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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4

01/07/2021 Authored by Hassan, Youakim, Frazier, Christensen, Xiong, J., and others
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 finance; implementing actions to combat the educational
1.3 effects of COVID-19; appropriating money; amending Minnesota Statutes 2020,
1.4 section 126C.05, subdivision 5; Laws 2019, First Special Session chapter 11, article
1.5 1, section 25, subdivision 2, as amended.

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

1.7 ARTICLE 1
1.8 K-12 COVID-19 ACTIONS

1.9 Section 1. Minnesota Statutes 2020, section 126C.05, subdivision 5, is amended to read:

1.10 Subd. 5. Adjusted pupil units. (a) Adjusted pupil units for a district or charter school
1.11 means the sum of:

- 1.12 (1) the number of pupil units served, according to subdivision 7, plus
1.13 (2) pupil units according to subdivision 1 for whom the district or charter school pays
1.14 tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88,
1.15 subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, minus
1.16 (3) pupil units according to subdivision 1 for whom the district or charter school receives
1.17 tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88,
1.18 subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65.

1.19 (b) Notwithstanding paragraph (a), for the 2020-2021 school year only, for purposes of
1.20 calculating general education revenue only, a school district's or charter school's adjusted
1.21 pupil units equals the greater of the amount calculated under paragraph (a) for fiscal year
1.22 2020 or the amount calculated under paragraph (a) for fiscal year 2021.

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

2.2 Sec. 2. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 2,
2.3 as amended by Laws 2020, chapter 116, article 6, section 1, is amended to read:

2.4 Subd. 2. **General education aid.** For general education aid under Minnesota Statutes,
2.5 section 126C.13, subdivision 4:

2.6 \$ 7,347,424,000 2020

2.7 ~~7,509,639,000~~

2.8 \$ 2021

2.9 The 2020 appropriation includes \$700,383,000 for 2019 and \$6,647,041,000 for 2020.

2.10 The 2021 appropriation includes \$711,885,000 for 2020 and ~~\$6,797,754,000~~ \$..... for
2.11 2021.

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

2.13 Sec. 3. **ONETIME EXTENDED TIME FLEXIBILITY.**

2.14 Subdivision 1. **School board resolution.** A school board may adopt a written resolution
2.15 to provide extended school day and school year programming to its students from the
2.16 effective date of this act to August 30, 2021, in the form and manner determined by the
2.17 school board to address the educational services disruption caused by COVID-19 impacts.

2.18 Subd. 2. **Hours of instruction.** Notwithstanding any law to the contrary, a student's
2.19 hours of instruction in an extended time program authorized under this section are eligible
2.20 hours under Minnesota Statutes, section 126C.05, subdivisions 8 and 15, and must be
2.21 included in the revenue calculation under Minnesota Statutes, section 126C.10, subdivision
2.22 2a.

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

2.24 Sec. 4. **STUDENTS WITH DISABILITIES.**

2.25 Subdivision 1. **On-site instruction.** A school board developing or updating a plan to
2.26 provide on-site instruction to students must prioritize on-site instruction for a student whose
2.27 individualized education program requires instruction in a federal level three or four setting,
2.28 and a student with a disability who is also identified as an English learner in accordance
2.29 with Minnesota Statutes, section 124D.59.

2.30 Subd. 2. **Home visits.** A school district may provide services required by an
2.31 individualized education program to a student at the student's home. If a district chooses to

3.1 provide services at a student's home under this subdivision, the services provided by district
 3.2 staff under this subdivision are determined necessary and essential to meet the district's
 3.3 obligation to provide special instruction and services to a student with a disability and qualify
 3.4 for funding in accordance with Minnesota Statutes, chapter 125A.

3.5 Subd. 3. **Tuancy.** A school district must consider how a student's disability may affect
 3.6 the student's ability to engage in distance instruction when determining whether to refer a
 3.7 student for truancy programs and services under Minnesota Statutes, section 260A.02,
 3.8 subdivision 3, or reporting students for educational neglect under Laws 2020, First Special
 3.9 Session chapter 2, article 7.

