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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4542

- 04/14/2020 Authored by Davnie and Youakim
- The bill was read for the first time and referred to the Education Finance Division
- 05/07/2020 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- Adoption of Report: Re-referred to the Committee on Ways and Means
- Joint Rule 2.03 has been waived for any subsequent committee action on this bill

1.1 A bill for an act

1.2 relating to education; making certain policy changes for prekindergarten through

1.3 grade 12 education including general education, education excellence, facilities

1.4 and fund transfers, distance learning, state agency emergency powers, making

1.5 COVID-19 formula adjustments, and making corrections to 2019 law for certain

1.6 referendum provisions and appropriations; making forecast adjustments to funding

1.7 for general education, education excellence, teachers, special education, facilities,

1.8 fund transfers, and accounting, nutrition and libraries, early childhood, and

1.9 community education and lifelong learning; requiring reports; amending Minnesota

1.10 Statutes 2018, sections 124D.83, by adding a subdivision; 126C.10, subdivision

1.11 3; 126C.17, subdivision 7b; 134.355, subdivision 8; Minnesota Statutes 2019

1.12 Supplement, sections 123B.92, subdivision 1; 124D.68, subdivision 2; 126C.17,

1.13 subdivision 2; Laws 2016, chapter 189, article 25, section 58, as amended; Laws

1.14 2019, First Special Session chapter 11, article 1, section 25, subdivisions 2, 3, 4,

1.15 6, 7, 9; article 2, section 33, subdivisions 2, 3, 4, 5, 6, 16, 23; article 3, section 23,

1.16 subdivisions 3, 6, 8; article 4, section 11, subdivisions 2, 3, 4, 5; article 6, section

1.17 7, subdivisions 2, 3, 6; article 7, section 1, subdivisions 2, 3, 4; article 8, section

1.18 13, subdivisions 5, 6, 14; article 9, section 3, subdivisions 2, 8; article 10, sections

1.19 5, subdivision 2; 6; 7; 8, subdivision 1.

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

1.21 **ARTICLE 1**

1.22 **GENERAL EDUCATION**

1.23 Section 1. Minnesota Statutes 2019 Supplement, section 123B.92, subdivision 1, is amended

1.24 to read:

1.25 Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the terms

1.26 defined in this subdivision have the meanings given to them.

1.27 (a) "Actual expenditure per pupil transported in the regular and excess transportation

1.28 categories" means the quotient obtained by dividing:

2.1 (1) the sum of:

2.2 (i) all expenditures for transportation in the regular category, as defined in paragraph
2.3 (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

2.4 (ii) an amount equal to one year's depreciation on the district's school bus fleet and
2.5 mobile units computed on a straight line basis at the rate of 15 percent per year for districts
2.6 operating a program under section 124D.128 for grades 1 to 12 for all students in the district
2.7 and 12-1/2 percent per year for other districts of the cost of the fleet, plus

2.8 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as
2.9 defined in section 169.011, subdivision 71, which must be used a majority of the time for
2.10 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per
2.11 year of the cost of the type three school buses by:

2.12 (2) the number of pupils eligible for transportation in the regular category, as defined
2.13 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause
2.14 (2).

2.15 (b) "Transportation category" means a category of transportation service provided to
2.16 pupils as follows:

2.17 (1) Regular transportation is:

2.18 (i) transportation to and from school during the regular school year for resident elementary
2.19 pupils residing one mile or more from the public or nonpublic school they attend, and
2.20 resident secondary pupils residing two miles or more from the public or nonpublic school
2.21 they attend, excluding desegregation transportation and noon kindergarten transportation;
2.22 but with respect to transportation of pupils to and from nonpublic schools, only to the extent
2.23 permitted by sections 123B.84 to 123B.87;

2.24 (ii) transportation of resident pupils to and from language immersion programs;

2.25 (iii) transportation of a pupil who is a custodial parent and that pupil's child between the
2.26 pupil's home and the child care provider and between the provider and the school, if the
2.27 home and provider are within the attendance area of the school;

2.28 (iv) transportation to and from or board and lodging in another district, of resident pupils
2.29 of a district without a secondary school;

2.30 (v) transportation to and from school during the regular school year required under
2.31 subdivision 3 for nonresident elementary pupils when the distance from the attendance area
2.32 border to the public school is one mile or more, and for nonresident secondary pupils when

3.1 the distance from the attendance area border to the public school is two miles or more,
3.2 excluding desegregation transportation and noon kindergarten transportation; and

3.3 (vi) transportation of pregnant or parenting pupils to and from a program that was
3.4 established on or before January 1, 2018, or that is in operation on or after July 1, ~~2021~~
3.5 2020, that provides:

3.6 (A) academic instruction;

3.7 (B) at least four hours per week of parenting instruction; and

3.8 (C) high-quality child care on site during the education day with the capacity to serve
3.9 all children of enrolled pupils.

3.10 For the purposes of this paragraph, a district may designate a licensed day care facility,
3.11 school day care facility, respite care facility, the residence of a relative, or the residence of
3.12 a person or other location chosen by the pupil's parent or guardian, or an after-school program
3.13 for children operated by a political subdivision of the state, as the home of a pupil for part
3.14 or all of the day, if requested by the pupil's parent or guardian, and if that facility, residence,
3.15 or program is within the attendance area of the school the pupil attends.

3.16 (2) Excess transportation is:

3.17 (i) transportation to and from school during the regular school year for resident secondary
3.18 pupils residing at least one mile but less than two miles from the public or nonpublic school
3.19 they attend, and transportation to and from school for resident pupils residing less than one
3.20 mile from school who are transported because of full-service school zones, extraordinary
3.21 traffic, drug, or crime hazards; and

3.22 (ii) transportation to and from school during the regular school year required under
3.23 subdivision 3 for nonresident secondary pupils when the distance from the attendance area
3.24 border to the school is at least one mile but less than two miles from the public school they
3.25 attend, and for nonresident pupils when the distance from the attendance area border to the
3.26 school is less than one mile from the school and who are transported because of full-service
3.27 school zones, extraordinary traffic, drug, or crime hazards.

3.28 (3) Desegregation transportation is transportation within and outside of the district during
3.29 the regular school year of pupils to and from schools located outside their normal attendance
3.30 areas under a plan for desegregation mandated by the commissioner or under court order.

3.31 (4) "Transportation services for pupils with disabilities" is:

4.1 (i) transportation of pupils with disabilities who cannot be transported on a regular school
4.2 bus between home or a respite care facility and school;

4.3 (ii) necessary transportation of pupils with disabilities from home or from school to
4.4 other buildings, including centers such as developmental achievement centers, hospitals,
4.5 and treatment centers where special instruction or services required by sections 125A.03 to
4.6 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district
4.7 where services are provided;

4.8 (iii) necessary transportation for resident pupils with disabilities required by sections
4.9 125A.12, and 125A.26 to 125A.48;

4.10 (iv) board and lodging for pupils with disabilities in a district maintaining special classes;

4.11 (v) transportation from one educational facility to another within the district for resident
4.12 pupils enrolled on a shared-time basis in educational programs, and necessary transportation
4.13 required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities
4.14 who are provided special instruction and services on a shared-time basis or if resident pupils
4.15 are not transported, the costs of necessary travel between public and private schools or
4.16 neutral instructional sites by essential personnel employed by the district's program for
4.17 children with a disability;

4.18 (vi) transportation for resident pupils with disabilities to and from board and lodging
4.19 facilities when the pupil is boarded and lodged for educational purposes;

4.20 (vii) transportation of pupils for a curricular field trip activity on a school bus equipped
4.21 with a power lift when the power lift is required by a student's disability or section 504 plan;
4.22 and

4.23 (viii) services described in clauses (i) to (vii), when provided for pupils with disabilities
4.24 in conjunction with a summer instructional program that relates to the pupil's individualized
4.25 education program or in conjunction with a learning year program established under section
4.26 124D.128.

4.27 For purposes of computing special education initial aid under section 125A.76, the cost
4.28 of providing transportation for children with disabilities includes (A) the additional cost of
4.29 transporting a student in a shelter care facility as defined in section 260C.007, subdivision
4.30 30, a homeless student in another district to the school of origin, or a formerly homeless
4.31 student from a permanent home in another district to the school of origin but only through
4.32 the end of the academic year; and (B) depreciation on district-owned school buses purchased
4.33 after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated

5.1 according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled
5.2 transportation category must be excluded in calculating the actual expenditure per pupil
5.3 transported in the regular and excess transportation categories according to paragraph (a).
5.4 For purposes of subitem (A), a school district may transport a child who does not have a
5.5 school of origin to the same school attended by that child's sibling, if the siblings are homeless
5.6 or in a shelter care facility.

