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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1348**

02/06/2023 Authored by Tabke; Lee, K.; Pryor; Hill; Keeler and others
The bill was read for the first time and referred to the Committee on Education Policy
03/06/2023 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education finance; providing for employee health insurance; increasing
1.3 the minimum starting salary for nonlicensed school personnel; providing for paid
1.4 orientation and professional development for paraprofessionals; appropriating
1.5 money; amending Minnesota Statutes 2022, sections 120A.414, by adding a
1.6 subdivision; 125A.08; 471.61, by adding a subdivision; proposing coding for new
1.7 law in Minnesota Statutes, chapters 121A; 123B; 126C.

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

1.9 Section 1. Minnesota Statutes 2022, section 120A.414, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 6. Other school personnel. A school district or charter school that declares an
1.12 e-learning day must continue to pay the full wages for scheduled work hours and benefits
1.13 of all school employees for the duration of the e-learning period. During the e-learning
1.14 period, school employees must be allowed to work from home to the extent practicable, be
1.15 assigned to work in an alternative location, or be retained on an on-call basis for any potential
1.16 need.

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

1.18 Sec. 2. [121A.642] TRAINING ON STUDENT BEHAVIOR.

1.19 (a) A school district or charter school must provide noninstructional staff, including but
1.20 not limited to food service employees and bus drivers, with a minimum of 16 annual hours
1.21 of paid orientation or professional development. The training must include:

1.22 (1) strategies for managing student behavior;

2.1 (2) district or school policies relating to student behavior or discipline, including the
2.2 bullying policy under section 121A.031; and

2.3 (3) district or school resources for addressing student behavior.

2.4 (b) Up to eight hours of paid training provided under section 171.321, subdivision 4,
2.5 may be counted toward the 16 hours required under this section.

2.6 (c) A school administrator must provide an annual certification of compliance with this
2.7 requirement to the commissioner.

2.8 **EFFECTIVE DATE.** This section is effective July 1, 2023.

2.9 **Sec. 3. [123B.026] EMPLOYEES OF CONTRACTORS.**

2.10 (a) A school district or charter school that enters into a contract for services with a third
2.11 party must require the third party to pay all its employees wages at a rate of at least \$25 per
2.12 hour. Unless approved by the commissioner of education, a school board must renegotiate
2.13 any agreement for services with a third party in effect as of July 1, 2024, to require the third
2.14 party to pay all its employees wages at a rate of at least \$25 per hour, 16 hours of paid
2.15 orientation or professional development that meets the requirements of section 121A.642,
2.16 and wages for days that a school district or charter school designates as an e-learning day
2.17 under section 120A.414.

2.18 (b) A school administrator must provide an annual certification of compliance with this
2.19 section to the commissioner of education. The first certification must be submitted by July
2.20 1, 2024.

2.21 **EFFECTIVE DATE.** This section is effective July 1, 2023.

2.22 Sec. 4. Minnesota Statutes 2022, section 125A.08, is amended to read:

2.23 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

2.24 (a) At the beginning of each school year, each school district shall have in effect, for
2.25 each child with a disability, an individualized education program.

2.26 (b) As defined in this section, every district must ensure the following:

2.27 (1) all students with disabilities are provided the special instruction and services which
2.28 are appropriate to their needs. Where the individualized education program team has
2.29 determined appropriate goals and objectives based on the student's needs, including the
2.30 extent to which the student can be included in the least restrictive environment, and where
2.31 there are essentially equivalent and effective instruction, related services, or assistive

