

**CHAPTER 5--S.F.No. 1743**

*An act relating to education; modifying the calculation of days and hours of instruction and compensation for school days canceled during the 2018-2019 school year; requiring affected school districts to report to the commissioner.*

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

Section 1. **SCHOOL CALENDAR ADJUSTMENT; 2018-2019 SCHOOL YEAR.**

Subdivision 1. **Required school days and hours.** (a) Notwithstanding Minnesota Statutes, sections 120A.32, 120A.41, and 126C.05, the board of a school district or charter school that canceled school on one or more days during the 2018-2019 school year due to health and safety concerns may count those days as instructional days for purposes of calculating the number of hours and days in the school year under Minnesota Statutes, section 120A.41, and the calculation of average daily membership under Minnesota Statutes, section 126C.05, for students enrolled both before and after those school closure dates.

(b) If a school district or charter school would not have met the required minimum number of days and hours of instruction for students without the authority in paragraph (a), the district or charter school must report to the commissioner of education in the form and manner determined by the commissioner on the number of days and hours that the district counted under paragraph (a) to meet the required days and hours of instruction. A school district that counts a day that school was canceled as an instructional day in accordance with paragraph (a) is encouraged to adopt an e-learning day plan under Minnesota Statutes, section 120A.414.

(c) If a school board resolves to count a day that school was canceled as an instructional day in accordance with paragraph (a), the school district must compensate employees and contract employers in accordance with subdivisions 2 and 3.

Subd. 2. **Instructional day; employees.** (a) This subdivision applies to the employee of a school district that resolves to count a day that school was canceled as an instructional day in accordance with subdivision 1 who:

- (1) was scheduled to work on a day that school was canceled and counted as an instructional day;
- (2) did not work on any or all of those days; and
- (3) did not receive compensation for those days.

(b) Notwithstanding any law to the contrary, for each day identified in paragraph (a), a school district must either:

(1) allow any school district employee under paragraph (a) the opportunity to work on another day that the school district designates and must compensate the employee working on the designated day at the employee's normal rate of pay; or

(2) compensate any school district employee under paragraph (a) for each of the days not worked at the employee's normal rate of pay.

**Subd. 3. Contract employer to pay eligible employees.** (a) For purposes of this subdivision, "contract employer" means an employer who provides student-related services throughout the school year to a school district, and "eligible employee" means a person:

(1) whose primary task is to provide services to students attending a school district;

(2) who was scheduled to work for the contract employer on any of the days that school was canceled and the school board counts as an instructional day in accordance with subdivision 1;

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

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

(b) A school district must notify a contract employer which days it counted as instructional days under subdivision 1, if any.

(c) A contract employer who agrees to compensate its eligible employees at their normal rate of pay for the hours of pay lost due to a school cancellation, later counted as an instructional day under subdivision 1, must notify the district of its intended action and, once notified, the school district must fully compensate the contract employer for the days identified under paragraph (b).

(d) Notwithstanding paragraph (b), a school district and contract employer may adjust the full, regularly scheduled daily contract rate if special circumstances within the district warrant an adjustment.

**Subd. 4. Probationary teachers.** For the 2018-2019 school year only, for purposes of Minnesota Statutes, sections 122A.40, subdivision 5, paragraph (e), and 122A.41, subdivision 2, paragraph (d), the minimum number of days of teacher service that a probationary teacher must complete equals the difference between 120 days and the number of scheduled instructional days that were canceled due to health and safety concerns and that the school board resolved to count as days of instruction under Minnesota Statutes, section 120A.41.

**Subd. 5. Accounting.** Notwithstanding any law to the contrary, services paid under subdivision 2 or 3, including expenses recorded in the food service fund, may be charged to the same Uniform Financial Accounting and Reporting Standards object code to which the service is charged for an instructional day.

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

Presented to the governor April 1, 2019

Signed by the governor April 1, 2019, 1:37 p.m.