3.10 Subd. 4. **Transition program.** A school district must allow a student participating in a
 3.11 special education secondary transition program for a student with a disability and age 18
 3.12 through 21, who was expected to participate in employment, in-person job training, or
 3.13 independent life skills training during the 2020-2021 school year in accordance with the
 3.14 student's individualized education program, to participate during the 2021-2022 school year
 3.15 notwithstanding the student's age.

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

3.17 Sec. 5. **APPROPRIATION; EDUCATION.**

3.18 Subdivision 1. **Department of Education.** The sums indicated in this section are
 3.19 appropriated from the general fund to the Department of Education in the fiscal year
 3.20 designated.

3.21 Subd. 2. **Full-service community schools.** (a) For expedited grants for full-service
 3.22 community schools:

3.23 \$ 2,000,000 2021

3.24 (b) The commissioner may award full-service community school grants to school sites
 3.25 in the form and manner determined by the commissioner. The commissioner must consider
 3.26 the effect of the COVID-19 pandemic on the community served by the school site, including
 3.27 racial and ethnic disparities exacerbated by the pandemic, when awarding grants to school
 3.28 sites. The commissioner may establish a minimum grant amount. To the extent practicable,
 3.29 grants must be consistent with Minnesota Statutes, section 124D.231.

3.30 (c) A school site that receives a grant must plan to implement a full-service community
 3.31 school model at that school site during the 2021-2022 school year with a focus on eliminating
 3.32 existing disparities including those potentially exacerbated by the impact of COVID-19.

4.1 (d) Up to \$50,000 is for administration of this program.

4.2 (e) This appropriation is available until August 30, 2021.

4.3 Subd. 3. **Trauma-informed school incentive grants.** (a) For grants to fund
4.4 trauma-informed and systematic professional development for all staff who work with
4.5 students, including all principals and administrators, to support students with adverse
4.6 childhood experiences, and to promote restorative practices and nonexclusionary discipline
4.7 in schools:

4.8 \$ 6,000,000 2021

4.9 (b) An eligible site may receive a grant equal to \$40 times the number of pupils enrolled
4.10 at the site on October 1 of the previous fiscal year.

4.11 (c) The commissioner shall select schools to receive grants. A school district may apply
4.12 for a grant in the form and manner specified by the commissioner. The commissioner must
4.13 prioritize grants to schools within districts with large discipline disparities identified by the
4.14 Department of Human Rights.

4.15 (d) Trauma-informed support program plans and allocation of grant funds must be
4.16 negotiated by a school district and an exclusive representative of the teachers. Plans to
4.17 implement trauma-informed support programs must include strategies to address traumatic
4.18 stress students experienced as a result of the COVID-19 pandemic, including stress related
4.19 to interrupted instruction, and to mitigate learning loss. Plans may include:

4.20 (1) training in trauma-responsive practices;

4.21 (2) training about adverse childhood experiences;

4.22 (3) extra professional development days; or

4.23 (4) other outreach to students or families who have experienced trauma or adverse
4.24 childhood experiences.

4.25 (e) A school district and an exclusive representative of the teachers must jointly assess
4.26 the outcomes of the program supported by the grant. The assessment must include data on
4.27 suspensions and expulsions, attendance, and academic achievement and growth. A report
4.28 describing the assessment must be submitted to the commissioner according to the timeline
4.29 established by the commissioner.

4.30 (f) Up to \$50,000 is for administration of this program.

4.31 (g) This appropriation is available until June 30, 2022.

5.1 Subd. 4. **Math corps.** (a) For Minnesota math corps under Minnesota Statutes, section
 5.2 124D.42, subdivision 9:

5.3 § 3,000,000 2021

5.4 (b) This grant must be used to provide services to students in any grade to reduce math
 5.5 deficiencies related to the effects of the COVID-19 pandemic.

5.6 (c) This grant is in addition to any other revenue received for this purpose.

5.7 (d) This appropriation is available until June 30, 2022.

5.8 Subd. 5. **Reading corps.** (a) For Minnesota reading corps:

5.9 § 2,000,000 2021

5.10 (b) This grant must be used to provide childhood literacy services consistent with Laws
 5.11 2019, First Special Session chapter 11, article 2, section 33, subdivision 8.

5.12 (c) This grant is to provide services to students to reduce reading deficiencies related to
 5.13 the effects of the COVID-19 pandemic and is in addition to any other revenue received for
 5.14 this purpose.