5.7 (5) "Nonpublic nonregular transportation" is:

5.8 (i) transportation from one educational facility to another within the district for resident
5.9 pupils enrolled on a shared-time basis in educational programs, excluding transportation
5.10 for nonpublic pupils with disabilities under clause (4);

5.11 (ii) transportation within district boundaries between a nonpublic school and a public
5.12 school or a neutral site for nonpublic school pupils who are provided pupil support services
5.13 pursuant to section 123B.44; and

5.14 (iii) late transportation home from school or between schools within a district for
5.15 nonpublic school pupils involved in after-school activities.

5.16 (c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational
5.17 programs and services, including diagnostic testing, guidance and counseling services, and
5.18 health services. A mobile unit located off nonpublic school premises is a neutral site as
5.19 defined in section 123B.41, subdivision 13.

5.20 **EFFECTIVE DATE.** This section is effective for fiscal year 2021 and later.

5.21 Sec. 2. Minnesota Statutes 2019 Supplement, section 124D.68, subdivision 2, is amended
5.22 to read:

5.23 Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements
5.24 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation
5.25 incentives program, if the pupil:

5.26 (1) performs substantially below the performance level for pupils of the same age in a
5.27 locally determined achievement test;

5.28 (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

5.29 (3) is pregnant or is a parent;

5.30 (4) has been assessed as chemically dependent;

5.31 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;

6.1 (6) has been referred by a school district for enrollment in an eligible program or a
6.2 program pursuant to section 124D.69;

6.3 (7) is a victim of physical or sexual abuse;

6.4 (8) has experienced mental health problems;

6.5 (9) has experienced homelessness sometime within six months before requesting a
6.6 transfer to an eligible program;

6.7 (10) speaks English as a second language or is an English learner;

6.8 (11) has withdrawn from school or has been chronically truant; or

6.9 (12) is being treated in a hospital in the seven-county metropolitan area for cancer or
6.10 other life threatening illness or is the sibling of an eligible pupil who is being currently
6.11 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary
6.12 of the seven-county metropolitan area.

6.13 (b) ~~For fiscal years 2020 and 2021,~~ A pupil otherwise qualifying under paragraph (a)
6.14 who is at least 21 years of age and not yet 22 years of age, and is an English learner with
6.15 an interrupted formal education according to section 124D.59, subdivision 2a, is eligible to
6.16 participate in the graduation incentives program under section 124D.68 and in concurrent
6.17 enrollment courses offered under section 124D.09, subdivision 10, and is funded in the
6.18 same manner as other pupils under this section.

6.19 **EFFECTIVE DATE.** This section is effective July 1, 2020.

6.20 Sec. 3. Minnesota Statutes 2018, section 126C.10, subdivision 3, is amended to read:

6.21 Subd. 3. **Compensatory education revenue.** (a) The compensatory education revenue
6.22 for each building in the district equals the formula allowance minus \$839 times the
6.23 compensation revenue pupil units computed according to section 126C.05, subdivision 3.
6.24 A district's compensatory revenue equals the sum of its compensatory revenue for each
6.25 building in the district and the amounts designated under Laws 2015, First Special Session
6.26 chapter 3, article 2, section 70, subdivision 8, for fiscal year 2017. Revenue shall be paid
6.27 to the district and must be allocated according to section 126C.15, subdivision 2.

6.28 (b) When the district contracting with an alternative program under section 124D.69
6.29 changes prior to the start of a school year, the compensatory revenue generated by pupils
6.30 attending the program shall be paid to the district contracting with the alternative program
6.31 for the current school year, and shall not be paid to the district contracting with the alternative
6.32 program for the prior school year.

7.1 (c) When the fiscal agent district for an area learning center changes prior to the start of
 7.2 a school year, the compensatory revenue shall be paid to the fiscal agent district for the
 7.3 current school year, and shall not be paid to the fiscal agent district for the prior school year.

7.4 ~~(d) Of the amount of revenue under this subdivision, 1.7 percent for fiscal year 2018,~~
 7.5 ~~3.5 percent for fiscal year 2019, and for fiscal year 2020 and later, 3.5 percent plus the~~
 7.6 ~~percentage change in the formula allowance from fiscal year 2019, must be used for extended~~
 7.7 ~~time activities under subdivision 2a, paragraph (c).~~

7.8 **EFFECTIVE DATE.** This section is effective for fiscal year 2021 and later.

7.9 ARTICLE 2

7.10 EDUCATION EXCELLENCE

7.11 Section 1. Minnesota Statutes 2018, section 124D.83, is amended by adding a subdivision
 7.12 to read:

7.13 Subd. 2a. Permanent school fund replacement aid. A tribal contract or grant school
 7.14 eligible for aid under this section qualifies for permanent school fund replacement aid. The
 7.15 aid for each tribal contract or grant school equals the school's pupils in average daily
 7.16 membership for that year times the per pupil allowance paid to school districts and charter
 7.17 schools under section 127A.33 for that year.

7.18 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

7.19 Sec. 2. Laws 2016, chapter 189, article 25, section 58, as amended by Laws 2017, First
 7.20 Special Session chapter 5, article 2, section 48, is amended to read:

7.21 Sec. 58. **STATEWIDE CONCURRENT ENROLLMENT TEACHER TRAINING**
 7.22 **PROGRAM.**

7.23 Subdivision 1. **Definition.** (a) For purposes of this section, the following terms have the
 7.24 meanings given them.

7.25 (b) ~~"Northwest Regional Concurrent Enrollment Teacher Partnership"~~ means a voluntary
 7.26 association of the Lakes Country Service Cooperative, the Northwest Service Cooperative,
 7.27 ~~and the Metropolitan Educational Cooperative Service Unit,~~ Minnesota State
 7.28 University-Moorhead, and other interested Minnesota State Colleges and Universities that
 7.29 ~~works~~ work together to provide coordinated higher learning opportunities for teachers.

7.30 (c) ~~"State Partnership"~~ means a voluntary association of the Northwest Regional
 7.31 ~~Partnership and the Metropolitan Educational Cooperative Service Unit.~~

8.1 ~~(d)~~ (c) "Eligible postsecondary institution" means a public or private postsecondary
8.2 institution that awards graduate credits.

8.3 ~~(e)~~ (d) "Eligible teacher" means a licensed teacher of ~~secondary school~~ courses for
8.4 postsecondary credit.

8.5 Subd. 1a. **Fiscal host.** Lakes Country Service Cooperative is the fiscal host for the
8.6 Concurrent Enrollment Teacher Partnership.

8.7 Subd. 2. **Establishment.** (a) ~~Lakes Country Service Cooperative, in consultation with~~
8.8 ~~the Northwest Service Cooperative, The Concurrent Enrollment Teacher Partnership~~ may
8.9 develop a ~~continuing education~~ program to allow eligible teachers to attain the requisite
8.10 graduate credits necessary to be qualified to teach ~~secondary school~~ courses for postsecondary
8.11 credit.

8.12 (b) ~~If established,~~ The State Concurrent Enrollment Teacher Partnership must contract
8.13 with one or more eligible postsecondary institutions to establish a ~~continuing education~~
8.14 ~~credit~~ program to allow eligible teachers to attain sufficient graduate credits to qualify to
8.15 teach ~~secondary school~~ courses for postsecondary credit. Members of the State Concurrent
8.16 Enrollment Teacher Partnership must work to eliminate duplication of service and develop
8.17 the ~~continuing education credit~~ program efficiently and cost-effectively.

