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State of Minnesota

HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. F. No. 49

07/13/2020 Authored by Erickson and Jurgens
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; authorizing school boards to implement flexible learning
1.3 year programs without approval by the commissioner of education; amending
1.4 Minnesota Statutes 2018, sections 120A.41; 124D.12; 124D.121; 124D.122;
1.5 124D.126, subdivision 1; 124D.127.

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

1.7 Section 1. Minnesota Statutes 2018, section 120A.41, is amended to read:

1.8 120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.

1.9 (a) A school board's annual school calendar must include at least 425 hours of instruction
1.10 for a kindergarten student without a disability, 935 hours of instruction for a student in
1.11 grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not
1.12 including summer school. The school calendar for all-day kindergarten must include at least
1.13 850 hours of instruction for the school year. The school calendar for a prekindergarten
1.14 student under section 124D.151, if offered by the district, must include at least 350 hours
1.15 of instruction for the school year. A school board's annual calendar must include at least
1.16 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule
1.17 has been approved by the ~~commissioner~~ school board under section ~~124D.126~~ 124D.122.

1.18 (b) A school board's annual school calendar may include plans for up to five days of
1.19 instruction provided through online instruction due to inclement weather. The inclement
1.20 weather plans must be developed according to section 120A.414.

1.21 EFFECTIVE DATE. This section is effective for the 2020-2021 school year and later.

2.1 Sec. 2. Minnesota Statutes 2018, section 124D.12, is amended to read:

2.2 **124D.12 PURPOSE OF FLEXIBLE LEARNING YEAR PROGRAMS.**

2.3 Sections 124D.12 to 124D.127 authorize districts to evaluate, plan and employ the use
 2.4 of flexible learning year programs. It is anticipated that the open selection of the type of
 2.5 flexible learning year operation from a variety of alternatives will allow each district seeking
 2.6 to utilize this concept to suitably fulfill the educational needs of its pupils. These alternatives
 2.7 must include, but not be limited to, various 45-15 plans, four-quarter plans, quinmester
 2.8 plans, extended learning year plans, and flexible all-year plans. ~~A school district with an
 2.9 approved four-day week plan in the 2014-2015 school year may continue under a four-day
 2.10 week plan through the end of the 2019-2020 school year. Future approvals are contingent
 2.11 upon meeting the school district's performance goals established in the district's plan under
 2.12 section 120B.11. The commissioner must give a school district one school year's notice
 2.13 before revoking approval of its flexible learning year program.~~

2.14 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

2.15 Sec. 3. Minnesota Statutes 2018, section 124D.121, is amended to read:

2.16 **124D.121 DEFINITION OF FLEXIBLE LEARNING YEAR PROGRAM.**

2.17 "Flexible learning year program" means any district plan approved by the ~~commissioner~~
 2.18 school board that utilizes buildings and facilities during the entire year or that provides
 2.19 forms of optional scheduling of pupils and personnel during the learning year in elementary
 2.20 and secondary schools or residential facilities for children with a disability.

2.21 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

2.22 Sec. 4. Minnesota Statutes 2018, section 124D.122, is amended to read:

2.23 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

2.24 The board of any district or a consortium of districts, ~~with the approval of the~~
 2.25 ~~commissioner~~, may establish and operate a flexible learning year program in one or more
 2.26 of the day or residential facilities for children with a disability within the district. Consortiums
 2.27 may use a single ~~application and~~ evaluation process, though results, public hearings, and
 2.28 board approvals must be obtained for each district as required under appropriate sections.
 2.29 ~~The commissioner must approve or disapprove of a flexible learning year application within~~
 2.30 ~~45 business days of receiving the application. If the commissioner disapproves the~~
 2.31 ~~application, the commissioner must give the district or consortium detailed reasons for the~~
 2.32 ~~disapproval.~~

3.1 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

3.2 Sec. 5. Minnesota Statutes 2018, section 124D.126, subdivision 1, is amended to read:

3.3 Subdivision 1. **Powers and duties.** The commissioner must:

3.4 ~~(1) promulgate rules necessary to the operation of sections 124D.12 to 124D.127;~~

3.5 ~~(2)~~ (1) cooperate with and provide supervision of flexible learning year programs to

3.6 determine compliance with the provisions of sections 124D.12 to 124D.127, ~~the~~

3.7 ~~commissioner's standards and qualifications, and the proposed program as submitted and~~

3.8 ~~approved;~~

3.9 ~~(3)~~ (2) provide any necessary adjustments of (a) attendance and membership computations

3.10 and (b) the dates and percentages of apportionment of state aids; and

3.11 ~~(4)~~ (3) consistent with the definition of "average daily membership" in section 126C.05,

3.12 subdivision 8, furnish the board of a district implementing a flexible learning year program

3.13 with a formula for computing average daily membership. This formula must be computed

3.14 so that tax levies to be made by the district, state aids to be received by the district, and any

3.15 and all other formulas based upon average daily membership are not affected solely as a

3.16 result of adopting this plan of instruction.

3.17 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

3.18 Sec. 6. Minnesota Statutes 2018, section 124D.127, is amended to read:

3.19 **124D.127 TERMINATION OF FLEXIBLE LEARNING YEAR PROGRAM.**

3.20 The board of any district, ~~with the approval of the commissioner of education,~~ may

3.21 terminate a flexible learning year program in one or more of the day or residential facilities

3.22 for children with a disability within the district. This section shall not be construed to permit

3.23 an exception to section 120A.22, 127A.41, subdivision 7, or 127A.43.

3.24 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

3.25 Sec. 7. **FLEXIBLE LEARNING YEAR; RULE AMENDMENT.**

3.26 The commissioner of education must amend Minnesota Rules, part 3500.1000, to remove

3.27 the commissioner's authority over approving or disapproving school district flexible learning

3.28 year programs under Minnesota Statutes, sections 124D.12 to 124D.127.