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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1267

02/02/2023 Authored by Clardy, Curran and Hassan
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; modifying hours of instruction requirements and e-learning
1.3 requirements; allowing districts to offer full-time online instruction; amending
1.4 Minnesota Statutes 2022, sections 120A.41; 120A.414; proposing coding for new
1.5 law in Minnesota Statutes, chapter 124D.

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

1.7 Section 1. Minnesota Statutes 2022, 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 under section 124D.126.

1.18 (b) A school board's annual school calendar may include plans for up to ~~five~~ ten days
1.19 of 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 (c) For students in high school, hours of instruction include all hours that a school
1.22 determines a student is actively engaged in the educational process of the district. All courses
1.23 must be coordinated and verified by a qualified teacher, as defined in section 122A.16.

2.1 Nothing in this section allows a district to deny a student access to any service or instruction
2.2 required under state or federal law, including special education services.

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

2.4 Sec. 2. Minnesota Statutes 2022, section 120A.414, is amended to read:

2.5 **120A.414 E-LEARNING DAYS.**

2.6 Subdivision 1. **Days.** "E-learning day" means a school day where a school offers full
2.7 access to online instruction provided by students' individual teachers due to ~~in~~element a
2.8 weather, health, or natural disaster emergency as determined by the school board or
2.9 superintendent. During an e-learning day, a district may offer another form of distance
2.10 instruction if the district offered that form of instruction under a distance learning plan in
2.11 effect during the 2020-2021 school year. A school district or charter school that chooses to
2.12 have e-learning days may have up to ~~five~~ ten e-learning days in one school year. An
2.13 e-learning day is counted as a day of instruction and included in the hours of instruction
2.14 under section 120A.41.

2.15 Subd. 2. **Plan.** A school board may adopt an e-learning day plan after consulting with
2.16 the exclusive representative of the teachers. A charter school may adopt an e-learning day
2.17 plan after consulting with its teachers. The plan must identify the type of distance instruction
2.18 provided if it is not online instruction, and include accommodations for students without
2.19 Internet access at home and for digital device access for families without the technology or
2.20 an insufficient amount of technology for the number of children in the household. A school's
2.21 e-learning day plan must provide accessible options for students with disabilities under
2.22 chapter 125A.

2.23 Subd. 3. **Annual notice.** A school district or charter school must notify parents and
2.24 students of the e-learning day plan at the beginning of the school year.

2.25 Subd. 4. **Daily notice.** On an e-learning day declared by the school, a school district or
2.26 charter school must notify parents and students at least two hours prior to the normal school
2.27 start time that students need to follow the e-learning day plan for that day.

2.28 Subd. 5. **Teacher access.** Each student's teacher must be accessible both online and by
2.29 telephone during normal school hours on an e-learning day to assist students and parents.

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

3.1 Sec. 3. **[124D.097] ONLINE INSTRUCTION OPTION.**

3.2 (a) A school district may offer a full-time online instruction option to its enrolled resident
3.3 students. An online instruction option may be part of a school's curriculum offerings. A
3.4 student may complete all educational expectations and graduation requirements under section
3.5 120B.02 through online instruction. A school district that offers online instruction is not an
3.6 online learning provider and is not subject to Department of Education approval under
3.7 section 124D.095.

3.8 (b) A school district may assign a student who is participating in full-time online
3.9 instruction to a school site for purposes of determining compensatory revenue pupil units
3.10 under section 126C.05, subdivision 3, and free and reduced-price meal eligibility under
3.11 section 126C.05, subdivision 16.

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