8.18 Subd. 3. **Curriculum development.** The ~~continuing education~~ program must use flexible
8.19 delivery models, such as an online education curriculum, that allow eligible secondary
8.20 school teachers to attain graduate credit at a reduced credit rate. Information about the
8.21 curriculum, including course length and course requirements, must be posted on the Web
8.22 site of the eligible institution offering the course at least two weeks before eligible teachers
8.23 are required to register for courses ~~in the continuing education program.~~

8.24 Subd. 4. **Funding for course participation; course development; scholarships;**
8.25 **stipends participation incentives.** (a) Lakes Country Service Cooperative, in consultation
8.26 with the other members of the ~~Northwest Regional~~ Concurrent Enrollment Teacher
8.27 Partnership, ~~shall:~~ must

8.28 ~~(1)~~ provide funding for ~~course development~~ eligible teachers to participate in the program
8.29 for up to 18 credits in applicable postsecondary subject areas;

8.30 ~~(2)~~ provide scholarships for eligible teachers to enroll in the ~~continuing education~~
8.31 ~~program;~~ and

8.32 ~~(3)~~ develop criteria for awarding educator stipends on a per-credit basis to incentivize
8.33 ~~participation in the continuing education program.~~

9.1 ~~(b) If established, the State Partnership must:~~

9.2 ~~(1) provide funding for course development for up to 18 credits in applicable~~
9.3 ~~postsecondary subject areas;~~

9.4 ~~(2) provide scholarships for eligible teachers to enroll in the continuing education~~
9.5 ~~program; and~~

9.6 ~~(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize~~
9.7 ~~participation in the continuing education program.~~

9.8 (b) The Concurrent Enrollment Teacher Partnership may:

9.9 (1) provide funding for course development in applicable postsecondary subject areas;

9.10 (2) work with school districts to develop incentives for teachers to participate in the
9.11 program; and

9.12 (3) enroll college faculty, as space permits, and provide financial assistance if state aid
9.13 remains available.

9.14 Subd. 6. **Private funding.** The partnerships may receive private resources to supplement
9.15 the available public money. ~~All money received in fiscal year 2017 shall be administered~~
9.16 ~~by the Lakes Country Service Cooperative. All money received in fiscal year 2018 and later~~
9.17 ~~shall be administered by the State Partnership.~~

9.18 Subd. 7. **Report required.** ~~(a) The Northwest Regional Partnership must submit a report~~
9.19 ~~by January 15, 2018, on the progress of its activities to the legislature, commissioner of~~
9.20 ~~education, and Board of Trustees of the Minnesota State Colleges and Universities. The~~
9.21 ~~report shall contain a financial report for the preceding year.~~

9.22 ~~(b) If established, The State Concurrent Enrollment Teacher Partnership must submit~~
9.23 ~~an annual joint report to the legislature and the Office of Higher Education by January 15~~
9.24 ~~of each year on the progress of its activities. The report must include the number of teachers~~
9.25 ~~participating in the program, the geographic location of the teachers, the number of credits~~
9.26 ~~earned, and the subject areas of the courses in which participants earned credit. The report~~
9.27 ~~must include a financial report for the preceding year.~~

9.28 Sec. 3. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 5,
9.29 is amended to read:

9.30 Subd. 5. **Tribal contract school aid.** For tribal contract school aid under Minnesota
9.31 Statutes, section 124D.83:

10.1 ~~3,275,000~~
 10.2 \$ 2,766,000 2020
 10.3 ~~3,763,000~~
 10.4 \$ 3,136,000 2021

10.5 The 2020 appropriation includes \$299,000 for 2019 and ~~\$2,976,000~~ \$2,467,000 for
 10.6 2020.

10.7 The 2021 appropriation includes ~~\$330,000~~ \$274,000 for 2020 and ~~\$3,433,000~~ \$2,862,000
 10.8 for 2021.

10.9 Sec. 4. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 23,
 10.10 is amended to read:

10.11 Subd. 23. **Concurrent enrollment aid.** (a) For concurrent enrollment aid under
 10.12 Minnesota Statutes, section 124D.091:

10.13 \$ 4,000,000 2020
 10.14 ~~4,000,000~~
 10.15 \$ 3,375,000 2021

10.16 (b) If the appropriation is insufficient, the commissioner must proportionately reduce
 10.17 the aid payment to each school district.

10.18 (c) Any balance in the first year does not cancel but is available in the second year.

10.19 (d) The base for this program is \$3,375,000 each year for fiscal years 2022 and 2023
 10.20 and \$4,000,000 for fiscal year 2024 and thereafter.

10.21 Sec. 5. Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 8,
 10.22 is amended to read:

10.23 Subd. 8. ~~Statewide Concurrent enrollment~~ teacher training program. (a) To the
 10.24 Lakes Country Service Cooperative for the Northwest Regional Concurrent Enrollment
 10.25 Teacher Partnership ~~concurrent enrollment program and the statewide concurrent enrollment~~
 10.26 ~~teacher training program under Laws 2016, chapter 189, article 25, section 58, as amended~~
 10.27 ~~by Laws 2017, First Special Session chapter 5, article 2, section 48~~ under section 1:

10.28 \$ 1,775,000 2020
 10.29 ~~375,000~~
 10.30 \$ 1,000,000 2021

10.31 (b) Any balance in the first year does not cancel but is available in the second year.

11.1 (c) The base budget for this program is \$1,000,000 each year for fiscal years 2022 and
11.2 2023 and \$375,000 for fiscal year 2024 and thereafter.

11.3 ARTICLE 3

11.4 DISTANCE LEARNING

11.5 Section 1. DISTANCE LEARNING PERIOD; 2019-2020 SCHOOL YEAR.

11.6 Subdivision 1. Definitions. (a) For the purposes of this act, "distance learning period"
11.7 means March 18, 2020, through May 4, 2020, or later, if extended by emergency executive
11.8 order.

11.9 (b) For the purposes of this section, a "school district" includes a cooperative unit under
11.10 Minnesota Statutes, section 123A.24, subdivision 2, that serves students on site.

11.11 Subd. 2. Distance learning period; employees. (a) This subdivision applies to an
11.12 employee of a school district or charter school, during the distance learning period, who:

11.13 (1) was scheduled to work during the distance learning period;

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

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

11.17 (b) In addition to paragraph (a), this subdivision applies to any day or portion of a day
11.18 not worked, during which the employee was scheduled to work, that the employee did not
11.19 work at the recommendation or direction of a health care provider acting within the provider's
11.20 scope of practice or a Department of Health staff member due to the possibility the employee
11.21 was exposed to or infected with COVID-19.

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

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

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

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

12.4 (3) if neither clause (1) nor (2) apply, the employee is deemed scheduled to work the
12.5 same number of hours and days as the most recent prior schedule for which the school
12.6 district or charter school provided notice.

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

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

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

12.17 (h) A school district or charter school is encouraged to use hourly employees for
12.18 COVID-19 response related work. This may include but is not limited to appropriate work
12.19 in food distribution, cleaning and disinfecting, assistance with distance learning, or connecting
12.20 families with resources.

12.21 **Subd. 3. Distance learning period; contract employer compensation for eligible**
12.22 **employees.** (a) For purposes of this subdivision, "contract employer" means an employer
12.23 who provides student-related services throughout the school year to a school district or
12.24 charter school, and "eligible employee" means a person who:

12.25 (1) has the primary task of providing services to students attending a school district or
12.26 charter school;

12.27 (2) was scheduled to work for the contract employer on any day or days of the distance
12.28 learning period;

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

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

13.1 (b) A contract employer who agrees to compensate eligible employees at the regular
 13.2 rate of pay for the hours of pay lost during the distance learning period must notify the
 13.3 school district or charter school of the intended compensation and, once notified, the school
 13.4 district or charter school must fully compensate the contract employer for the days identified.

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

13.8 **Sec. 2. PROBATIONARY TEACHERS.**

13.9 For the 2019-2020 school year only, for purposes of Minnesota Statutes, sections
 13.10 122A.40, subdivision 5, paragraph (e), and 122A.41, subdivision 2, paragraph (d), the
 13.11 minimum number of days of teacher service that a probationary teacher must complete
 13.12 equals the difference between 120 days and the number of scheduled instructional days that
 13.13 were canceled for COVID-19-related reasons.

13.14 **Sec. 3. TRUANCY.**

13.15 Notwithstanding Minnesota Statutes, section 260A.02, subdivision 3, a student's absence,
 13.16 without valid excuse, beginning March 1, 2020, and through the end of the distance learning
 13.17 period on May 4, 2020, or any extension of the distance learning period, does not bring the
 13.18 student within the definition of a continuing truant.

13.19 **Sec. 4. EFFECTIVE DATE.**

13.20 Sections 1 to 3 are effective the day following final enactment and are effective
 13.21 retroactively from the beginning of the 2019-2020 school year. Sections 1 to 3 expire June
 13.22 30, 2020.

13.23 **ARTICLE 4**

13.24 **STATE AGENCY EMERGENCY POWERS**

13.25 **Section 1. COMMISSIONER OF EDUCATION AND PROFESSIONAL EDUCATOR**
 13.26 **LICENSING AND STANDARDS BOARD COVID-19 EMERGENCY POWERS.**

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

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

14.1 (2) required credits and earning of credits, including credits for advancement in grade;
14.2 and
14.3 (3) state graduation requirements.

