

# Minnesota

# Distance Teaching and Learning Implementation Guidance



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[education.mn.gov](http://education.mn.gov)

## Letter from Education Commissioner Mary Cathryn Ricker

Dear Minnesota School Communities,

Our first priority will always be the safety and well-being of our students. That is why Governor Walz and I, in consultation with Commissioner Malcolm and the Minnesota Department of Health, have announced that the Distance Learning Period will extend for the rest of the 2019-20 school year. As previously planned, student instruction will not be held on May 1 and May 4. These days will remain as planning days to prepare for the remainder of the school calendar year in a distance learning environment. School-age care for children of critical workers will still operate on those days, unless these were previously-scheduled non-school days.

We recognize that this news might be difficult to hear for our school communities. Families are struggling with distancing learning at home. And many were hoping to return to our typical spring-time celebrations that are typically filled with plays, concerts, graduation, and other ceremonies to recognize the hard work that students have put in all year. While things look different this year, we here at MDE are still as committed as ever to support our students and their families in their child's education, and helping schools think of creative ways to still honor the hard-earned accomplishments of their students.

While educators across our state are going above and beyond to still reach and teach their students, we know that school closures put burdens on children and families and disproportionately impact communities of color, as well as indigenous, immigrant, low-income families and communities, and students with disabilities and their families. We can and must do more to ensure that every child is receiving the education they deserve. Even during these times. Even when it seems impossible.

Throughout the distance learning period, my colleagues and I at MDE have continually assessed the efficacy of the programming and services and issued additional guidance when necessary. As we move into this extended distance learning period, we will announce the work that we are doing to help bridge the digital divide and address the opportunity gap so each and every one of our students can still receive the best education possible.

We want you to know that we did not make this decision to extend the distance learning period lightly. Ultimately, we know we must put the health of our students first.

We are all in this together. And as One Minnesota, we will get through this.

Thank you for your partnership and leadership during this unprecedented time.

Together,



Mary Cathryn Ricker, NBCT  
Commissioner of Education

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## Vision

Minnesota is the best state in the country for children to grow up in – those of all races, ethnicities, religions, economic statuses, gender identities, sexual orientations, (dis)abilities, and zip codes.

## Guiding Principles

- *Practice servant leadership*
- *Treat everyone with respect and dignity*
- *Do the right thing, especially when it is difficult*
- *Ask how your actions are reinforcing or removing structural inequity*
- *Promote the common good over narrow special interests*
- *Be accessible, transparent, and accountable*
- *Include voices from communities who will be most impacted*

## Priorities

Minnesota does best when state agencies and community partners collaborate to achieve common goals. We will solve problems in education, health care, environment and energy, housing, jobs, transportation, and so much more by focusing on these key priorities:

- *Children and Families*
- *Equity and Inclusion*
- *Thriving Communities*
- *Fiscal Accountability and Measurable Results*
- *Minnesota's Environment*

## Purpose

Ensure that every student in the state of Minnesota receives an equitable education and has equal access to learning and instruction during the COVID-19 pandemic.

## Equitable Distance Teaching and Learning

Governor Walz's [Executive Order 20-41](#) declares that public school districts and charter schools will continue to implement distance learning plans through the end of each school district and charter school's respective 2019-20 school calendar year. For all school districts and charter schools that operate on an approved flexible learning year calendar, the distance learning period is extended until June 30, 2020. All school districts and charter schools will still hold the previously planned staff planning days on May 1 and May 4, and student instruction will not be conducted on those days. Note that Governor Walz's Stay At Home order is still in effect on May 1. School districts and charters schools should make all attempts to accommodate their employees in working remotely during this planning period.

The expectation is that school districts and charter schools will provide distance learning, school-age care for children of critical workers, and meals for students through the remainder of their previously-approved school calendar year. In other words, the original school calendar for the 2019-20 school year should be honored.

Minnesota defines distance learning as, “Students engaging in distance learning have access to appropriate educational materials and receive daily interaction with their licensed teacher(s).” It is important to note that distance learning does not always mean e-learning or online learning. It is critical to provide this learning in a format that can be equitably accessed by all students. MDE, along with representatives from school districts, has developed a [resource to guide conversations about ensuring equity in distance learning](#).

We have developed resources on our [COVID-19 Updates web page](#) to help throughout the planning and implementation of the distance learning period. Within that web page, you can also find [content area-specific information](#). As we make every effort to support the work that districts and charter schools are doing to deliver an equitable distance learning model, we will continually update the MDE website with resources and guidance that keeps equity at the center of all of our work.

During the distance learning period outlined in the governor’s executive order, it is important to follow all [MDH COVID-19 guidelines](#). This includes not asking staff to report to work based on higher-risk status or other conditions.

### **Distance Learning Plan Updates**

All Minnesota school districts and charter schools were instructed to post their distance learning plans on their websites before distance learning began on March 30, 2020. [Executive Order 20-41](#) outlines additional engagement efforts districts must add to their plans, which need to be updated on each school district or charter school’s website—and shared with students and families in their school communities—by May 5, 2020. These efforts must include, but not be limited to, addressing communication pathways with student families, community input on student and family needs, and other outreach opportunities.

This is in addition to information about core instruction, supports for all student groups, nutrition, school-age care, technology needs and effectively and equitably delivering educational models to students in a distance learning setting.