5.15 (d) This appropriation is available until June 30, 2022.

5.16 Subd. 6. **Onetime school board-determined extended time programming.** (a) For
 5.17 extended time activities authorized in section 3:

5.18 § 2021

5.19 (b) This appropriation is available until June 30, 2022.

5.20 Subd. 7. **After-school community learning programs.** (a) For a grant to Ignite
 5.21 Afterschool for community learning programs:

5.22 § 5,000,000 2021

5.23 (b) Grant funds must be used to provide academic and enrichment activities in the
 5.24 2020-2021 school year and the summer of 2021 to elementary and secondary school students
 5.25 who experienced learning loss during the 2020-2021 school year. Programs receiving funds
 5.26 must provide student supports through social and emotional learning.

5.27 (c) Ignite Afterschool must use half of the grant funds to expand existing after-school
 5.28 and summer programs, and half of the grant funds to develop new partnerships with
 5.29 organizations. To the extent practicable, Ignite Afterschool must ensure that half of the
 5.30 grant funds are used for programs in the seven-county metropolitan area and half of the
 5.31 grant funds are used for programs outside the seven-county metropolitan area.

6.1 (d) Ignite Afterschool must prioritize funding for programs that:

6.2 (1) provide all-day programming;

6.3 (2) include significant percentages of students with disabilities or students of color within
6.4 the groups of students served;

6.5 (3) provide culturally specific support to students; or

6.6 (4) have staff members who reflect the racial and ethnic diversity of the students served.

6.7 (e) This appropriation is available until June 30, 2022.

6.8 Subd. 8. **Summer program grants.** (a) For grants to school districts to provide instruction
6.9 and support to students with disabilities in the summer of 2021:

6.10 § 2021

6.11 (b) A district must offer programming to students with disabilities regardless of whether
6.12 a student's individualized education program requires the district to provide instruction and
6.13 support to the student during the summer. Grant funds may be used to pay for teacher and
6.14 staff wages, instructional materials, and personal protective equipment for district staff.

6.15 (c) This appropriation is available until August 30, 2021.

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

6.17 **ARTICLE 2**

6.18 **FEDERAL FUNDS**

6.19 Section 1. **FEDERAL FUNDS REPLACEMENT; APPROPRIATION.**

6.20 Subdivision 1. **Suspension of statutory appropriation.** The appropriation in Minnesota
6.21 Statutes, section 4.07, subdivision 3, does not apply to the portion of any federal funds for
6.22 COVID-19 received by the state of Minnesota between the effective date of this act and
6.23 June 30, 2023, for which an education aid or grant in this act is an eligible expenditure.
6.24 Federal funding for which this section applies shall not be used for any other purpose.

6.25 Subd. 2. **Aid reduction.** Notwithstanding any law to the contrary, if the state of Minnesota
6.26 receives federal funds for COVID-19 between the effective date of this act and June 30,
6.27 2023, that qualify as an eligible expenditure under subdivision 1, the commissioner must
6.28 reduce the state aid for that program or grant for fiscal years 2021 and 2022 according to
6.29 this subdivision. The total aids and grants must be reduced by an amount up to, but not
6.30 greater than, the amount of revenue certified under this act. The aid reduction must be
6.31 allocated among school districts and charter schools in proportion to the amounts certified

7.1 by the commissioner under this act for the school district, charter school, or grantee. If
7.2 federal funds available for appropriation under this section are not sufficient to replace the
7.3 entire amount certified under this act, the commissioner must reduce the aid and grant
7.4 amounts for fiscal years 2021 and 2022 only by the amount of the federal funds available
7.5 for appropriation.

7.6 Subd. 3. **Appropriation.** The commissioner must offset the state aid reductions for each
7.7 school district and charter school under subdivision 2 with an equal amount of federal aid.
7.8 An amount equal to each reduction under subdivision 2 is appropriated from the federal
7.9 fund for the original purposes of providing replacement aid to school districts and charter
7.10 schools. Any appropriation of federal funds under this subdivision is a onetime appropriation.

7.11 Subd. 4. **Expiration.** This section does not apply to federal funds after the general fund
7.12 appropriations in this act have been reduced and federal funds have been appropriated for
7.13 the same purpose.

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