14.4 In authorizing a waiver, the commissioner must consider the quality of the continuity of
14.5 education and the mastery of academic standards with provisions for students to demonstrate
14.6 the potential toward grade advancement and graduation. Before authorizing a waiver under
14.7 this paragraph, the commissioner must consult with representatives of school boards reflective
14.8 of school districts throughout the state.

14.9 (b) Notwithstanding Minnesota Statutes, section 120B.30, for the 2019-2020 school
14.10 year only, the commissioner of education is granted authority to waive the state requirements
14.11 on statewide assessments, including requirements allowing students to take a college entrance
14.12 exam in school on a regular school day. The commissioner must waive any state
14.13 accountability and reporting requirements linked to the statewide assessments. The
14.14 commissioner must distribute any savings attributable to this paragraph equitably among
14.15 schools for purposes of complying with Executive Order 20-19 and the corresponding
14.16 Department of Education guidance related to the COVID-19 pandemic, including employee
14.17 compensation.

14.18 (c) Notwithstanding Minnesota Statutes, section 122A.183, Minnesota Rules, part
14.19 8710.0313, or any other law to the contrary, the Professional Educator Licensing and
14.20 Standards Board must issue a one-year conditional Tier 3 license to an applicant that is
14.21 otherwise qualified under Minnesota Statutes, section 122A.183, but was unable to complete
14.22 a required licensure exam under Minnesota Statutes, section 122A.185, because of a
14.23 COVID-19-related disruption. As a condition of renewing the Tier 3 license, the applicant
14.24 must pass all required licensure exams under Minnesota Statutes, section 122A.185. The
14.25 term of the renewed Tier 3 license under this section must be two years. The board must
14.26 waive the licensure renewal fee.

14.27 (d) Notwithstanding any law to the contrary, the Professional Educator Licensing and
14.28 Standards Board must extend by six months any calendar year 2020 deadline for completion
14.29 of license renewal requirements for licenses under their jurisdiction.

14.30 **EFFECTIVE DATE.** Paragraphs (a) and (b) expire June 30, 2020. Paragraph (c) expires
14.31 October 31, 2020.

15.1 Sec. 2. **REPORTING; RIGHT OF ACTION.**

15.2 (a) A court must not construe anything in this article as creating a right of action for a
15.3 student, parent, teacher license applicant, or any other individual or entity to enforce any
15.4 provisions of this article.

15.5 (b) By December 15, 2020, the Professional Educator Licensing and Standards Board
15.6 must report on waivers made under section 1, paragraph (a), and all conditional licenses
15.7 issued under section 1, paragraph (c), to the chairs and ranking minority members of the
15.8 committees in the house of representatives and senate with jurisdiction over kindergarten
15.9 through grade 12 education policy and finance.

15.10 **ARTICLE 5**

15.11 **COVID-19 FORMULA ADJUSTMENTS**

15.12 Section 1. Minnesota Statutes 2018, section 134.355, subdivision 8, is amended to read:

15.13 Subd. 8. **Eligibility.** (a) A regional public library system may apply for regional library
15.14 telecommunications aid on behalf of itself and member public libraries.

15.15 (b) The aid must first be used for connections and other eligible non-voice-related e-rate
15.16 program category one services.

15.17 (c) If sufficient funds remain once category one needs are met in the funding year, aid
15.18 may be used for e-rate program category two services as identified in the Federal
15.19 Communication Commission's eligible services list for the current and preceding four
15.20 funding years, if sufficient funds remain once category one needs are met in each funding
15.21 year.

15.22 (d) If sufficient funds remain after the aid has been used for the purposes of paragraphs
15.23 (b) and (c), the aid may be used to improve Internet access and access to technology with
15.24 items that are not e-rated including but not limited to digital or online resources.

15.25 (e) To be eligible, a regional public library system must be officially designated by the
15.26 commissioner of education as a regional public library system as defined in section 134.34,
15.27 subdivision 3, and each of its participating cities and counties must meet local support levels
15.28 defined in section 134.34, subdivision 1. A public library building that receives aid under
15.29 this section must be open a minimum of 20 hours per week. Exceptions to the minimum
15.30 open hours requirement may be granted by the Department of Education on request of the
15.31 regional public library system for the following circumstances: short-term closing for
15.32 emergency maintenance and repairs following a natural disaster; in response to exceptional

16.1 economic circumstances; building repair or maintenance that requires public services areas
 16.2 to be closed; or to adjust hours of public service to respond to documented seasonal use
 16.3 patterns.

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

16.5 Sec. 2. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 2,
 16.6 is amended to read:

16.7 Subd. 2. **Achievement and integration aid.** For achievement and integration aid under
 16.8 Minnesota Statutes, section 124D.862:

16.9		80,424,000		
16.10	\$	<u>77,247,000</u>	.....	2020
16.11		83,256,000		
16.12	\$	<u>81,233,000</u>	.....	2021

16.13 The 2020 appropriation includes \$7,058,000 for 2019 and ~~\$73,366,000~~ \$70,189,000 for
 16.14 2020.

16.15 The 2021 appropriation includes ~~\$8,151,000~~ \$7,763,000 for 2020 and ~~\$75,105,000~~
 16.16 \$73,470,000 for 2021.

16.17 Sec. 3. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 4,
 16.18 is amended to read:

16.19 Subd. 4. **Literacy incentive aid.** For literacy incentive aid under Minnesota Statutes,
 16.20 section 124D.98:

16.21		45,304,000		
16.22	\$	<u>44,976,000</u>	.....	2020
16.23		45,442,000		
16.24	\$	<u>44,566,000</u>	.....	2021

16.25 The 2020 appropriation includes ~~\$4,582,000~~ \$4,573,000 for 2019 and ~~\$40,722,000~~
 16.26 \$40,403,000 for 2020.

16.27 The 2021 appropriation includes ~~\$4,524,000~~ \$4,490,000 for 2020 and ~~\$40,918,000~~
 16.28 \$40,076,000 for 2021.

16.29 Sec. 4. Laws 2019, First Special Session chapter 11, article 8, section 13, subdivision 6,
 16.30 is amended to read:

16.31 Subd. 6. **Developmental screening aid.** (a) For developmental screening aid under
 16.32 Minnesota Statutes, sections 121A.17 and 121A.19:

17.1 ~~3,639,000~~
 17.2 \$ 3,608,000 2020
 17.3 ~~3,625,000~~
 17.4 \$ 3,608,000 2021

17.5 (b) The 2020 appropriation includes ~~\$363,000~~ \$360,000 for 2019 and ~~\$3,276,000~~
 17.6 \$3,248,000 for 2020.

17.7 (c) The 2021 appropriation includes ~~\$364,000~~ \$360,000 for 2020 and ~~\$3,261,000~~
 17.8 \$3,248,000 for 2021.

17.9 Sec. 5. Laws 2019, First Special Session chapter 11, article 10, section 8, subdivision 1,
 17.10 is amended to read:

17.11 Subdivision 1. **Professional Educator Licensing and Standards Board.** (a) The sums
 17.12 indicated in this section are appropriated from the general fund to the Professional Educator
 17.13 Licensing and Standards Board for the fiscal years designated:

17.14 \$ 2,744,000 2020
 17.15 ~~2,719,000~~
 17.16 \$ 2,768,000 2021

17.17 (b) Any balance in the first year does not cancel but is available in the second year.

17.18 (c) This appropriation includes funds for information technology project services and
 17.19 support subject to Minnesota Statutes, section 16E.0466. Any ongoing information
 17.20 technology costs will be incorporated into an interagency agreement and will be paid to the
 17.21 Office of MN.IT Services by the Professional Educator Licensing and Standards Board
 17.22 under the mechanism specified in that agreement.

17.23 (d) The base for fiscal year 2022 and later is \$2,719,000.

17.24 Sec. 6. **SCHOOL AID FORMULAS ADJUSTED.**

17.25 Subdivision 1. **Special education.** Notwithstanding any law to the contrary, fiscal year
 17.26 2020 expenditures for employees and contracted services that would have been eligible for
 17.27 state special education aid under Minnesota Statutes, section 125A.76, and for special
 17.28 education tuition billing under Minnesota Statutes, sections 125A.11 and 127A.47, in the
 17.29 absence of school closures or learning plan modifications due to COVID-19 must be included
 17.30 as eligible expenditures for the calculation of state special education aid and special education
 17.31 tuition billing.

17.32 Subd. 2. **School meals.** (a) Notwithstanding any law to the contrary, for school meals
 17.33 served beginning on or after March 16, 2020, the commissioner of education may adjust

18.1 the appropriations remaining under Laws 2019, First Special Session chapter 11, article 7,
18.2 section 1, subdivisions 2, 3, and 4, as specified in paragraph (b).