### **Distance Learning Support and Trainings for Educators**

Schools are community hubs for children and families. School closures put burdens on children and families and disproportionately impact communities of color, as well as indigenous, immigrant, low-income families and communities, and students with disabilities and their families. Throughout the distance learning period, MDE has continually assessed the efficacy of the programming and services, issued additional guidance when necessary, and determined a need for additional supports for our most underserved students and families as well as students whose education may require limited on-site services. To learn more about the areas of focus for these supports and trainings, visit the [MDE COVID-19 Updates web page](#).

### **Creating Equitable Grading Systems during Distance Learning**

MDE has partnered with P20 Educational Partnership to develop [guidance to help decision-makers](#) approach the creation of new assessment and grading systems with an equity mindset. The guidance can be found on the [Student Instruction COVID-19 Resources](#) web page.

## School Calendar Changes

Generally, districts and charter boards have authority to change their calendar. However, the commissioner strongly encourages school boards to honor their original school calendars for the following reasons:

- Executive Order 20-41 directs schools to continue distance learning through the end of the school year. Shortening the school year is not in the spirit of the order.
- Instruction and education matters. Ending the school year early sends the message to the public that the additional instructional days in your calendar were not needed or important.
- Students and families will miss out on vital care and nutrition that they may not have the ability to replace on short notice.
- We also know that students of color, indigenous students, students in poverty, and students with disabilities are being disproportionately impacted by the distance learning model. Depriving students of the full calendar of instruction that was scheduled will only further harm these students.

## Continued Access to Technology

To the extent possible, the commissioner strongly encourages districts and charter schools to allow students who have access to district-provided technology (i.e. 1:1 devices and wireless hotspots) during distance learning to continue to have access to that technology during the summer months. As you know, during the stay-at-home order, students are missing out on important social and academic in-person interactions. The technology you have provided has helped students stay connected to their schools, friends, family and the community. In many cases, these devices are the only device in the household available for the family to have access to the internet. That means access to instructional materials, but also access to online information and applications for benefits, social connections, and COVID-19 related news and alerts.

We understand your ability to provide technology over the summer may be limited by budget constraints or vendor contracts. However, we encourage you to explore the [funding flexibilities](#) in Executive Order 20-41, grants and donations from private technology providers, and possible flexibilities with vendor contracts to come up with strategies to keep this important technology in the hands of students over the summer. If you have any questions, please reach out to [COVID-19.Questions.MDE@state.mn.us](mailto:COVID-19.Questions.MDE@state.mn.us).

## Supporting and Engaging with Students and Families

[Executive Order 20-41](#) directs school districts and charter schools to support communities disproportionately impacted by distance learning. This includes, but is not limited to, historically marginalized families and families experiencing homelessness. During distance learning, schools are expected to provide students with instructional resources needed for distance learning and access to meals. MDE will continue to provide additional guidance to school districts and charter schools on this.

## Family Engagement Toolkit

Just as each school community is complex and unique, there is no single roadmap to guarantee success in engaging families while navigating through challenging times. Building relationships and trust through regular ongoing communications and meaningful interactions with families is critical to creating effective partnerships.

MDE has developed a Family Engagement Toolkit specific to distance learning, which includes resources on [communicating and engaging with families](#), successfully [connecting with students](#) and more. The toolkit can be found on the [Supporting Students and Families COVID-19 Resources](#) web page. We will continue to update this web page as we develop more resources and trainings to help school districts and charter schools partner and engage with students and families during the COVID-19 pandemic.

## **Resources for Families**

The Minnesota Children’s Cabinet has compiled a list of [resources for families during COVID-19](#). This resource list includes helpful information on mental health, special health needs, health care, economic assistance, child care, food assistance, housing and more. MDE has also developed a [Family Activity Guide](#) for families with young children.

For questions or concerns about distance learning, school districts and charter school should provide easily accessible information on who to reach out to for assistance. Families can also contact the Minnesota Department of Education at [COVID-19.Questions.MDE@state.mn.us](mailto:COVID-19.Questions.MDE@state.mn.us).

## **Academic Engagement and Attendance**

MDE has developed a [Distance Learning MTSS Framework](#) document, which outlines strategies to identify how academic engagement and attendance in a distance learning model fits into your current MTSS/RtI model. This guidance is found on the Supporting Students and Families COVID-19 Resources web page.

## **Home Visits**

A school district or charter school may allow school staff to visit a student’s home to build and preserve relationships with the student and their families. Under no circumstances should school staff enter the student’s home or place of residence. The visit may occur outside of the student’s home or at another suitable outdoor location, such as a park or taking a walk. Limit visits to no longer than 45 minutes. Students, staff, and families shall follow MDH and CDC Public Health Guidelines, including social distancing at least six feet of separation at all times. All students, families, and staff should wear appropriate face masks at all times. If school staff are handing off instructional materials or other items, staff should follow the same procedure used in school to hand off materials or receive materials from the student and family.

Nothing in this guidance should be construed to encourage or require school staff, students, or families in at-risk categories to act inconsistently with public health recommendations or the advice of their doctors.

