or Pollution Control Agency, to notify school staff, students, and parents of an environmental hazard that may affect the health of students or school staff. Requires the notice to include direction on how to obtain more information about the hazard.

Peacetime emergency powers: Precludes the Governor from relying on emergency management powers to order or authorize the commissioner of education to alter school schedules, curtail school activities, order schools closed, or to prevent the typical presence of students in school buildings.