18.3 (b) On June 30, 2020, the commissioner must subtract the amount actually paid to
18.4 participants for the 2019-2020 school year under Laws 2019, First Special Session chapter
18.5 11, article 7, section 1, subdivisions 2, 3, and 4, through March 15, 2020, from the total
18.6 appropriations for each program. The commissioner must then allocate the remaining funds
18.7 under each appropriation to participants in the summer food service program on a per-meal
18.8 basis for meals served on or after March 16, 2020, and before July 1, 2020.

18.9 Subd. 3. **Career and technical aid.** Notwithstanding any law to the contrary, for fiscal
18.10 years 2020 and 2021, the commissioner of education may recalculate career and technical
18.11 revenue for school districts, cooperative units, and charter schools to ensure that the total
18.12 statewide career and technical revenue does not fall below the amount estimated for fiscal
18.13 years 2020 and 2021 based on the February 2020 forecast. For expenses incurred on or after
18.14 March 18, 2020, the commissioner may recalculate school district, cooperative unit, and
18.15 charter school amounts based on any other mechanism that allows for the full amount of
18.16 this appropriation to be equitably paid to school districts, cooperative units, and charter
18.17 schools. These amounts must be prorated at the end of each fiscal year if career and technical
18.18 revenue is to exceed the February 2020 forecast estimate of this revenue for these fiscal
18.19 years.

18.20 Subd. 4. **Nonpublic pupil transportation aid.** Notwithstanding any law to the contrary,
18.21 the commissioner of education may adjust the fiscal year 2020 pupil transportation
18.22 expenditures used to determine nonpublic pupil transportation aid for fiscal year 2022 based
18.23 on any mechanism that allows for the full amount of the state total fiscal year 2020
18.24 expenditure estimated in the February 2020 forecast to be equitably allocated among school
18.25 districts.

18.26 Subd. 5. **Interdistrict desegregation or integration transportation**
18.27 grants. Notwithstanding any law to the contrary, the commissioner of education may adjust
18.28 the fiscal year 2020 pupil transportation expenditures used to determine interdistrict
18.29 desegregation and integration aid for fiscal year 2021 based on any mechanism that allows
18.30 for the full amount of the state total fiscal year 2020 expenditure estimated in the February
18.31 2020 forecast to be equitably allocated among school districts.

18.32 Subd. 6. **Adult basic education aid.** Notwithstanding any law to the contrary, for the
18.33 2020-2021 school year only, the commissioner of education may recalculate adult basic
18.34 education aid to ensure that the total aid does not fall below the amount estimated for the

19.1 2020-2021 school year based on the February 2020 forecast. The commissioner may
19.2 recalculate contract hourly rates or otherwise adjust the formula based on any mechanism
19.3 that allows for the full amount of this appropriation to be equitably paid to aid recipients.
19.4 These amounts must be prorated at the end of the fiscal year if adult basic education aid
19.5 were to exceed the February 2020 forecast estimate of this aid.

19.6 Subd. 7. **School employees; ensuring state revenue.** Notwithstanding any law to the
19.7 contrary, for purposes of state aid formulas under subdivisions 1 and 3, the commissioner
19.8 of education may include in any counts and costs of essential personnel the services provided
19.9 by individuals who were essential personnel prior to March 13, 2020, for the purpose of
19.10 ensuring state aid payments to school districts, cooperative units, and charter schools are
19.11 consistent with the February 2020 forecast.

19.12 Subd. 8. **Literacy incentive aid.** (a) Notwithstanding Minnesota Statutes, section
19.13 124D.98, subdivision 2, for purposes of calculating literacy proficiency aid for fiscal years
19.14 2021, 2022, and 2023 only, tests administered during the 2019-2020 school year must be
19.15 excluded from the three-year average proficiency percentages.

19.16 (b) Notwithstanding Minnesota Statutes, section 124D.98, subdivision 3, for purposes
19.17 of calculating literacy growth aid for fiscal years 2021, 2022, and 2023 only, tests
19.18 administered during the 2019-2020 school year must be excluded from the three-year average
19.19 growth percentages.

19.20 Subd. 9. **Community education after-school enrichment revenue.** Notwithstanding
19.21 Minnesota Statutes, section 124D.19, subdivision 12, for fiscal year 2020 only, for spending
19.22 occurring on or after March 18, 2020, after-school enrichment revenue under Minnesota
19.23 Statutes, section 124D.20, subdivision 4a, continues and may be used for purposes consistent
19.24 with guidance issued by the commissioner.

19.25 Subd. 10. **School-age care revenue.** Notwithstanding Minnesota Statutes, section
19.26 124D.22, for fiscal year 2020 only, for spending on or after March 18, 2020, each district's
19.27 school-age care revenue continues at its approved amounts and program funds may be spent
19.28 consistent with guidance issued by the commissioner.

19.29 Subd. 11. **Early childhood screening revenue.** Notwithstanding any law to the contrary,
19.30 for fiscal years 2020 and 2021 only, the commissioner of education must calculate each
19.31 school district's early childhood screening revenue under Minnesota Statutes, section
19.32 121A.19, using the formula amounts set in statute for each age group and the 2018-2019
19.33 school year counts of children screened for each age group.

20.1 Subd. 12. **Achievement and integration revenue.** Notwithstanding Minnesota Statutes,
20.2 section 124D.861 or 124D.862, or any other law to the contrary, for fiscal year 2020 only,
20.3 a school district that has not spent the full approved amount of its achievement and integration
20.4 revenue may carry the unspent portion of that revenue forward into fiscal year 2021.

20.5 Subd. 13. **Report.** The commissioner of education must notify school districts and charter
20.6 schools of these formula changes as soon as practicable. The commissioner must issue a
20.7 report by January 15, 2021, to the chairs and ranking minority members of the legislative
20.8 committees having jurisdiction over kindergarten through grade 12 education describing
20.9 the formula changes and the distributional impact on school districts and charter schools.

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

20.11 Sec. 7. **FUND TRANSFERS; FISCAL YEAR 2020 ONLY.**

20.12 Subdivision 1. **Fund and account transfers allowed.** Notwithstanding Minnesota
20.13 Statutes, section 123B.80, subdivision 3, for fiscal year 2020 only, a school district, charter
20.14 school, or cooperative unit may transfer any funds not already assigned to or encumbered
20.15 by staff salary and benefits, or otherwise encumbered by federal law, from any accounts or
20.16 operating fund to the undesignated balance in any other operating fund.

20.17 Subd. 2. **No aid or levy effect.** A fund or account transfer is allowed under this section
20.18 if the transfer does not increase state aid obligations to the district or school, or result in
20.19 additional property tax authority for the district. A fund or account transfer is limited to the
20.20 operating funds and accounts of a school district, charter school, or cooperative unit.

20.21 Subd. 3. **Board approval required; reporting; audit trail.** A fund or account transfer
20.22 under this section is effective June 30, 2020, and the school board must approve any fund
20.23 or account transfer before the reporting deadline for fiscal year 2020. A school district,
20.24 charter school, or cooperative unit must maintain accounting records for the purposes of
20.25 this section that are sufficient to document both the specific funds transferred and use of
20.26 those funds. The accounting records are subject to auditor review. Any execution of flexibility
20.27 must not interfere with or jeopardize funding per federal requirements. Any transfer must
20.28 not interfere with the equitable delivery of distance learning or social distancing models.

20.29 Subd. 4. **Commissioner's guidance.** The commissioner must prepare and post to the
20.30 department's website a document providing guidance on the process for approval of fund
20.31 and account balance transfers authorized under this section.

20.32 **EFFECTIVE DATE.** This section is effective the day following final enactment and
20.33 applies retroactively from March 18, 2020.

21.1 **Sec. 8. ACCOUNTING.**

21.2 Notwithstanding any law to the contrary, services paid under section 1, including expenses
21.3 recorded in the food service fund, may be charged to the same Uniform Financial Accounting
21.4 and Reporting Standards codes to which the service is charged for an instructional day.

21.5 **EFFECTIVE DATE.** This section is effective the day following final enactment and
21.6 is retroactive from the beginning of the 2019-2020 school year. This section expires June
21.7 30, 2020.

21.8 **Sec. 9. CASH FLOW ADJUSTMENT; FISCAL YEAR 2021 ONLY.**

21.9 Notwithstanding any law to the contrary, for fiscal year 2021 only, a school district
21.10 unable to make a required payment from its debt service fund because of a delay in receipt
21.11 of its anticipated property tax proceeds may apply for modified cash flow payments under
21.12 Minnesota Statutes, section 127A.45. The school district must apply in the form and manner
21.13 specified by the commissioner of education and the commissioner must adjust the state aid
21.14 cash flow payments accordingly.