## **Funding**

### **Funding Flexibilities – Transferring Existing Operating Funds**

[Executive Order 20-41](#) expands the uses of the fund balance transfer and revenue use flexibility that was authorized by Executive Order 20-19. School districts and charter schools are authorized to transfer operating funds from certain programs that are not already assigned to or encumbered by staff salary and benefits, or otherwise encumbered by federal law, for the following purposes:

- To provide care to [children of critical workers](#) during the school day.
- To pay additional transportation costs incurred between March 30, 2020 and the end of the 2019-20 school year, needed to implement [Executive Order 20-41](#) in providing distance learning instruction and meal delivery.
- To pay for additional costs related to technology needed to provide distance learning instruction.
- To pay the portion of staff salary and benefits of employees paid through the community service fund normally funded by fees that were refunded, waived, or otherwise not paid during the closure, distance learning, and extended distance learning periods.
- To pay the portion of food service fund staff salary and benefits normally funded by meal reimbursement revenue during the closure, distance learning, and extended distance learning periods.

A fund transfer is allowed if the transfer does not increase state aid obligations to the district or charter school, or result in additional property tax authority for the district. A transfer is limited to the operating funds of a district or charter school. A school board must approve the fund transfer by the fiscal year reporting deadline. A district or charter school must maintain accounting records for the purpose of the executive order which may be reviewed by auditors. Any execution of flexibility must not interfere with or jeopardize funding per federal requirements. Any transfer shall not interfere with the equitable delivery of distance learning or social distancing models.

Districts and schools may also set aside FY 2020 revenue from identified programs that is not already assigned to or encumbered by staff salary and benefits, or for other program needs. This is allowed only if it does not increase state aid obligations to the district or charter school, or result in additional property tax authority for the district than what would be received under the statutory uses of the revenue in FY 2020. The commissioner of education has determined in earlier guidance which revenue programs may be used for these purposes.

MDE has updated the [guidance](#) and [request form for fund transfers](#) related to these flexibilities.

### **Attendance/ADM/MARSS**

Districts and charter schools will take attendance during the distance learning period as laid out in their individual distance learning plans and report student attendance and membership in MARSS accordingly. This also applies to students in seat-based classes in state-approved area learning centers (ALCs) or contract alternative learning programs. In determining whether or not a student's absence is marked excused, take into consideration any issues a student has with accessing technology and having access to an internet device. In addition, districts and charter schools should prioritize making contact with families whose student(s) have not yet participated in distance learning. See the Family Engagement Toolkit resources on the [Supporting Students and Families COVID-19 Resources](#) page of the MDE website. Partner with your county prior to reporting a student truant during the distance learning period.

Schools may count the May 1 and May 4 staff prep days as instructional days. Students who are enrolled on April 30 may be counted in attendance and membership on May 1 and May 4.

Students who have been absent for 15 consecutive instructional days must be withdrawn per school finance statutes. This does not absolve the school from continuing to engage the student in distance learning. However, in the case of an epidemic, the commissioner has authority to waive these withdrawals for students who are unable to participate in distance learning. Refer to the [Excessive Absences: Application for Individual Student](#).



Students who are absent from school by parent's choice and are not participating in distance learning must be withdrawn after 15 consecutive days' absence or upon enrollment elsewhere, whichever occurs first. The application does not apply to these students. It is the district or charter school's choice whether to consider these excused or unexcused absences.

Find more information about [MARSS reporting during distance learning](#) on the MDE website.

## **Special Education**

[Executive Order 20-41](#) would allow school districts and charter schools to continue reporting all state funded special education staff and contracted costs, including special education transportation costs, using the same UFARS funding string they would have otherwise been reported in, regardless of work performed during distance learning planning or the distance learning program. An example would be that a special education paraprofessional who, during distance learning planning or the distance learning program, is assigned to assist with cleaning, general education services, meal prep and/or delivery or is unable to work, will continue to be charged to state special education and eligible for state special education aid.

School districts and charter schools should continue to pay contractors scheduled to provide special education services, including transportation, during this time even though services are not being provided or have been changed to address the emergency, as long as the contractor says they will pay their workers. Schools could base payments on weekly average invoices that they have incurred during this year or on the contract rates for the services that were to be provided on scheduled school days. The intent of the executive order is that no person involved in providing education or transportation to Minnesota students with IEPs is harmed during distance learning planning or the distance learning program.

## **Funding School-Age Care for Children of Critical Workers**

For the purposes of providing school-age care for children of critical workers during the school day, and for any additional transportation costs for implementing distance learning, districts and charter schools are allowed greater flexibility in the use of existing state aids and local property tax levy funds. See section above on [Funding Flexibilities](#).

## **Transportation**

The expectation is that school districts and charter schools maintain collaboration and contracts with bus transportation providers. These professionals are instrumental in supporting the efforts of distance learning specifically for delivering educational materials and meals for our students throughout the community. Additionally, transportation should be provided to students in the school-age care for children of critical workers program, just as they would receive this transportation on a normal school day. If transportation for before- and after-school care would normally have been provided, that transportation should also continue.

[Executive Order 20-41](#) provides additional funding flexibilities for transportation costs. See the section above on [Funding Flexibilities](#).

## Nutrition

Non-food service staff who are doing food service work during the distance learning period can be charged to the food service fund, unless they are staff funded with state special education funds, in which case they should continue to be charged to state special education funds. Food service funds cannot be transferred to other funds for non-food service work.

[Executive Order 20-41](#) also states that any remaining funds in the state school lunch, school breakfast, and kindergarten milk appropriations be redistributed to school food authorities based on the number of meals they served during the closure, distance learning, and extended distance learning periods. MDE will calculate and communicate the amounts to be distributed by June 30, 2020.

