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# State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **516**

01/28/2021 Authored by Kresha, Erickson, Scott, Mueller, Bennett and others  
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act  
1.2 relating to education; requiring schools to reopen for continuous on-site instruction.

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

1.4 Section 1. **OPENING SCHOOLS FOR ON-SITE INSTRUCTION.**

1.5 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
1.6 the meanings given them.

1.7 (b) "Continuous on-site instruction" means on-site instruction provided at least four days  
1.8 a week during the regularly scheduled school calendar.

1.9 (c) "Distance instruction" means remote instruction delivered to a student involving  
1.10 daily interactions with a licensed teacher and the student is provided appropriate education  
1.11 materials. Daily interaction with teachers includes access to teachers online and by telephone  
1.12 during normal school hours and on normal school days. Distance instruction includes online  
1.13 instruction as determined by the school board and may reflect the model developed by the  
1.14 commissioner of education for the 2019-2020 school year.

1.15 (d) "On-site instruction" means instruction delivered at a school facility. To the extent  
1.16 practicable, on-site instruction must comply with all COVID-19 prevention guidelines issued  
1.17 by the Department of Health.

1.18 (e) "Prekindergarten program" means a school readiness, school readiness plus, voluntary  
1.19 prekindergarten, or other school-based preschool program for children ages four and older.

1.20 Subd. 2. **Continuous on-site instruction.** (a) A school board must open schools in the  
1.21 district for continuous on-site instruction in the following order:

2.1 (1) prekindergarten programs and elementary schools;

2.2 (2) middle schools; and

2.3 (3) high schools.

2.4 A school board must open schools for continuous on-site instruction no later than the dates  
2.5 specified in paragraph (b), but may adopt a written resolution to return to continuous on-site  
2.6 instruction on an accelerated schedule.

2.7 (b) A school board must begin to provide continuous on-site instruction for students  
2.8 with individualized education programs by February 1, 2021. For students without  
2.9 individualized education programs, a school board must begin to provide continuous on-site  
2.10 instruction on the following schedule:

2.11 (1) prekindergarten programs and elementary schools between January 18 and February  
2.12 5, 2021;

2.13 (2) middle schools between February 8 and February 26, 2021; and

2.14 (3) high schools between March 1 and March 19, 2021.

2.15 (c) Notwithstanding Minnesota Statutes, section 120A.41, for the 2020-2021 school  
2.16 year only, a school board's annual calendar may include fewer than 165 days of instruction  
2.17 and may be structured as a four-day week schedule.

2.18 (d) The commissioner of education must assist school districts and charter schools to  
2.19 reopen schools for continuous on-site instruction, including providing assistance to schools  
2.20 to implement their safe learning plans. The assistance may include recommendations to  
2.21 strengthen services to students disproportionately affected by distance instruction.

2.22 Subd. 3. **Safety measures.** (a) A school board must adopt a safe learning plan and post  
2.23 it on the district or charter school website. A school board must consider elements of the  
2.24 Department of Health's Planning Guide for Schools when establishing its safe learning plan,  
2.25 and to the extent practicable, follow the Department of Education's Safe Learning Plan.

2.26 (b) A school board's learning plan must:

2.27 (1) encourage students to wear masks if a school cannot facilitate maintaining at least  
2.28 three feet of distance between students in classrooms or when students are engaged in  
2.29 physical activity; and

2.30 (2) reduce or eliminate activities in close communal shared spaces, including cafeterias,  
2.31 to the extent practicable.

3.1 (c) A school board may not require children in prekindergarten programs or students in  
3.2 grades kindergarten through 3 to wear masks.

3.3 (d) Schools may serve meals in classrooms or other appropriate areas.

3.4 Subd. 4. **Parent choice.** A student's parent or guardian may choose to have their student  
3.5 participate in distance instruction instead of on-site instruction for the remainder of the  
3.6 2020-2021 school year. Each school district and charter school must offer a distance  
3.7 instruction model that meets the educational needs of all students of families who choose  
3.8 not to receive on-site instruction.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.