

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1318

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DATE	D-PG	OFFICIAL STATUS
02/06/2023	679	Introduction and first reading Referred to Education Finance
02/09/2023	766	Author added Seeberger
02/15/2024	11620	Withdrawn and re-referred to Education Policy
03/18/2024	12337a	Comm report: To pass as amended and re-refer to 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, section 471.61, by adding a

subdivision; Minnesota Statutes 2023 Supplement, sections 121A.642, by adding

a subdivision; 124E.03, subdivision 2; 125A.08; proposing coding for new law in

Minnesota Statutes, chapter 123B.

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

1.10 Section 1. Minnesota Statutes 2023 Supplement, section 121A.642, is amended by adding

1.11 a subdivision to read:

1.12 Subd. 3. **Consultation.** The exclusive representative for employees receiving this training

1.13 must be consulted in creating or planning training required under this section.

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

1.15 Sec. 2. **[123B.155] PAID LEAVE FOR SCHOOL CLOSURES.**

1.16 A school district or charter school that alters its calendar due to a weather event, public

1.17 health emergency, or any other circumstance must continue to pay the full wages for

1.18 scheduled work hours and benefits of all school employees for full or partial day closures,

1.19 if the district or charter school counts that day as an instructional day for any students in

1.20 the district or charter school. School employees may be allowed to work from home to the

1.21 extent practicable. Paid leave for an e-learning day is provided under section 120A.414,

1.22 subdivision 6.

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

2.1 Sec. 3. Minnesota Statutes 2023 Supplement, section 124E.03, subdivision 2, is amended
2.2 to read:

2.3 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
2.4 meet all federal, state, and local health and safety requirements applicable to school districts.

2.5 (b) A school must comply with statewide accountability requirements governing standards
2.6 and assessments in chapter 120B.

2.7 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
2.8 123B.34 to 123B.39.

2.9 (d) A charter school is a district for the purposes of tort liability under chapter 466.

2.10 (e) A charter school must comply with the Pledge of Allegiance requirement under
2.11 section 121A.11, subdivision 3.

2.12 (f) A charter school and charter school board of directors must comply with chapter 181
2.13 governing requirements for employment.

2.14 (g) A charter school must comply with continuing truant notification under section
2.15 260A.03.

2.16 (h) A charter school must develop and implement a teacher evaluation and peer review
2.17 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
2.18 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
2.19 The teacher evaluation process in this paragraph does not create any additional employment
2.20 rights for teachers.

2.21 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
2.22 section 120B.11, to review curriculum, instruction, and student achievement and strive for
2.23 the world's best workforce.

2.24 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
2.25 sections 121A.40 to 121A.56 and 121A.575.

2.26 (k) A charter school must provide paid leave to school employees for school closures
2.27 under section 123B.155.

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

3.1 Sec. 4. Minnesota Statutes 2023 Supplement, section 125A.08, is amended to read:

3.2 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

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

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

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

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

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

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

4.10 (5) to the maximum extent appropriate, children with a disability, including those in
4.11 public or private institutions or other care facilities, are educated with children who are not
4.12 disabled, and that special classes, separate schooling, or other removal of children with a
4.13 disability from the regular educational environment occurs only when and to the extent that
4.14 the nature or severity of the disability is such that education in regular classes with the use
4.15 of supplementary services cannot be achieved satisfactorily;

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

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

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

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

4.30 (2) within five days of beginning to work alone with an individual student with a
4.31 disability, the assigned paraprofessional must be either given paid time, or time during the
4.32 school day, to review a student's individualized education program or be briefed on the
4.33 student's specific needs by appropriate staff;

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

5.7 (4) a minimum of 16 hours of paid orientation or professional development must be
 5.8 provided annually to all paraprofessionals, Title I aides, and other instructional support staff
 5.9 before the first instructional day of the school year. The orientation or professional
 5.10 development must be relevant to the employee's occupation and may include collaboration
 5.11 time with classroom teachers and planning for the school year. For paraprofessionals who
 5.12 provide direct support to students, at least 50 percent of the professional development or
 5.13 orientation must be dedicated to meeting the requirements of this section. Professional
 5.14 development for paraprofessionals may also address the requirements of section 120B.363,
 5.15 subdivision 3. A school administrator must provide an annual certification of compliance
 5.16 with this requirement to the commissioner; and

5.17 ~~(4)~~ (5) a districtwide process obligates each paraprofessional to work under the ongoing
 5.18 direction of a licensed teacher and, where appropriate and possible, the supervision of a
 5.19 school nurse.

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

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

5.26 Sec. 5. Minnesota Statutes 2022, section 471.61, is amended by adding a subdivision to
 5.27 read:

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

5.31 (1) at least 83 percent of the annual health insurance premium and at least 50 percent of
 5.32 the annual out-of-pocket maximum must be contributed for employees covered under a
 5.33 single premium; and

6.1 (2) at least 72 percent of the annual health insurance premium and at least 50 percent of
 6.2 the annual out-of-pocket maximum must be contributed for employees covered under a
 6.3 family premium.

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

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

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

6.19 **EFFECTIVE DATE.** This section is effective July 1, 2024.

6.20 Sec. 6. **APPROPRIATIONS.**

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

6.23 Subd. 2. **Nonlicensed school personnel.** For increasing the minimum starting salary for
 6.24 nonlicensed school personnel to \$25 per hour:

6.25 \$ 2024

6.26 \$ 2025

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

6.29 \$ 2024

6.30 \$ 2025