This executive order provides additional funding flexibilities for nutrition programs. See the section above on [Funding Flexibilities](#).

For more information about nutrition funding, visit the [Food and Nutrition COVID-19 Resources](#) web page.

## Literacy Aid

Due to the disruption in statewide assessments, the calculation of Literacy Incentive Aid will be modified for FY 2021. Under Minnesota Statutes 124D.98, aid is calculated using test results averaged from the previous three test administrations. Normally that would mean the tests administered in 2018, 2019 and 2020. As testing results will not be available for 2020, FY 2021 Literacy Incentive Aid will be calculated on 2017, 2018 and 2019, the same years of testing results as used for FY 2020, but with updated October 1 enrollment counts. Literacy Incentive Aid will have no disruption in calculation or payment in the upcoming Fiscal Year provided that the district has submitted to the commissioner its local literacy plan under section Minnesota Statutes 120B.12, subdivision 4a.

## Federal Funding

### ***Federal Title Programs – Flexibilities for Existing Funding***

U.S. Secretary of Education [Betsy DeVos announced](#) the availability of waivers to certain fiscal and programmatic requirements of some grant programs within the Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA). On April 8, 2020, Minnesota applied for this waiver, in order to support districts and charter schools in our response to the ongoing national emergency. This will help provide relief from some federal fiscal and programmatic requirements in existing grant programs for this federal fiscal year. Minnesota received approval of our waiver application on April 9, 2020. [View Minnesota's waiver](#).

Through these waivers, states will be able to:

- Approve a district or charter school to carry more than 15 percent of its Title I, Part A funds into next year, even if such a waiver has been granted in the previous three years.
- Extend the period of availability of FY 2018 funds for programs included in the state's consolidated ESSA State Plan to allow additional time to use those funds.

- Permit a district, charter school, or consortium of districts to use Title IV, Part A funds to meet needs without regard to content-area spending requirements, spending limits on technology infrastructure, or completing a needs assessment.
- Allow districts and schools to use professional development funds to conduct time-sensitive, one-time or stand-alone training focused on supporting educators in providing effective distance learning.

[Guidance for districts and charter schools on these waivers](#) is available on the [MDE COVID-19 Updates](#) web page, and we will continue to update the guidance as we learn more.

### ***Other Federal Funding Streams***

MDE has issued [guidance on the use of federal funding streams](#), aside from those under the Federal Title Program fiscal waiver.

## **Use of School Facilities**

As stated in the Governor’s [Executive Order 20-20](#), educators and other workers supporting public and private pre-K-12 schools are allowed to go to the school building to perform critical work that cannot be performed via telework. To the extent that it is necessary for teachers and staff to be physically present in schools, school districts and schools must provide conditions for staff in compliance with a social distancing model that complies with MDH guidelines.

[Executive Order 20-41](#) authorizes the Commissioner of Education, in consultation with the Commissioner of Health, to expand in-school provisions of additional activities and programming the commissioner deems necessary and that can be operationalized in compliance with public health guidelines.

At this time, a public health determination has been made to allow for two specific uses under this provision. In both areas listed below, graduating students should be prioritized.

### ***To be clear, these are the only uses that are permitted:***

- **In-person assessments related to bilingual and multilingual seals** that cannot be proctored at home.
- **Hands-on course completion requirements** that cannot be completed at home, such as lab-based summative assignments, capstone evaluations and assessments, prioritizing those leading to industry credentials in health care and child care/early learning.
- **In-person assessments for Graduate Educational Development (GED) testing at certified GED Testing Centers located in school or district buildings** that cannot be proctored at home.

The Minnesota Department of Health (MDH) has developed [guidelines to protect the health and safety of both students and staff](#) when in-person services are provided. It is important to note that if a school district or charter school chooses to use school buildings for the purposes listed above, they must be able to ensure these public health guidelines can be adhered to at all times.

Many school districts and charter schools have already determined workarounds to be able to meet these needs in a distance learning environment. In these cases, you would not need to use school buildings, as these provisions are intended for students when the work cannot be done outside of a school building.

The commissioner and others at MDE will continue to have discussions with the experts at MDH about the use of school buildings, and if it can be safely expanded to include additional specific purposes. This guidance will be updated as those public health determinations are made.

## School-age Care for Children of Critical Workers

All staff providing school-age care for children of critical workers will report to the school building.

- School districts and charter schools must provide care to, at a minimum, district- and charter-enrolled students age 12 and under who are children of critical workers in Tier I of the [state critical worker list](#). This care for children of Tier I workers must be provided at no cost to the families.
- Districts and schools should carefully consider their local community needs related to care for children of workers beyond the Tier I areas. Based on community workforce needs and local staffing and space considerations, school districts are strongly encouraged to provide care for the children of workers in Tier II of the [state critical worker list](#). This care for children of Tier II critical workers must also be provided at no cost to families.
- Community education programs, such as before- and after-school age care and including DHS certified and licensed childcare programs, **may** choose to provide care to the children of any critical worker included under Executive Order 20-20. These programs are strongly encouraged to provide the care if space and staffing allows. These programs may charge a fee if they were previously a fee-based program.
- School districts, charter schools and Community Education programs (if relevant) must provide transportation to and from the school-age care program as they normally would to and from school.
- School districts, charter schools and Community Education programs will handle the verification of students, which may include securing a letter from the employer or showing an employment badge.
- School districts and charters are also encouraged to provide extended care – before and after school hours – to students of Tier I critical workers. If schools were previously providing this before- and after-school care service for a fee, they may continue to charge that fee.
- At the discretion of the school district or charter school, School Readiness programs serving 3- and 4-year-olds may continue to serve children of any critical worker included in the [state list](#) on-site, and charge fees per statute 124D.15 Subd. 12. For other information about School Readiness and other early learning programs as part of distance learning, please see the [School Closure Guidance for Minnesota Public Schools Districts and Charter Schools](#).

