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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 562

01/19/2023 Authored by Edelson, Frazier, Clardy, Pérez-Vega, Keeler and others
02/09/2023 The bill was read for the first time and referred to the Committee on Education Finance
By motion, recalled and re-referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education finance; creating due process special education aid for school
1.3 districts; appropriating money; amending Minnesota Statutes 2022, section
1.4 122A.50.

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

1.6 Section 1. Minnesota Statutes 2022, section 122A.50, is amended to read:

1.7 122A.50 PREPARATION TIME.

1.8 Subdivision 1. Preparation time. Beginning with agreements effective July 1, 1995,
1.9 and thereafter, all collective bargaining agreements for teachers provided for under chapter
1.10 179A, must include provisions for preparation time or a provision indicating that the parties
1.11 to the agreement chose not to include preparation time in the contract.

1.12 If the parties cannot agree on preparation time the following provision shall apply and
1.13 be incorporated as part of the agreement: "Within the student day for every 25 minutes of
1.14 classroom instructional time, a minimum of five additional minutes of preparation time
1.15 shall be provided to each licensed teacher. Preparation time shall be provided in one or two
1.16 uninterrupted blocks during the student day. Exceptions to this may be made by mutual
1.17 agreement between the district and the exclusive representative of the teachers."

1.18 Subd. 2. Due process forms and procedure time. (a) Beginning with the 2023-2024
1.19 school year, a school district must use the revenue under this subdivision to provide time
1.20 for teachers to complete due process forms and procedures in accordance with the plan
1.21 developed under paragraph (c). This time is in addition to the preparation time under
1.22 subdivision 1. For purposes of this subdivision, "school district" includes a charter school
1.23 where teachers have an exclusive representative for purposes of collective bargaining.

2.1 (b) For fiscal year 2024, the due process revenue for a school district is equal to \$116
 2.2 times the adjusted pupil units for the current fiscal year. For fiscal year 2024, the due process
 2.3 revenue for a school district that is a member of an intermediate school district or other
 2.4 cooperative unit that enrolls students is equal to \$33 times the adjusted pupil units for the
 2.5 current fiscal year. For fiscal year 2025 and later, the due process revenue for a school
 2.6 district equals \$65 times the adjusted pupil units for the current fiscal year. For fiscal year
 2.7 2025 and later, the due process revenue for a school district that is a member of an
 2.8 intermediate school district or other cooperative unit that enrolls students equals \$13 times
 2.9 the adjusted pupil units for the current fiscal year. If a district is a member of more than one
 2.10 cooperative unit that enrolls students, the revenue must be allocated among the cooperative
 2.11 units.

2.12 (c) A district must meet and negotiate an agreement with the exclusive representative
 2.13 of teachers in the district containing a plan to use the revenue authorized under this
 2.14 subdivision. The plan must provide teachers that provide direct services to students with
 2.15 individualized education programs or individualized family services plans time to complete
 2.16 due process forms and procedures. Examples of allowed uses for the revenue include:

2.17 (1) 175 hours of paid time for each teacher providing direct special education services,
 2.18 with the time paid at a rate proportional to the teacher's annual salary, in addition to the
 2.19 wages provided under applicable collective bargaining agreements and memoranda between
 2.20 the school board and exclusive representative of teachers;

2.21 (2) the costs of necessary substitute teachers;

2.22 (3) innovative flexible learning days or weeks that provide teachers time during the
 2.23 regularly scheduled duty day to complete forms and procedures; and

2.24 (4) due process clerks or other staff dedicated to assisting teachers with due process
 2.25 forms and procedures.

2.26 (d) If the district and exclusive representative cannot reach agreement on a plan to use
 2.27 the revenue, the agreement must require the revenue to be used for the use identified in
 2.28 paragraph (c), clause (1). The parties may agree to reduce the number of paid hours if they
 2.29 agree on another use for the revenue, including another use identified in paragraph (c).

2.30 **Sec. 2. APPROPRIATIONS; SPECIAL EDUCATION DUE PROCESS AID.**

2.31 Subdivision 1. **Department of Education.** The sums indicated in this section are
 2.32 appropriated from the general fund to the Department of Education in the fiscal years
 2.33 designated.

3.1 Subd. 2. **Due process aid.** For special education teacher due process aid under Minnesota
 3.2 Statutes, section 122A.50, not otherwise reimbursed as special education aid:

3.3 \$ 2024

3.4 \$ 2025