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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1644**

02/25/2021 Authored by Edelson, Feist and Morrison
The bill was read for the first time and referred to the Committee on Education Policy
03/22/2021 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; modifying the definition of hours of instruction; providing
1.3 for distance instruction; establishing an instruction model working group; requiring
1.4 a report; amending Minnesota Statutes 2020, section 120A.41; proposing coding
1.5 for new 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 2020, 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 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 (c) Hours of instruction include all learning opportunities and services designed to
1.22 support a student to be prepared to succeed and lead by having the knowledge and skills to
1.23 learn, engage civically, and lead meaningful lives, through implementation of evidence-based

2.1 practices, quality instruction, and personalized learning supports. Such opportunities and
2.2 services include but are not limited to blended learning, distance learning, project-based
2.3 learning, work-based learning, service learning, supervised internships, and in-person
2.4 learning in a school building.

2.5 Sec. 2. **[124D.097] DISTANCE INSTRUCTION OPTION.**

2.6 Subdivision 1. **Definition.** "Distance instruction" means instruction provided to students
2.7 remotely, with students and teachers interacting through synchronous and other online
2.8 interactions, and students being provided appropriate education materials. During the period
2.9 of time when a student is participating exclusively in distance instruction for the full
2.10 instructional day, the student is considered to be engaged in full-day distance instruction.

2.11 Subd. 2. **District option.** (a) A school district may offer a full-time distance instruction
2.12 option to its enrolled resident students. A distance instruction option may be part of a school's
2.13 curriculum offerings. A student may complete all educational expectations and graduation
2.14 requirements under section 120B.02 through distance instruction. A school district that
2.15 offers distance instruction is not an online learning provider and is not subject to Department
2.16 of Education approval under section 124D.095.

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

2.21 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

2.22 Sec. 3. **INSTRUCTION MODEL WORKING GROUP.**

2.23 Subdivision 1. **Working group.** A working group is established to review how school
2.24 districts and charter schools implemented distance and hybrid instruction due to disruptions
2.25 to on-site instruction caused by COVID-19 and make recommendations to increase flexibility
2.26 for school districts and charter schools to implement instruction models that meet students'
2.27 diverse learning needs.

2.28 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
2.29 meanings given them.

2.30 (b) "Distance instruction" means instruction provided to students remotely, with students
2.31 and teachers interacting through synchronous and other online interactions, and students
2.32 being provided appropriate education materials.

3.1 (c) "Hybrid instruction" means a manner of instruction that includes both on-site
3.2 instruction as well as distance instruction.

3.3 (d) "On-site instruction" means instruction delivered in person by a teacher at a school
3.4 facility.

3.5 Subd. 3. **Duties.** (a) The working group must study the outcomes, challenges, and
3.6 successes of distance instruction during the 2019-2020 and 2020-2021 school years. In
3.7 particular, the group must consider:

3.8 (1) the impact of lower class sizes on student engagement and academic growth;

3.9 (2) how modifications to the school calendar would affect learning retention and student
3.10 engagement;

3.11 (3) the impact of distance instruction on students requiring special education services
3.12 and supports, students identified as English learners, and students experiencing homelessness
3.13 or who are highly mobile;

3.14 (4) the effect of distance instruction on students' social and emotional growth, student
3.15 discipline, and bullying;

3.16 (5) how students' educational needs vary by age group; and

3.17 (6) students' access to technology.

3.18 (b) The working group must report its findings and recommendations to the chairs and
3.19 ranking minority members of the legislative committees with jurisdiction over kindergarten
3.20 through grade 12 education by January 17, 2022. The report must be submitted in accordance
3.21 with Minnesota Statutes, section 3.195.

3.22 (c) The commissioner of education must provide technical assistance and public data
3.23 on student academic needs and performance, to the extent it is available, to help the working
3.24 group make evidence-based recommendations.

3.25 (d) The working group expires January 18, 2022.

3.26 Subd. 4. **Members.** (a) The commissioner of education or the commissioner's designee
3.27 must serve as a member of the working group. In addition, by July 1, 2021, the commissioner
3.28 of education must review applications to be named to the group and appoint the following
3.29 group members:

3.30 (1) two superintendents;

3.31 (2) four teachers;

- 4.1 (3) two school board members;
- 4.2 (4) two students;
- 4.3 (5) one curriculum director;
- 4.4 (6) one assessment coordinator;
- 4.5 (7) two technology directors;
- 4.6 (8) one parent of a student enrolled in a school district or charter school;
- 4.7 (9) one special education director; and
- 4.8 (10) one representative of an online learning provider approved under Minnesota Statutes,
4.9 section 124D.095.
- 4.10 (b) When appointing members to the working group, the commissioner must consider
4.11 whether the working group represents communities of color, American Indian communities,
4.12 and communities from throughout Minnesota.
- 4.13 Subd. 5. Meetings. (a) The commissioner of education must convene the first meeting
4.14 of the working group no later than August 30, 2021. The working group must select a chair
4.15 or cochairs from among its members at the first meeting. The working group must meet
4.16 periodically.
- 4.17 (b) The commissioner must provide technical and administrative assistance to the working
4.18 group upon request.
- 4.19 (c) Working group members are not eligible to receive expenses or per diem payments
4.20 for serving on the working group.
- 4.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.