See the [full list of critical workers](#) whose children qualify for this care.

The school-age care for children of critical workers is intended for extreme circumstances in which no parent or guardian is available to care for a child, due to employment as a critical worker.

To support this critical effort, work with your education staff and community partners, including your unions, as valuable partners with expertise in planning and communicating this collective work. For additional information about childcare during the COVID-19 pandemic, visit [mn.gov/childcare](http://mn.gov/childcare).

## Health Guidance for School-age Care Programs

It is important to ensure that when care is provided to children of critical workers, all Minnesota Department of Health and Centers for Disease Control and Prevention guidelines are followed. The CDC has developed helpful [guidance for child care programs that remain open](#). In this guidance, you will find updated information on health screening methods in school-age care settings.

MDH has created [recommendations for mask-wearing](#) while caring for young children.

## Staffing

Because districts and charters will be receiving full funding for providing distance learning, it is expected that all staff, including non-salaried, hourly staff, will earn full pay and benefits as planned in the school budget and bargaining agreements.

As stated in [Executive Order 20-19](#) and [Executive Order 20-41](#), consistent with applicable labor agreements, districts must utilize available staff (including classroom teachers, paraprofessionals, administrators, school support staff, nutrition staff, bus drivers and bus driver contracts) who are able to work during the distance learning period. Districts and schools must make all attempts to provide work to employees that support the day-to-day operations of the schools and district. School districts and charter schools must, per applicable labor agreements, allow for telework to the extent possible.

To the extent that it is necessary for teachers and staff to be physically present in schools, school districts and schools must provide conditions for staff in compliance with a social distancing model that complies with [Minnesota Department of Health \(MDH\) guidelines](#). Employers are expected to publicly post their safety and health procedures, detailing how they are following MDH guidance to ensure that they have provided a safe and healthy work place. This includes ensuring the appropriate number of students and staff are in spaces that allow for recommended social distancing. Districts and schools should ensure safe and thorough cleaning protocols are in place and consider providing training for staff on health, safety and cleaning protocols.

It is the duty of the employer to provide a safe and healthy work place for their employees. That is why it is imperative that school districts and charter schools follow the public health guidance from the MDH.

School districts and charter schools are expected to provide reasonable accommodations to employees in high risk categories, and nothing in this guidance should be construed to encourage or require Minnesotans in at-risk categories to take action inconsistent with public health recommendations or the advice of their doctors. If a worker cannot perform duties as assigned due to high risk medical status as defined by MDH, workers can request a reassignment, or take medical leave as previously defined by each workplace and applicable labor agreement.

More information can be found on the Minnesota Department of Labor and Industry's website: <https://www.dli.mn.gov/>

## Options for additional staffing

If you are experiencing staff shortages and are currently using all available staff:

- Partner with local healthcare organizations to see if they can offer school-age care for their employees
- Partner with neighboring districts
- Visit [mn.gov/childcare](https://mn.gov/childcare) to identify child care providers, including a [map](#) of available providers.
- Reach out to MDE for connection to the Children’s Cabinet or other partners and emergency operations problem-solving

For funding options, see [Funding School-Age Care for Children of Critical Workers](#) above.

## Fee-based Program Staffing

[Executive Order 20-41](#) allows school districts and charter schools flexibilities with using certain existing operating funds to help pay for staff in fee-based programs. For more information, see the [Funding Flexibilities - Transferring Existing Operating Funds](#) section of this document.

School districts and charter schools are not precluded from making budget-based layoffs of staff and administrators for programs where dedicated funding streams don’t exist, in accordance with applicable local labor agreements. Districts and charter schools should consult their attorneys for questions about compliance with employment contracts and with questions about unemployment compensation.

## Additional staffing guidance for nutrition workers

During this unprecedented time, it is critical that districts and charter schools have robust coordination and outreach plans in place to maximize meals served and reimbursements.

For example, open sites or closed enrolled sites with meal pickup operating the Summer Food Service Program can serve meals to all students and be reimbursed with federal funds, regardless of their household income level. In order to maximize meal claims and reimbursements, these districts and charter schools should be advertising meal availability to all families, even those who normally are on “paid” status. For those districts or charter schools operating closed sites with meal delivery, we encourage them to apply for the [Area Eligibility Waiver](#) to operate as an open site.

These flexibilities are important to provide every child with meals regardless of household income as well as stabilize nutrition programs in districts and charters that may be experiencing loss of fees.

## COVID-19 Testing

Child care providers and educators providing care for children of emergency workers who are symptomatic are on the state's priority list for COVID-19 testing. As equipment, collection supplies and lab capacity changes, health care providers may adjust which populations they test.

