

**Red Wing Public Schools
2021 Legislative Priorities
DRAFT April 20, 2020**

Summary of Legislative Priorities

1. Fully reimburse school districts for costs associated with COVID-19.

*Due to the state's response to COVID-19, the school district expended **TBD** in providing mandated services. The school district contends these costs should be fully reimbursed by the State.*

2. Support youth skills training programs and other student work-based learning opportunities.

To enhance work-based learning programs, the school district urges the legislature to address concerns about program coordination, career fields, transportation, modern equipment standards, and the "Benefit" clause.

3. Critically examine definition of sexual harassment

The school district urges the legislature to critically examine the definition of "sexual harassment" as defined by the Minnesota Human Rights Act, especially in consideration of the "severe and pervasive" standard established by the United States Supreme Court.

4. Reduce the cross-subsidy and support an equitable special education funding formula.

*In fiscal year 2020, Red Wing had **TBD** in unreimbursed costs for mandated special education services (known as the special education cross-subsidy). To reduce the special education cross-subsidy, the district proposes to remove growth limits, eliminate census-based funding not tied to district expenditures, and fully fund special transportation.*

5. Increase state funding to provide mental health support for students through the hiring of mental health therapists, school counselors, and social workers.

1. **Fully reimburse school districts for costs associated with COVID-19.**

Local Resource(s)

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Background Information

2. Support youth skills training programs and other student work-based learning opportunities.

Local Resource(s)

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Background Information

The Red Wing School Board urges the legislature to support youth skills training program in the following ways:

1. Program Coordination Concerns: Youth skills training programs create paid-learning opportunities in high demand fields for students through partnerships between schools and private industry. These grants enable selected school districts to develop comprehensive plans and hire coordinators. Other school districts must rely on their own resources for these efforts.

Possible Solutions: Expand grant opportunities and/or provide funding for school districts and/or cooperatives to hire work-based learning coordinators.

2. Career Fields Concerns: Youth skills training program grants are limited to high-demand areas such as high-tech manufacturing and health care. Students should explore other career fields, too.

Possible Solutions: Eliminate requirement that grants are exclusively for high-demand career areas.

3. Transportation Concerns: To participate in community internships, students must be transported to/from work sites or drive themselves. Expecting students to drive themselves invariably leads to questions about equitable access to transportation and concerns about liability for schools and businesses if there is an accident involving the student and other individuals. Expecting schools to provide transportation for all students would be expensive and unworkable.

Possible Solutions: Provide state funding for schools to provide gas reimbursement cards, tokens for public transportation, and/or transportation services for participating students. Limit the liability for schools and businesses, especially if there is an accident involving a student and other individuals.

4. Modern Equipment Standards Concerns: Understandably, students are not able to use hazardous equipment in the workplace. However, regulations are based on outdated criteria and equipment.

Possible Solutions: Review and revise current state regulations to ensure they are based on modern equipment and criteria. Lobby federal government agencies to update standards.

5. "Benefit" Clause Concerns: Current regulations limit use of students in unpaid internships so that businesses do not receive a benefit from the internship. The definition of benefit is unclear and may minimize the ability of students to participate in meaningful workplace activities.

Possible Solutions: Clarify the meaning of "benefit." Allow students to participate in short-term experiences as long as work is limited, work is needed to adequately learn the activity, and workers are not displaced.

3. **Critically examine definition of sexual harassment**

Local Resource(s)

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Background Information

The school district urges the legislature to critically examine the definition of “sexual harassment” as defined by the Minnesota Human Rights Act. The current Minnesota Human Rights Act defines “sexual harassment” in the following way:

M.S. 363A.03, Subd.43. Sexual harassment. “Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;
- (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment, public accommodations or public services, education, or housing; or
- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, public accommodations or public services, educational, or housing environment.

The Red Wing School Board is concerned with the inclusion of the word “substantially” in the third part of the definition and the use of the “severe and pervasive” standard established by the United States Supreme Court. Numerous examples of misconduct—including many highlighted in the #MeToo movement—do not meet these standards and, therefore, are not considered to be sexual harassment.

The Red Wing School Board believes that inappropriate behaviors should be addressed in a stronger manner in school and non-school settings. If the legislature considers changing the definition, we urge the legislature to consider how the current and proposed standards are exercised and enforced within the educational environment.

House File #10 is one way to address the school district’s concerns. It adds a section stating “an intimidating, hostile, or offensive environment under clause (3) does not require the harassing conduct or communication to be severe or pervasive.

4. Reduce or eliminate the cost of non-reimbursed special education expenses

Local Resource(s)

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Background Information

In education finance, cross-subsidy is the amount of mandated special education expenditures not reimbursed by state or federal governments. In 2016, the most recent year calculated by the Minnesota Department of Education, the net cross-subsidy for Red Wing was \$3.2 million or \$1,072 per student. The general fund pays for the cross-subsidy meaning there is reduced funding for other programs and services.

Red Wing's cross-subsidy will continue to grow for multiple reasons:

- Red Wing has a growing special education population, especially preschool students, but the cap is calculated by total student population, which is declining.
- Red Wing has exceeded its cap on special education reimbursement. Every additional dollar now spent in special education is coming out of the general fund because we are not receiving additional reimbursement.
- Federal law has Maintenance of Effort requirements, meaning we are generally not able to reduce special education expenditures from year to year.

Solutions

- Implement a plan to reduce or eliminate the cross subsidy for special education.
- Remove caps and growth limits.
- Eliminate census-based funding not tied to district expenditures.
- Separate special transportation from other special education expenses and fully fund special transportation.

5. Increase state funding to provide mental health support for students through the hiring of mental health therapists, school counselors, and social workers.

Local Resource(s)

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Background Information

While schools across the country grapple with safety issues, a strong mental health response is a key component in proactively addressing student behavior issues. Minnesota's student to counselor ratio remains one of the worst in the nation, and there are not enough mental health providers, especially in rural areas, to address significant student needs. Three concerns are directly related to the Safe Schools revenue program:

1. The current amount of \$36/pupil is inadequate to pay for mental health support, guidance counselors, and social workers needed to address student needs..
2. Intermediate school districts receive funding, whereas education districts do not receive this funding.
3. The State of Minnesota, not local property taxpayers, should be responsible for providing adequate resources for providing a safe and secure learning environment for all students.

Solution

M.S. 126C.44 Safe Schools Levy

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to ~~\$36~~ \$100 multiplied by the district's adjusted pupil units for the school year. The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes:

(1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools;

(2) to pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;

(3) to pay the costs for a gang resistance education training curriculum in the district's schools;

(4) to pay the costs for security in the district's schools and on school property;

(5) to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district;

(6) to pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems;

(7) to pay for facility security enhancements including laminated glass, public announcement systems, emergency communications devices, and equipment and facility modifications related to violence prevention and facility security;

(8) to pay for costs associated with improving the school climate; or

(9) to pay costs for colocating and collaborating with mental health professionals who are not district employees or contractors.

(b) For expenditures under paragraph (a), clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

(c) A school district that is a member of an intermediate school district or education district may include in its authority under this section the costs associated with safe schools activities authorized under paragraph (a) for intermediate school district or education district programs. This authority must not exceed \$15 times the adjusted pupil units of the member districts. This authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph must be transferred to the intermediate school district or education district.