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

21.16 **Sec. 10. INSTRUCTION TO COMMISSIONER; FEDERAL EDUCATION**
21.17 **STABILIZATION FUND APPLICATION.**

21.18 In applying for education stabilization fund grants authorized under the federal
21.19 Coronavirus Aid, Relief, and Economic Security Act, the Department of Education must
21.20 prioritize distribution and expenditure of funds that enable a school to comply with Executive
21.21 Order 20-19 and any future executive order on kindergarten through grade 12 education
21.22 that relates to the infectious disease known as COVID-19, as well as the corresponding
21.23 Department of Education guidance related to the COVID-19 pandemic, including employee
21.24 compensation.

21.25 **EFFECTIVE DATE.** This section is effective the day following final enactment and
21.26 expires June 30, 2020.

21.27 **ARTICLE 6**

21.28 **FACILITIES, FUND TRANSFERS, AND ACCOUNTING**

21.29 **Section 1. FUND TRANSFERS.**

21.30 Subdivision 1. **Marshall County.** Notwithstanding Minnesota Statutes, section 123B.79,
21.31 123B.80, or 124D.135, on June 30, 2020, Independent School District No. 441, Marshall

22.1 County Central Schools, may permanently transfer up to \$45,000 from the early childhood
22.2 and family education reserve account in the community service fund to the school readiness
22.3 reserve account in the community service fund.

22.4 Subd. 2. **Ogilvie school district.** (a) Notwithstanding Minnesota Statutes, section
22.5 123B.79, 123B.80, or 475.61, subdivision 4, on June 30, 2021, Independent School District
22.6 No. 333, Ogilvie, may permanently transfer up to \$800,000 from its debt redemption fund
22.7 to its undesignated general fund balance without making a levy reduction.

22.8 (b) The transfer in paragraph (a) may be made by the district only after the commissioner
22.9 of education certifies that the transfer does not increase state aid obligations. If the transfer
22.10 increases state aid obligations, the district may pay that amount to the state and transfer any
22.11 remaining balance according to paragraph (a).

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

22.13 Sec. 2. **SCHOOL BUILDING EFFICIENCIES; DULUTH SCHOOL DISTRICT.**

22.14 Subdivision 1. **Plan.** (a) Independent School District No. 709, Duluth, must develop a
22.15 plan to sell Historic Old Central High School to another party. The plan must document the
22.16 current operating costs of the facility, the expected maintenance costs for the facility over
22.17 the next 20 years, and describe the alternatives for the programs and staff currently located
22.18 at Historic Old Central High School.

22.19 (b) The plan must also document potential building projects, which may include:

22.20 (1) constructing or acquiring new administrative space;

22.21 (2) adding transportation maintenance and bus storage facilities;

22.22 (3) improving roads and infrastructure; and

22.23 (4) preparing sites for building or demolishing the Duluth Central High School facility
22.24 constructed in 1971.

22.25 (c) The plan must be submitted by the school board to the commissioner of education
22.26 after the hearing required in subdivision 2.

22.27 (d) The commissioner must examine the plan, and if the commissioner concludes that
22.28 the plan will yield financial, student, and staff efficiencies for the district, approve the plan.

22.29 Subd. 2. **Public hearing.** At least 30 days prior to submitting the projects listed in the
22.30 plan developed under subdivision 1 for review and comment, the school board must hold

23.1 a public hearing on the plan and the building projects. The school board must allow public
 23.2 testimony on the proposal.

23.3 Subd. 3. **Review and comment.** The district must submit the projects included in the
 23.4 plan to the commissioner of education for review and comment under Minnesota Statutes,
 23.5 section 123B.71.

23.6 Subd. 4. **Bond authorization.** (a) Independent School District No. 709, Duluth, may
 23.7 issue general obligation bonds in an amount not to exceed \$31,500,000 under this section
 23.8 to finance the school facility plan approved by the district and the commissioner of education
 23.9 under subdivision 1. The district must comply with Minnesota Statutes, chapter 475, except
 23.10 Minnesota Statutes, sections 475.58 and 475.59. The authority to issue bonds under this
 23.11 section is in addition to any other bonding authority granted to the district.

23.12 (b) At least 20 days before the issuance of bonds or the final certification of levies under
 23.13 this section, the district must publish notice of the intended projects, the amount of the bonds
 23.14 to be issued, and the total amount of the district's debt.

23.15 (c) The debt service required by the bonds issued is debt service revenue under Minnesota
 23.16 Statutes, section 123B.53.

23.17 Subd. 5. **Long-term facilities maintenance revenue.** The commissioner of education
 23.18 must ensure that the district's long-term facilities maintenance plan under Minnesota Statutes,
 23.19 section 123B.595 reflects the savings outlined in the plan developed in subdivision 1.

23.20 Subd. 6. **Report.** On February 15 of each even-numbered year, Independent School
 23.21 District No. 709, Duluth, must submit a report on the outcomes and efficiencies achieved
 23.22 under this section to the commissioner of education and to the chairs and ranking minority
 23.23 members of the legislative committees having jurisdiction over education finance.

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

23.25

ARTICLE 7

23.26

2019 CORRECTIONS

23.27 Section 1. Minnesota Statutes 2019 Supplement, section 126C.17, subdivision 2, is amended
 23.28 to read:

23.29 Subd. 2. **Referendum allowance limit.** (a) Notwithstanding subdivision 1, for fiscal
 23.30 year 2021 and later, a district's referendum allowance must not exceed the greater of:

23.31 (1) the product of the annual inflationary increase as calculated under paragraph (b),
 23.32 and \$2,079.50, minus \$300;

24.1 (2) the product of the annual inflationary increase as calculated under paragraph (b),
 24.2 and ~~the sum of the referendum revenue allowance limit~~ the district would have received for
 24.3 fiscal year ~~2015~~ 2021 under Minnesota Statutes ~~2012~~ 2018, section 126C.17, subdivision
 24.4 ~~4 2, paragraph (a), clause (2), based on elections held before July 1, 2013, and the adjustment~~
 24.5 ~~the district would have received under Minnesota Statutes 2012, section 127A.47, subdivision~~
 24.6 ~~7, paragraphs (a), (b), and (c), based on elections held before July 1, 2013, divided by the~~
 24.7 ~~district's adjusted pupil units for fiscal year 2015, minus \$300;~~

24.8 (3) for a newly reorganized district created on July 1, 2020, the referendum revenue
 24.9 authority for each reorganizing district in the year preceding reorganization divided by its
 24.10 adjusted pupil units for the year preceding reorganization, minus \$300; or

24.11 (4) for a newly reorganized district created after July 1, 2021, the referendum revenue
 24.12 authority for each reorganizing district in the year preceding reorganization divided by its
 24.13 adjusted pupil units for the year preceding reorganization.

24.14 (b) For purposes of this subdivision, for fiscal year 2022 and later, "inflationary increase"
 24.15 means one plus the percentage change in the Consumer Price Index for urban consumers,
 24.16 as prepared by the United States Bureau of Labor Statistics, for the current fiscal year to
 24.17 fiscal year 2021.

24.18 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

24.19 Sec. 2. Minnesota Statutes 2018, section 126C.17, subdivision 7b, is amended to read:

24.20 Subd. 7b. **Referendum aid guarantee.** (a) Notwithstanding subdivision 7, the sum of
 24.21 a district's referendum equalization aid and local optional aid under section 126C.10,
 24.22 subdivision 2e, for fiscal year 2015 must not be less than the sum of the referendum
 24.23 equalization aid the district would have received for fiscal year 2015 under Minnesota
 24.24 Statutes 2012, section 126C.17, subdivision 7, and the adjustment the district would have
 24.25 received under Minnesota Statutes 2012, section 127A.47, subdivision 7, paragraphs (a),
 24.26 (b), and (c).

24.27 (b) Notwithstanding subdivision 7, the sum of referendum equalization aid and local
 24.28 optional aid under section 126C.10, subdivision 2e, for fiscal year 2016 and later, for a
 24.29 district qualifying for additional aid under paragraph (a) for fiscal year 2015, must not be
 24.30 less than the product of (1) the sum of the district's referendum equalization aid and local
 24.31 optional aid under section 126C.10, subdivision 2e, for fiscal year 2015, times (2) the lesser
 24.32 of one or the ratio of the sum of the district's referendum revenue and local optional revenue
 24.33 for that school year to the sum of the district's referendum revenue and local optional revenue

25.1 for fiscal year 2015, times (3) the lesser of one or the ratio of the district's referendum market
 25.2 value used for fiscal year 2015 referendum equalization calculations to the district's
 25.3 referendum market value used for that year's referendum equalization calculations.