### **A note about student care staffing:**

The professionals staffing our schools across Minnesota to support the student care of school-age children of critical workers are making a significant contribution to our state's effort to care for Minnesotans everywhere. They are critical care workers themselves and their professional work in these circumstances is substantial, so substantial that Executive Order 20-19 says:

*24. Child care providers and school staff caring for Eligible Children should be placed on the state's priority list for COVID-19 testing. This priority list will not guarantee imminent testing as capacity in testing shifts due to nationwide testing capacity limitations.*

As school leaders staff student care programs with these important workers, such as building administrators, custodial staff, and student care professionals, it is important to know what the Executive orders say as well as what any applicable local collective bargaining agreements and local human resource practices say about compensation, benefits, and staffing.

Districts have shared with us some of their creative and supportive ideas for supporting these important workers, such as rotation schedules, negotiating additional compensation for the hourly direct care workers, and other ideas.

Additionally, Executive Order 20-19 offers flexibility for districts and charter schools to consider other funding streams to increase staffing to potentially hire community education professionals, substitute teachers, or contract with local child care centers in the community.

*21. Upon approval by the Executive Council, school districts and schools are authorized to transfer operating funds from certain programs that are not already assigned to or encumbered by staff salary and benefits, or otherwise encumbered by federal law, for the following purposes: a. To provide care to Eligible Children during the school day. b. To pay additional transportation costs incurred between March 30, 2020 and April 30, 2020 needed to implement this Executive Order in providing distance learning instruction. c. A fund transfer is allowed if the transfer does not increase state aid obligations to the district or result in additional property tax authority for the district. A transfer is limited to the operating funds of a district. A school board must approve a fund transfer by the fiscal year reporting deadline. A district or school must maintain accounting records for the purpose of this Executive Order that are sufficient to document both the specific funds transferred and use of those funds. Such accounting records are subject to auditor review. Any execution of this flexibility must not interfere with or jeopardize funding per federal requirements. Any transfer must not interfere with the equitable delivery of distance learning or social distancing models. The Commissioner of Education must provide guidance on the fund balance transfers that are allowable for the purposes outlined above. 22. Upon approval by the Executive Council, districts and schools may use fiscal year 2020 ("FY 2020") revenues from programs that are not already assigned to staff salary and benefits for the following purposes: to provide care to Eligible Children during the school day; and to pay additional transportation costs incurred between March 30, 2020 and April 30, 2020 needed to implement this Executive Order. The expanded revenue use in a program is allowed if it does not increase state aid obligations to the district and schools or result in additional property tax authority for the district other than what would be received under the statutory uses of the revenue in FY 2020. A school board must approve the use of FY 2020 revenue from operating funds of a district by the fiscal year reporting deadline. A district must maintain accounting records for the purpose of this Executive Order which may be reviewed by auditors and that are sufficient to document the specific use of those funds. The Commissioner of Education must*

*provide guidance on the state revenue programs that may be used for the purposes outlined in this Executive Order.*

School leaders are encouraged to reach out to the Minnesota Department of Education to work through any additional staffing questions they have.

## Nutrition

Districts must ensure meals are available to all students who need them in the way that works best for your community, such as grab-and-go or delivery or communicating directly to students and families the location of open sites.

MDE received a waiver from USDA which allows schools and community organizations to operate the Summer Food Service Program during unanticipated distance learning periods related to COVID-19.

For some important considerations regarding staffing nutrition programs, please see the section in this document on [additional staffing guidance for nutrition workers](#).

For further guidance on providing meals during distance learning, see the [Food and Nutrition COVID-19 Resources](#) web page.

## Assessments

### Statewide Assessments

Based on a March 20, 2020 [announcement by U.S. Department of Education Secretary Betsy DeVos](#) and Governor Walz's Executive Order 20-19, districts will no longer administer statewide assessments (ACCESS, Alternate ACCESS, MCA, and MTAS) for the remainder of the 2019-20 school year. For further clarification contact [mde.testing@state.mn.us](mailto:mde.testing@state.mn.us)

### AP and IB Testing

The organizations that administer these tests are continuing to make accommodations during the COVID-19 pandemic. For more information, visit these web pages:

- **AP:** [Updates for AP Students Affected by Coronavirus](#)
- **IB:** [COVID-19 Updates](#)

### **[ADDED 05/21/20]: ACT Testing**

We've been receiving questions regarding whether ACT testing will be permitted under the allowable uses of school facilities provision in [Executive Order 20-41](#). After consulting with the Commissioner of Health, Commissioner Ricker will not be permitting ACT testing as an allowable use of school facilities during the month of June and will re-evaluate the public health situation, as well as any additional ACT flexibilities and adjustments, for allowing ACT testing in school facilities for future test dates.



## Civics Test

[Executive Order 20-41](#) waives the requirement for school districts and charter schools to administer and for current senior high school students to complete the civics test questions pursuant to Minnesota Statutes 2019, section 120B.02, subdivision 3 for the 2019-20 school year.

## Assessments for Homeschool Students

The provision in Governor Walz's Executive Order 20-19 that waived state testing requirements for public school students does not waive state law that requires an annual nationally normed achievement test for most homeschool families and other nonpublic school students who attend unaccredited schools. In most situations, these tests, such as Stanford Achievement, are administered at home by the parent. However, if the family has previously agreed with the superintendent on a test that requires proctoring, the superintendent's office may renegotiate this with families to select an exam that is taken at home. In this case, school staff **would not** go into students' homes to provide proctoring.

