

Minnesota

Distance Teaching and Learning Implementation Guidance



Version: March 27, 2020

education.mn.gov

Letter from Education Commissioner Mary Cathryn Ricker

Dear Minnesota School Communities:

Thank you for your continued commitment to serving Minnesota's students, families and communities. The last few weeks of uncertainty have been met by your unwavering commitment and I am inspired and motivated by all of you. As outlined in [Executive Order 20-19](#), Governor Walz, Lt. Governor Flanagan and I have announced a distance learning period beginning March 30, 2020 and ending no sooner than April 30, 2020. The order also directs schools to continue to provide free school-age care to school-enrolled students prekindergarten through age 12 for the children of critical workers, which includes educators providing school-age care, grocery workers, and medical and other emergency personnel. Educators are true public servants and continuing access to school-age care for the children of these frontline workers is a critical contribution for the health and safety of all Minnesotans. Knowing that this decision will have significant impact in all of our communities, we worked closely with our colleagues in our state agencies such as the Minnesota Department of Health, Department of Human Services, Department of Employment and Economic Development, Department of Labor and Industry, and the Children's Cabinet to be as thoughtful as possible.

We have also heard that school districts and charter schools are struggling with the constraints of various funding streams to continue to pay their school staff for the work that is being asked of them. That is why Executive Order 20-19 also authorizes school districts and charter schools to transfer operating funds from any program that is not already assigned to or encumbered by staff salary and benefits to provide school-age care to critical workers and any additional transportation costs incurred between March 30, 2020 and April 30, 2020.

As we are moving to distance learning, Governor Walz also included in his executive order that Minnesota has sought a waiver for the federally-mandated standardized statewide assessments, and in accordance with that waiver will be cancelling the Minnesota Comprehensive Assessments (MCA) for the remainder of the 2019-2020 school year.

During the March 18-27, 2020 planning period, Minnesota's entire community of educators, district and charter school leaders, school nurses, support staff, paraprofessionals, nutrition workers, bus drivers and more have banded together to make sure our students are getting the nutrition and school-age care they need, while creating the equitable distance learning plans our students deserve. Everyone has taken special care to keep in mind how to care for all students, including those receiving special education, are English learners, and experience homelessness. The stories I've heard of the innovation and creativity across our state reflect an understanding of the significance of this assignment. I am confident in your preparation to provide a high-quality education in an equitable distance learning setting so that come March 30, 2020, teaching and learning will continue.

Thank you again to all of you for your partnership and leadership in dedicating your efforts to student safety as well as teaching and learning during these extraordinary circumstances. I believe there is no problem a group of educators cannot solve and together, we will meet the demands of this unprecedented moment.

Together,



Mary Cathryn Ricker, NBCT
Education Commissioner

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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 20-19](#) declares that public school districts and charter schools will implement distance learning plans, effective March 30, 2020. Instruction should begin on the first regularly-scheduled school day on or after March 30 (i.e., if a school district or charter school is on spring break the week of March 30, their instruction would begin when they return from their planned spring break). The distance learning period will end Thursday, April 30, 2020. Staff will report to work on Friday, May 1, 2020, to plan for students' return on Tuesday, May 5, 2020. If Governor Walz deems it necessary to continue distance learning beyond this period, staff and students will not report until the newly identified dates.

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.

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.

Funding

Attendance/ADM/MARSS

Effective March 30, 2020, school districts and charter schools are expected to offer distance learning to all students. Districts and charter schools will take attendance 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.

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 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 "Excessive Absences: Application for Individual Student" application does not apply to these students. It is the district or charter school's choice whether to consider these excused or unexcused absences. These students can be reported as in attendance and membership during originally scheduled school days between March 18 and March 27 unless the family had notified the school that the students were withdrawn from school or the student reaches 15 consecutive days absence prior to March 27, 2020.

Special Education

[Executive Order 20-19](#) 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, districts and charter schools are allowed greater flexibility in the use of existing state aids and local property tax levy funds. Districts and schools are authorized by [Executive Order 20-19](#) to transfer funds from certain programs that are not already assigned to or encumbered by staff salary and benefits. 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. Guidance from MDE is forthcoming which will provide detail on the account transfers that are allowable under this provision and instructions for process and coding.

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 will determine which revenue programs may be used for these broader purposes. It is expected that it will be a similar list to what is identified for the fund balance transfer provision. Guidance from MDE for this measure will also be forthcoming.

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 transporting the students of our critical workers and food to our students throughout the community. 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.

[ADDED 03/27/20]: Nutrition

Non-food service staff who are doing food service work during the closure period or 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. For more information about nutrition funding, visit the [Food and Nutrition COVID-19 Resources](#) web page.

Federal

MDE is awaiting guidance from the U.S. Department of Education around federal funding streams.

Stay at Home Executive Order

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.

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 the Governor's Executive Order. 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.
- **[UPDATED 03/27/20]:** 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.

It is important to ensure that when care is provided to critical workers, all Minnesota Department of Health guidelines are followed.

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 guidance on providing school-age care during the COVID-19 pandemic, view this [summary of CDC guidelines](#), and visit mn.gov/childcare.

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 the [Executive Order 20-19](#), 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 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.

[ADDED 03/27/20]: 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 further guidance on providing meals during distance learning, see the Nutrition section in the [School Closure Guidance for Public School Districts and Charter Schools](#) and the [Food and Nutrition COVID-19 Resources](#) web page.

Assessments

Based on a March 20, 2020 [announcement by U.S. Department of Education Secretary Betsy DeVos](#) and Governor Walz’s Executive Order, 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

Tribal Considerations

As you are making decisions, please ensure you are coordinating with local and regional Tribal leaders. Tribal Governments are sovereign nations, and they maintain a unique political status. Each will be making decisions

based on what is best for their citizenry. Be aware of how decisions may impact Tribal communities and Tribal governments.

School districts and charter schools should designate an Indian Education staff member as point person for communications and updates to American Indian families in your schools. This will enable you to enhance your standard communications using culturally responsive practices. This designee should be included in any and all distance learning leadership meetings. The designee will provide input and feedback related to the needs of American Indian students and families in your district or charter school.

For assistance, work with your Indian Home School Liaison, Indian Education staff, and parent committee. Contact [MDE's Office of Indian Education](#) for a list of Tribal Education Directors.

Tribal Consultation under ESSA

All schools and districts 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 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.

Public Libraries

Public libraries shall close for all in-person services, but should work to develop and deliver on-line, digital or virtual services and programming.

Libraries should also work with its local jurisdiction in an effort to permit on-line ordering and hold placement on physical materials, and consider no contact distribution of library materials, if possible while adhering to social distancing requirements and guidelines on cleaning and disinfecting materials.

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](#)
- Minnesota Department of Health [COVID-19 website](#)

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
- For specific questions about school meal programs, please contact monica.herrera@state.mn.us
- For specific questions about special education, please contact robyn.widley@state.mn.us
- For specific questions about special education finance, please contact paul.ferrin@state.mn.us
- For specific questions about online and digital learning, please contact jeff.plaman@state.mn.us
- For specific questions about civil rights compliance, please contact 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