3.1 technology devices available to meet the student's needs, cost to the district may be among
3.2 the factors considered by the team in choosing how to provide the appropriate services,
3.3 instruction, or devices that are to be made part of the student's individualized education
3.4 program. The individualized education program team shall consider and may authorize
3.5 services covered by medical assistance according to section 256B.0625, subdivision 26.
3.6 Before a school district evaluation team makes a determination of other health disability
3.7 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation
3.8 team must seek written documentation of the student's medically diagnosed chronic or acute
3.9 health condition signed by a licensed physician or a licensed health care provider acting
3.10 within the scope of the provider's practice. The student's needs and the special education
3.11 instruction and services to be provided must be agreed upon through the development of
3.12 an individualized education program. The program must address the student's need to develop
3.13 skills to live and work as independently as possible within the community. The individualized
3.14 education program team must consider positive behavioral interventions, strategies, and
3.15 supports that address behavior needs for children. During grade 9, the program must address
3.16 the student's needs for transition from secondary services to postsecondary education and
3.17 training, employment, community participation, recreation, and leisure and home living. In
3.18 developing the program, districts must inform parents of the full range of transitional goals
3.19 and related services that should be considered. The program must include a statement of
3.20 the needed transition services, including a statement of the interagency responsibilities or
3.21 linkages or both before secondary services are concluded. If the individualized education
3.22 program meets the plan components in section 120B.125, the individualized education
3.23 program satisfies the requirement and no additional transition plan is needed;

3.24 (2) children with a disability under age five and their families are provided special
3.25 instruction and services appropriate to the child's level of functioning and needs;

3.26 (3) children with a disability and their parents or guardians are guaranteed procedural
3.27 safeguards and the right to participate in decisions involving identification, assessment
3.28 including assistive technology assessment, and educational placement of children with a
3.29 disability;

3.30 (4) eligibility and needs of children with a disability are determined by an initial
3.31 evaluation or reevaluation, which may be completed using existing data under United States
3.32 Code, title 20, section 33, et seq.;

3.33 (5) to the maximum extent appropriate, children with a disability, including those in
3.34 public or private institutions or other care facilities, are educated with children who are not
3.35 disabled, and that special classes, separate schooling, or other removal of children with a

4.1 disability from the regular educational environment occurs only when and to the extent that
4.2 the nature or severity of the disability is such that education in regular classes with the use
4.3 of supplementary services cannot be achieved satisfactorily;

4.4 (6) in accordance with recognized professional standards, testing and evaluation materials,
4.5 and procedures used for the purposes of classification and placement of children with a
4.6 disability are selected and administered so as not to be racially or culturally discriminatory;
4.7 and

4.8 (7) the rights of the child are protected when the parents or guardians are not known or
4.9 not available, or the child is a ward of the state.

4.10 (c) For all paraprofessionals employed to work in programs whose role in part is to
4.11 provide direct support to students with disabilities, the school board in each district shall
4.12 ensure that:

4.13 (1) before or beginning at the time of employment, each paraprofessional must develop
4.14 sufficient knowledge and skills in emergency procedures, building orientation, roles and
4.15 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin
4.16 meeting the needs, especially disability-specific and behavioral needs, of the students with
4.17 whom the paraprofessional works;

4.18 (2) before beginning work with an individual student with a disability, each
4.19 paraprofessional must be given paid time to review a student's individualized education
4.20 program and paid time to collaborate with a student's teacher regarding the plan;

4.21 ~~(2)~~ (3) annual training opportunities are required to enable the paraprofessional to
4.22 continue to further develop the knowledge and skills that are specific to the students with
4.23 whom the paraprofessional works, including understanding disabilities, the unique and
4.24 individual needs of each student according to the student's disability and how the disability
4.25 affects the student's education and behavior, following lesson plans, and implementing
4.26 follow-up instructional procedures and activities; and

4.27 (4) a minimum of 16 hours of paid orientation or professional development must be
4.28 provided annually to all paraprofessionals, Title I aides, and other instructional support staff
4.29 before the first instructional day of the school year. The orientation or professional
4.30 development must be relevant to the employee's occupation and may include collaboration
4.31 time with classroom teachers and planning for the school year. For paraprofessionals who
4.32 provide direct support to students, at least 50 percent of the professional development or
4.33 orientation must be dedicated to meeting the requirements of this section. Professional
4.34 development for paraprofessionals may also address the requirements of section 120B.363,

5.1 subdivision 3. A school administrator must provide an annual certification of compliance
 5.2 with this requirement to the commissioner; and

5.3 ~~(3)~~ (5) a districtwide process obligates each paraprofessional to work under the ongoing
 5.4 direction of a licensed teacher and, where appropriate and possible, the supervision of a
 5.5 school nurse.