25.4 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

25.5 Sec. 3. Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 6,
 25.6 is amended to read:

25.7 Subd. 6. **Paraprofessional pathway to teacher licensure.** (a) For grants to school
 25.8 districts for Grow Your Own new teacher programs:

25.9				2018
25.10	\$	1,500,000	.....	<u>2020</u>
25.11				2019
25.12	\$	1,500,000	.....	<u>2021</u>

25.13 (b) The grants are for school districts with more than 30 percent minority students for
 25.14 a Board of Teaching-approved nonconventional teacher residency pilot program. The
 25.15 program must provide tuition scholarships or stipends to enable school district employees
 25.16 or community members affiliated with a school district who seek an education license to
 25.17 participate in a nonconventional teacher preparation program. School districts that receive
 25.18 funds under this subdivision are strongly encouraged to recruit candidates of color and
 25.19 American Indian candidates to participate in the Grow Your Own new teacher programs.
 25.20 Districts or schools providing financial support may require a commitment as determined
 25.21 by the district to teach in the district or school for a reasonable amount of time that does
 25.22 not exceed five years.

25.23 (c) School districts and charter schools may also apply for grants to develop innovative
 25.24 expanded Grow Your Own programs that encourage secondary school students to pursue
 25.25 teaching, including developing and offering dual-credit postsecondary course options in
 25.26 schools for "Introduction to Teaching" or "Introduction to Education" courses consistent
 25.27 with Minnesota Statutes, section 124D.09, subdivision 10.

25.28 (d) Programs must annually report to the commissioner by the date determined by the
 25.29 commissioner on their activities under this section, including the number of participants,
 25.30 the percentage of participants who are of color or who are American Indian, and an
 25.31 assessment of program effectiveness, including participant feedback, areas for improvement,
 25.32 the percentage of participants continuing to pursue teacher licensure, and the number of
 25.33 participants hired in the school or district as teachers after completing preparation programs.

26.1 (e) The department may retain up to three percent of the appropriation amount to monitor
26.2 and administer the grant program.

26.3 (f) Any balance in the first year does not cancel but is available in the second year.

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

26.5 Sec. 4. Laws 2019, First Special Session chapter 11, article 10, section 5, subdivision 2,
26.6 is amended to read:

26.7 Subd. 2. **Department.** (a) For the Department of Education:

26.8 \$ 29,196,000 2020

26.9 \$ 24,911,000 2021

26.10 Of these amounts:

26.11 (1) \$319,000 each year is for the Board of School Administrators;

26.12 (2) \$1,000,000 each year is for regional centers of excellence under Minnesota Statutes,
26.13 section 120B.115;

26.14 (3) \$250,000 each year is for the School Finance Division to enhance financial data
26.15 analysis;

26.16 (4) \$720,000 each year is for implementing Minnesota's Learning for English Academic
26.17 Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

26.18 (5) \$123,000 each year is for a dyslexia specialist;

26.19 (6) \$4,700,000 in fiscal year 2020 only is for legal fees and costs associated with
26.20 litigation; and

26.21 (7) \$400,000 in fiscal year 2020 and \$480,000 in fiscal year 2021 and later are for the
26.22 Department of Education's mainframe update.

26.23 (b) None of the amounts appropriated under this subdivision may be used for Minnesota's
26.24 Washington, D.C. office.

26.25 (c) The expenditures of federal grants and aids as shown in the biennial budget document
26.26 and its supplements are approved and appropriated and shall be spent as indicated.

26.27 (d) This appropriation includes funds for information technology project services and
26.28 support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing
26.29 information technology costs will be incorporated into the service level agreement and will

27.1 be paid to the Office of MN.IT Services by the Department of Education under the rates
27.2 and mechanism specified in that agreement.

27.3 (e) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,
27.4 section 1, paragraph (a), and section 3, paragraph (a), the base for fiscal year 2022 is
27.5 \$24,591,000. The base for fiscal year 2023 is \$24,611,000. The base for fiscal year 2024 is
27.6 \$24,629,000.

27.7 Sec. 5. Laws 2019, First Special Session chapter 11, article 10, section 6, is amended to
27.8 read:

27.9 **Sec. 6. APPROPRIATIONS; MINNESOTA STATE ACADEMIES.**

27.10 (a) The sums indicated in this section are appropriated from the general fund to the
27.11 Minnesota State Academies for the Deaf and the Blind for the fiscal years designated:

27.12 \$ 13,746,000 2020

27.13 \$ 13,787,000 2021

27.14 (b) Any balance in the first year does not cancel but is available in the second year.

27.15 (c) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,
27.16 section 1, paragraph (a), and section 3, paragraph (b), the base for fiscal year 2022 is
27.17 \$13,794,000 and the base for fiscal year 2023 is \$13,801,000. The base for fiscal year 2024
27.18 is \$13,807,000.

27.19 Sec. 6. Laws 2019, First Special Session chapter 11, article 10, section 7, is amended to
27.20 read:

27.21 **Sec. 7. APPROPRIATIONS; PERPICH CENTER FOR ARTS EDUCATION.**

27.22 (a) The sums in this section are appropriated from the general fund to the Perpich Center
27.23 for Arts Education for the fiscal years designated:

27.24 \$ 7,292,000 2020

27.25 \$ 7,283,000 2021

27.26 (b) Any balance in the first year does not cancel but is available in the second year.

27.27 (c) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,
27.28 section 1, paragraph (a), and section 3, paragraph (c), the base for fiscal year 2022 is
27.29 \$7,288,000. The base for fiscal year 2023 is \$7,294,000. The base for fiscal year 2024 is
27.30 \$7,299,000.

28.1 (d) Of the amount appropriated in fiscal year 2020, \$80,000 is for severance payments
 28.2 related to the closure of the Crosswinds school and is available until June 30, 2021.

28.3 **ARTICLE 8**

28.4 **FORECAST ADJUSTMENTS**

28.5 **A. GENERAL EDUCATION**

28.6 Section 1. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision
 28.7 2, is amended to read:

28.8 Subd. 2. **General education aid.** For general education aid under Minnesota Statutes,
 28.9 section 126C.13, subdivision 4:

28.10		7,383,162,000		
28.11	\$	<u>7,347,424,000</u>	.....	2020
28.12		7,566,309,000		
28.13	\$	<u>7,509,639,000</u>	.....	2021

28.14 The 2020 appropriation includes ~~\$700,383,000~~ \$700,383,000 for 2019 and
 28.15 ~~\$6,682,779,000~~ \$6,647,041,000 for 2020.

28.16 The 2021 appropriation includes ~~\$715,184,000~~ \$711,885,000 for 2020 and
 28.17 ~~\$6,851,125,000~~ \$6,797,754,000 for 2021.

28.18 Sec. 2. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 3,
 28.19 is amended to read:

28.20 Subd. 3. **Enrollment options transportation.** For transportation of pupils attending
 28.21 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation
 28.22 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

28.23		24,000		
28.24	\$	<u>19,000</u>	.....	2020
28.25		26,000		
28.26	\$	<u>20,000</u>	.....	2021

28.27 Sec. 3. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 4,
 28.28 is amended to read:

28.29 Subd. 4. **Abatement aid.** For abatement aid under Minnesota Statutes, section 127A.49:

28.30		2,897,000		
28.31	\$	<u>1,770,000</u>	.....	2020
28.32		2,971,000		
28.33	\$	<u>2,827,000</u>	.....	2021

29.1 The 2020 appropriation includes \$274,000 for 2019 and ~~\$2,623,000~~ \$1,496,000 for
 29.2 2020.

29.3 The 2021 appropriation includes ~~\$291,000~~ \$166,000 for 2020 and ~~\$2,680,000~~ \$2,661,000
 29.4 for 2021.

29.5 Sec. 4. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 6,
 29.6 is amended to read:

29.7 Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under
 29.8 Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

29.9		18,083,000		
29.10	\$	<u>17,925,000</u>	.....	2020
29.11		18,670,000		
29.12	\$	<u>18,917,000</u>	.....	2021

29.13 The 2020 appropriation includes \$1,806,000 for 2019 and ~~\$16,277,000~~ \$16,119,000 for
 29.14 2020.

29.15 The 2021 appropriation includes ~~\$1,808,000~~ \$1,790,000 for 2020 and ~~\$16,862,000~~
 29.16 \$17,127,000 for 2021.