In situations where a student was scheduled to voluntarily take the Minnesota Comprehensive Assessment and it was not administered due to the statewide assessment suspension in Executive Order 20-19, it is sufficient to report that.

For more information, contact Cindy Jackson at [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us) or 651-582-8572.

## Tribal Considerations

### Tribal Consultation under ESSA

All schools districts and charter schools that are required under the Every Student Succeeds Act (ESSA) to consult with Tribal Nations must also collaborate with the Tribal Nations Education Committee (TNEC) members regarding the formulation of their distance learning plans. This meaningful collaboration should include Indian Education staff and TNEC members in the preparation and implementation of distance learning in your districts or schools.

The pursuit of educational equity recognizes the historical and contemporary conditions and barriers that have prevented opportunity and success in learning for students based on their race/ethnicity, income, and other social conditions. The Minnesota Department of Education, TNEC, and the Office of Indian Education are here to support you with your efforts.

### Equitable Distance Learning

Minnesota does best when state agencies and community partners collaborate to achieve common goals. As schools implement instructional plans that allow meaningful, relevant learning to take place while school buildings are closed, you can be the catalyst for these partnerships to thrive in your communities. Prioritize outreach to families who need the most support. These are the students that may need more services than others. If we prepare distance learning for our *most vulnerable students*, we will have met the needs for the rest of the students.

For many staff, distance learning is a new approach to teaching that is done in the face of uncertainty. This will cause anxiety for administrators, teachers, support staff, and most importantly, students. Be aware of and have compassion for those who struggle during this change. American Indian staff know your American Indian students, families, and their respective communities. You can use your knowledge to ensure that they get an equitable education, keeping in mind those who may:

- Need Special Education Services
- Have a 504 Plan
- Have food insecurity
- Have consistent attendance issues
- Be highly mobile or need help with housing insecurity
- Be in foster or adoptive care
- Be in need of mental health support or services
- Be classified as McKinney-Vento

District and school administrators should be making plans to address all of these issues and more. Indian Education staff are an important part of this process and should be included in all staff trainings. Indian Education staff will help your schools and districts keep communications open and transparent with American Indian families and their communities. Be aware of outreach to American Indian families and how this can be improved in a time of uncertainty. You can reach out to our families through emails and phone calls to assess student needs, and address those needs with the school or district.

### **American Indian Education Aid**

As always, school districts and charter schools that are participating in the American Indian Education Aid program must spend all funds by June 30, 2020. Your district or school's Indian Education Program Plan (IEPP) currently outlines the way in which this aid will be spent, however we recognize that distance learning will impact your ability to implement your IEPP as intended. **Indian Education Aid should not be used to supplant district or school-wide initiatives or programs.** *If you have committed funds for contracted services such as powwow honoraria and professional development programs, you should honor those payments.* We are encouraging you to find alternative and innovative ways in which to spend this money if you are unable to follow the plan submitted to the Office of Indian Education.

Suggested options include:

- Purchasing items for culture trunks
- Purchasing the Native authored books found on our [Native authored book list](#)
- Purchasing online or mail subscription services
- Purchasing Native language learning apps or materials
- Purchasing Native films for use at future student and family engagement activities
- Purchasing items for take-home cultural activity kits
- Purchasing early-bird registration for the 2020 MIEA Convention

## How to Amend your Budget

Once you've determined how you will amend your budgets, please send an email to the [Office of Indian Education](#) to inform us of the specific changes, and CC your AIPAC in its entirety. That email will serve as your official IEPP amendment. You do not need to obtain a new certification statement, however it is important that you let your American Indian Parent Advisory Committee know and understand the reasoning behind the changes. If you have questions about allowable expenses please call.

## Additional Information

**Districts are no longer required to submit an *Intent to Participate (formally known as the letter of intent)*.**

Districts that are eligible to participate in the American Indian Education Aid Program for the coming school year will receive an email by **April 15, 2020** that contains their American Indian student count and their American Indian Education Aid estimate.

The Indian Education Program Plan deadline continues to be **October 1, 2020**.

## Annual Compliance

American Indian Parent Advisory Committees meet annually to issue their vote of concurrence or nonconcurrence. The annual compliance documents associated with this vote are submitted each year by March 1, however extensions were granted to many districts statewide. **As of today the deadline for these documents is now June 15, 2020.**

## Public Libraries

MDE recognizes the need to balance the needs of the community with the health and safety of library staff and patrons. Therefore, this guidance is permissive, and ultimately decisions regarding library offerings will be made at the local level, within set parameters. Consistent with MDH and CDC guidelines for social distancing and safety, libraries should not be providing in person services.

Based on a review of Executive Order 20-20, MDE has determined that public library services may be deemed as essential during the COVID 19 pandemic. Within a library's ability to provide for social distancing and the regular disinfecting and sanitation of library materials by following health and safety protocols, it may remain open to provide distance (online, digital, virtual) services and non-contact curbside pickup of materials. [Review guidance on handling library materials.](#)

As a community based government organization, a library may be considered a priority service by its political subdivision and be exempt from Executive Order 20.20 as a critical sector. In that case, a library's political subdivision may determine necessary minimum staffing under the order.

## Regional Library Telecommunications Aid

[Executive Order 20-41](#) expands the purposes of regional library telecommunications aid to include the improvement of internet access and access to technology with items that are not e-rated, including, but not limited to, digital or online resources.