5.6 (d) A school district may conduct a functional behavior assessment as defined in
 5.7 Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting
 5.8 a comprehensive evaluation of the student in accordance with prior written notice provisions
 5.9 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district
 5.10 conduct a comprehensive evaluation of the parent's or guardian's student.

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

5.12 Sec. 5. **[126C.38] MINIMUM WAGE RATE AID.**

5.13 Subdivision 1. **Minimum wage.** Notwithstanding any law to the contrary, a school
 5.14 district or charter school must pay the following employees wages at a rate of at least \$25
 5.15 per hour:

5.16 (1) paraprofessionals, Title I aides, and other instructional support staff;

5.17 (2) food service employees;

5.18 (3) bus drivers; and

5.19 (4) other employees who do not have a license issued by the Professional Educator
 5.20 Licensing and Standards Board or the Board of School Administrators, and who work at
 5.21 least 14 hours per week and 100 workdays per year in one position.

5.22 Subd. 2. **Aid.** A school district or charter school's minimum wage rate aid equals \$.....

5.23 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

5.24 Sec. 6. Minnesota Statutes 2022, section 471.61, is amended by adding a subdivision to
 5.25 read:

5.26 Subd. 6. **Premium costs for school employees.** (a) A school district, charter school, or
 5.27 cooperative unit under section 123A.24, subdivision 2, must participate in employee health
 5.28 care cost sharing on the following basis:

6.1 (1) 100 percent of the annual health insurance premium and at least 50 percent of the
6.2 annual out-of-pocket maximum must be contributed for employees covered under a single
6.3 premium; and

6.4 (2) at least 85 percent of the annual health insurance premium and at least 50 percent of
6.5 the annual out-of-pocket maximum must be contributed for employees covered under a
6.6 family premium.

6.7 (b) A school district, charter school, or cooperative unit under section 123A.24,
6.8 subdivision 2, must receive financial assistance at the rate of \$..... per pupil unit to fund
6.9 the cost sharing in paragraph (a) and a school district may levy for an amount equal to the
6.10 financial assistance provided by the commissioner of education.

6.11 (c) A school district, charter school, or cooperative unit under section 123A.24,
6.12 subdivision 2, must provide health insurance benefits to an employee that works at least
6.13 four hours during a regular work day, and may provide the coverage to an employee that
6.14 works less than four hours during a regular work day. The premium cost sharing requirements
6.15 under this subdivision apply regardless of the number of hours an employee works in an
6.16 average day or week.

6.17 (d) A school district, intermediate school district, charter school, or cooperative unit
6.18 under section 123A.24, subdivision 2, must maintain health insurance benefits for the
6.19 employee and any dependents during a period between successive academic years or terms
6.20 if the employee was employed immediately before that period and there is a reasonable
6.21 assurance that the employee will be employed immediately following that period.

6.22 **EFFECTIVE DATE.** This section is effective July 1, 2023.

6.23 **Sec. 7. APPROPRIATIONS.**

6.24 Subdivision 1. **Department of Education.** The sums in this section are appropriated
6.25 from the general fund to the Department of Education for the fiscal years designated.

6.26 Subd. 2. **Minimum wage rate aid.** (a) For minimum wage rate aid under Minnesota
6.27 Statutes, section 126C.38:

6.28 \$ 2024

6.29 \$ 2025

6.30 (b) One hundred percent of the aid for the previous fiscal year must be paid in the current
6.31 year for aid under Minnesota Statutes, section 126C.38.

7.1 Subd. 3. Paraprofessional training. For costs associated with paid orientation and
 7.2 professional development for paraprofessionals under Minnesota Statutes, section 125A.08:

7.3 \$ 2024

7.4 \$ 2025

7.5 Subd. 4. Training on student behavior. For costs associated with paid training on
 7.6 student behavior under Minnesota Statutes, section 121A.642:

7.7 \$ 2024

7.8 \$ 2025