29.17 Sec. 5. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 7,
 29.18 is amended to read:

29.19 Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under
 29.20 Minnesota Statutes, section 123B.92, subdivision 9:

29.21		19,478,000		
29.22	\$	<u>19,168,000</u>	.....	2020
29.23		19,728,000		
29.24	\$	<u>20,100,000</u>	.....	2021

29.25 The 2020 appropriation includes \$1,961,000 for 2019 and ~~\$17,517,000~~ \$17,207,000 for
 29.26 2020.

29.27 The 2021 appropriation includes ~~\$1,946,000~~ \$1,911,000 for 2020 and ~~\$17,782,000~~
 29.28 \$18,189,000 for 2021.

29.29 Sec. 6. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 9,
 29.30 is amended to read:

29.31 Subd. 9. **Career and technical aid.** For career and technical aid under Minnesota
 29.32 Statutes, section 124D.4531, subdivision 1b:

31.1 Sec. 9. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 16,
 31.2 is amended to read:

31.3 Subd. 16. **Charter school building lease aid.** For building lease aid under Minnesota
 31.4 Statutes, section 124E.22:

31.5		85,450,000		
31.6	\$	<u>83,214,000</u>	.....	2020
31.7		91,064,000		
31.8	\$	<u>88,454,000</u>	.....	2021

31.9 The 2020 appropriation includes \$8,021,000 for 2019 and ~~\$77,429,000~~ \$75,193,000 for
 31.10 2020.

31.11 The 2021 appropriation includes ~~\$8,603,000~~ \$8,354,000 for 2020 and ~~\$82,461,000~~
 31.12 \$80,100,000 for 2021.

31.13 **C. TEACHERS**

31.14 Sec. 10. Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 3,
 31.15 is amended to read:

31.16 Subd. 3. **Alternative teacher compensation aid.** (a) For alternative teacher compensation
 31.17 aid under Minnesota Statutes, section 122A.415, subdivision 4:

31.18		89,211,000		
31.19	\$	<u>89,166,000</u>	.....	2020
31.20		88,853,000		
31.21	\$	<u>88,851,000</u>	.....	2021

31.22 (b) The 2020 appropriation includes \$8,974,000 for 2019 and ~~\$80,237,000~~ \$80,192,000
 31.23 for 2020.

31.24 (c) The 2021 appropriation includes ~~\$8,915,000~~ \$8,887,000 for 2020 and ~~\$79,938,000~~
 31.25 \$79,964,000 for 2021.

31.26 **D. SPECIAL EDUCATION**

31.27 Sec. 11. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 2,
 31.28 is amended to read:

31.29 Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes,
 31.30 section 125A.75:

32.1 ~~1,619,065,000~~
 32.2 \$ 1,600,889,000 2020
 32.3 ~~1,773,125,000~~
 32.4 \$ 1,747,701,000 2021

32.5 The 2020 appropriation includes \$184,363,000 for 2019 and ~~\$1,434,702,000~~
 32.6 \$1,416,526,000 for 2020.

32.7 The 2021 appropriation includes ~~\$201,964,000~~ \$199,406,000 for 2020 and
 32.8 ~~\$1,571,161,000~~ \$1,548,295,000 for 2021.

32.9 Sec. 12. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 3,
 32.10 is amended to read:

32.11 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section
 32.12 125A.75, subdivision 3, for children with disabilities placed in residential facilities within
 32.13 the district boundaries for whom no district of residence can be determined:

32.14 ~~1,382,000~~
 32.15 \$ 1,109,000 2020
 32.16 ~~1,564,000~~
 32.17 \$ 1,267,000 2021

32.18 If the appropriation for either year is insufficient, the appropriation for the other year is
 32.19 available.

32.20 Sec. 13. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 4,
 32.21 is amended to read:

32.22 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based
 32.23 services under Minnesota Statutes, section 125A.75, subdivision 1:

32.24 ~~422,000~~
 32.25 \$ 445,000 2020
 32.26 ~~442,000~~
 32.27 \$ 467,000 2021

32.28 The 2020 appropriation includes \$40,000 for 2019 and ~~\$382,000~~ \$405,000 for 2020.

32.29 The 2021 appropriation includes ~~\$42,000~~ \$44,000 for 2020 and ~~\$400,000~~ \$423,000 for
 32.30 2021.

33.1 Sec. 14. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 5,
 33.2 is amended to read:

33.3 Subd. 5. **Court-placed special education revenue.** For reimbursing serving school
 33.4 districts for unreimbursed eligible expenditures attributable to children placed in the serving
 33.5 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

33.6		31,000		
33.7	\$	<u>-0-</u>	.....	2020
33.8		32,000		
33.9	\$	<u>23,000</u>	.....	2021

33.10 **E. FACILITIES, FUND TRANSFERS, AND ACCOUNTING**

33.11 Sec. 15. Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 2,
 33.12 is amended to read:

33.13 Subd. 2. **Debt service equalization aid.** For debt service equalization aid under
 33.14 Minnesota Statutes, section 123B.53, subdivision 6:

33.15	\$	20,684,000	.....	2020
33.16		20,363,000		
33.17	\$	<u>25,398,000</u>	.....	2021

33.18 The 2020 appropriation includes \$2,292,000 for 2019 and \$18,392,000 for 2020.

33.19 The 2021 appropriation includes \$2,043,000 for 2020 and ~~\$18,320,000~~ \$23,355,000 for
 33.20 2021.

33.21 Sec. 16. Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 3,
 33.22 is amended to read:

33.23 Subd. 3. **Long-term facilities maintenance equalized aid.** For long-term facilities
 33.24 maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

33.25		105,315,000		
33.26	\$	<u>104,690,000</u>	.....	2020
33.27		108,042,000		
33.28	\$	<u>107,820,000</u>	.....	2021

33.29 The 2020 appropriation includes \$10,464,000 for 2019 and ~~\$94,851,000~~ \$94,226,000
 33.30 for 2020.

33.31 The 2021 appropriation includes ~~\$10,539,000~~ \$10,412,000 for 2020 and ~~\$97,503,000~~
 33.32 \$97,408,000 for 2021.

34.1 Sec. 17. Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 6,
 34.2 is amended to read:

34.3 Subd. 6. **Maximum effort loan aid.** For aid payments to schools under Minnesota
 34.4 Statutes, section 477A.09:

34.5	\$	3,291,000	.....	2020
34.6		3,291,000		
34.7	\$	<u>3,265,000</u>	.....	2021

34.8 The base for fiscal year 2022 is ~~\$3,291,000~~ \$3,265,000 and the base for fiscal year 2023
 34.9 is \$0.

34.10 **F. NUTRITION AND LIBRARIES**

34.11 Sec. 18. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 2,
 34.12 is amended to read:

34.13 Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111,
 34.14 and Code of Federal Regulations, title 7, section 210.17:

34.15		16,306,000		
34.16	\$	<u>16,245,000</u>	.....	2020
34.17		16,575,000		
34.18	\$	<u>16,514,000</u>	.....	2021

34.19 Sec. 19. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 3,
 34.20 is amended to read:

34.21 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes,
 34.22 section 124D.1158:

34.23		11,310,000		
34.24	\$	<u>11,428,000</u>	.....	2020
34.25		11,771,000		
34.26	\$	<u>11,846,000</u>	.....	2021

34.27 Sec. 20. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 4,
 34.28 is amended to read:

34.29 Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes,
 34.30 section 124D.118:

36.1 330,000
 36.2 \$ 327,000 2020
 36.3 257,000
 36.4 \$ 249,000 2021

36.5 The 2020 appropriation includes \$40,000 for 2019 and ~~\$290,000~~ \$287,000 for 2020.

36.6 The 2021 appropriation includes ~~\$32,000~~ \$31,000 for 2020 and ~~\$225,000~~ \$218,000 for
 36.7 2021.

36.8 Sec. 24. Laws 2019, First Special Session chapter 11, article 9, section 3, subdivision 8,
 36.9 is amended to read:

36.10 Subd. 8. **Adult basic education aid.** For adult basic education aid under Minnesota
 36.11 Statutes, section 124D.531:

36.12 50,106,000
 36.13 \$ 50,052,000 2020
 36.14 51,620,000
 36.15 \$ 51,613,000 2021

36.16 The 2020 appropriation includes \$4,868,000 for 2019 and ~~\$45,238,000~~ \$45,184,000 for
 36.17 2020.

36.18 The 2021 appropriation includes ~~\$5,026,000~~ \$5,020,000 for 2020 and ~~\$46,594,000~~
 36.19 \$46,593,000 for 2021.