

Education Minnesota

Education Minnesota statement on omission of education policy in COVID-19 assistance package

March 30, 2020

Education Minnesota believes the Minnesota Legislature made a mistake when it recently passed the state's COVID-19 assistance package without important clarifications for the operation of public schools and the employment status of education support professionals. As a result, Minnesota educators will operate under an unnecessary cloud of uncertainty during the pandemic shutdown.

Our union supported passage of a bill, HF4415, that would have resolved most of the issues educators and our students are facing during the unprecedented COVID-19 response. However, the Republican majority in the Minnesota Senate blocked passage of the bill, including Sen. Carla Nelson of Rochester, who chairs the influential Education Finance and Policy Committee. Sen. Nelson and the members of the Senate majority had a choice between assisting educators through a difficult time and promoting anxiety and uncertainty. They chose the latter. It will not be forgotten.

Rep. Jim Davnie, DFL-Minneapolis, was the champion of HF4415, which would have guaranteed that education support professionals and other hourly and contract school employees are paid their regular wages and continued health benefits while schools are closed to most students during this pandemic. The bill, which had bipartisan support in both the House and Senate, would have also clarified new issues around graduation requirements for seniors, licensing requirements for teachers, and would have guaranteed that school districts don't lose state funding because of the pandemic.

More than 10,000 members of Education Minnesota sent emails in support of Rep. Davnie's bill. We appreciate the work Rep. Davnie has done for educators and will support efforts to pass the bill later this session. The Legislature has now adjourned until April 14, but legislators can come back if they have an agreement to pass specific legislation. We will continue to push Senate Republicans to stand with ESPs and other educators and pass legislation to ensure they are protected during this critical time.

The decision by Sen. Nelson and Senate Majority Leader Paul Gazelka means the economic security of tens of thousands of the hard-working education support professionals is now controlled by an executive order from Gov. Tim Walz and guidance from Education Commissioner Mary Cathryn Ricker. They direct school districts to retain all available staff—including paraprofessionals, bus drivers, custodians and other hourly workers—during the distance learning period.

Specifically, the governor said in his executive order:

“Consistent with applicable labor agreements, districts must utilize available staff who are able to work during the Distance Learning Period. Districts must also provide employee accommodations as required by law.”

The Minnesota Department of Education gives this direction:

“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.”

The governor’s order makes clear that available staff must be used and compensated their full salary in accordance with their contracts. We believe that this means paying them their full salaries and maintaining their hours prior to closure/distance learning. However, like with any new law, rule, or policy, it is impossible to guarantee that every school district will share that interpretation, or that a court will agree in the event we need to challenge a district that does not comply.

Executive orders and MDE guidance do not carry all the same consequences as laws, nor does this order and guidance cover all the topics of HF4415. Education Minnesota believes the language in HF4415 is necessary to provide a greater level of clarity and enforceability around the expectation that all employees are fully compensated, and that probationary teachers do not lose service credit.

Education Minnesota appreciates the support of the governor and Commissioner Ricker. But our union continues to advocate for the Legislature to remove the anxiety and ambiguity around how our schools will operate by passing HF4415 before the end of the session.

These difficult times have been made more difficult by Sen. Nelson and the Senate majority, but educators and students will persevere. If you have questions about specific issues in your local or with your licensure, please contact your local leader or Education Minnesota field representative.

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