## Limited Public Library In-Person Services

While the decision to open to limited public service is a local one, libraries that are exploring doing so should be mindful of guidelines expressed in [Executive Order 20-56](#) with respect to social distancing, use of masks, building occupancy, size of gatherings, hand washing and the regular cleaning and disinfecting of surfaces. While there are no CDC or MDH guidelines on quarantine of library materials, MDE recommends that libraries set aside returned materials for a period not less than three days and not to exceed seven days, prior to returning to circulation. A decision to request that those entering the library comply with mask guidelines should be made in consultation with the library board and city or county government. Using scheduled appointments may be one way to limit foot traffic. The board and city or county government should also be consulted for decision-making related to practices for limiting entrance to the building.

## Disciplinary Incident Reporting

Disciplinary and behavioral incidents are expected to decrease during the distance learning period, though reportable incidents can still occur in both distance learning and on-site care settings. Reportable incidents occurring during the distance learning period must be reported in DIRS following normal reporting procedures. Detailed reporting requirements and definitions are provided in the [Disciplinary Incident Reporting System \(DIRS\) User Guide](#).

### Incidents in School-age Care Settings

If an on-site care program is considered an emergency child care program operating under an exclusion, and the school district is operating that program, then the school district's student code of conduct/student disciplinary policy discipline policy would be applicable for school age students ([Minnesota Statutes, section 121A.41](#)). School districts and charter schools must continue to implement behavioral supports and strategies for students receiving special education services as outlined in the student's IEP or positive behavioral support plan.

Students receiving on-site care may be attending alternate locations, or a facility other than their normal school of enrollment, as indicated in MARSS. Due to DIRS functionality, incidents occurring at alternate locations must be reported at the school of enrollment in the student's MARSS record. The alternate location for these incidents must be submitted on the [2019-20 DIRS COVID-19 Reporting: Incidents Occurring at Alternate Locations form](#) at the end of the school year. School districts and charter schools should only use this form to submit the location for incidents that did not occur at the student's normally enrolled school and should submit only one form per school district or charter school.

## Related COVID-19 Guidance

- [Minnesota Automated Reporting Student System \(MARSS\) Distance Learning Reporting Instructions](#) – instructions to report enrollment and attendance during the distance learning period.
- [Special Education and COVID-19 Questions and Answers: Due Process](#) – requirements and supports for special education students, including behavior responses for students receiving on-site care in the school setting.
- [Supporting Students and Families COVID-19 Resources](#) – provides guidance for engagement with students and families, maintaining a positive school climate, supporting students’ mental health and emotional well-being, and adapting MTSS frameworks for distance learning.
- [U.S. ED Office for Civil Rights Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#) – requires schools to continue to investigate reports of bullying and harassment of students and to take action to end bullying or harassment.

## Resources from the Minnesota Department of Health

- Regularly check the [MDH web page on COVID-19](#)
- Resources to help understand COVID-19 and steps you can take to protect yourself and your family:
  - CDC’s [health communication resources](#)
  - CDC information on [stigma and COVID-19](#)
  - CDC information on [COVID-19 and children](#)
  - CDC offers several free handwashing resources that include [health promotion materials](#), information on [proper handwashing technique](#), and tips for families to help children develop good handwashing habits.
  - Other health and education professional organizations may also have helpful resources your school can use or share, such as the [American Academy of Pediatrics](#)
  - CDC’s information on [helping children cope with emergencies](#)
  - [Stigma prevention and facts about COVID-19](#)

If there is a laboratory confirmed case of COVID-19 in a staff or student identified as an exposure of concern (medium to high risk), public health officials will reach out to you to provide information and guidance on notifications and other infection prevention actions. Please contact MDH if you have questions so we can help determine the appropriate steps to take (MDH hotline: 651-201-3920 or 1-800-657-3903).

## Contact Information

- For health questions about COVID-19, please [email the Minnesota Department of Health](#) or call their hotline at 651-201-3920.
- For education questions, use MDEs COVID-19 general email: [COVID-19.Questions.MDE@state.mn.us](mailto:COVID-19.Questions.MDE@state.mn.us)
- For specific questions about school meal programs, please contact [monica.herrera@state.mn.us](mailto:monica.herrera@state.mn.us)
- For specific questions about special education, please contact [robyn.widley@state.mn.us](mailto:robyn.widley@state.mn.us)
- For specific questions about special education finance, please contact [paul.ferrin@state.mn.us](mailto:paul.ferrin@state.mn.us)
- For specific questions about online and digital learning, please contact [jeff.plaman@state.mn.us](mailto:jeff.plaman@state.mn.us)
- For specific questions about DIRS, please contact [carly.lykes@state.mn.us](mailto:carly.lykes@state.mn.us)

- For specific questions about civil rights compliance, please contact [marikay.litzau@state.mn.us](mailto:marikay.litzau@state.mn.us)
- For relevant guidance regarding how schools can protect civil rights during an outbreak, see the [U.S. DoE Office for Civil Rights Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#) and the [U.S. DoE Office for Civil Rights Fact Sheet released during the 2014 Ebola outbreak](#).
- For information on ensuring web accessibility for students with disabilities for schools utilizing online learning during the Coronavirus (COVID-19) outbreak, view this [webinar](#) from the Office for Civil Rights (OCR) at the U.S. Department of Education
- For specific questions about state assessments, please contact [mde.testing@state.mn.us](mailto:mde.testing@state.mn.us)