

2018-19 Canceled School Days: Frequently Asked Questions

June 12, 2019

Questions (Q) and answers (A) marked with an asterisk () were added since April 25, 2019.

To Whom Does the Law Apply?

Q. Does the law apply to entities other than independent school districts?

A. Yes. The law applies to any independent district, charter school, intermediate district, and joint powers district that either enrolls students and/or that employ staff that serve students.

Selection of Canceled Days to Report

***Q. When a district or charter school board chooses to count a canceled school day as an instructional and membership day, and an unpaid employee declines an alternate work day, is the district/charter school obligated to compensate that employee?**

***A.** The snow day law states that one of the options for a district or charter school is to “allow any school district employee under paragraph (a) the opportunity to work on another day that the school district designates and must compensate *the employee working on the designated day* at the employee's normal rate of pay.” Therefore, if a district/charter school provides an employee the opportunity to work on another day that the school district/charter school designates to make up the hours from the canceled day and the employee chooses to not work on the designated day, the district/charter school does not need to pay the employee for that day.

Q. Can a district choose to count canceled school days at only selected schools and grades?

A. No. If the district canceled a school day and chooses to count that day an instructional day, it must do so for all schools and grades that were closed. To count the days for only selected grades or schools creates an inequity for staff compensation and/or would require the district to prorate employees’ and/or contracted employees’ scheduled work hours for different grades and schools.

Q. If a district counts canceled days as instructional days, does it need to count all closed days or can it identify only the days that allow all schools and grades to meet the minimum annual instructional hours?

A. A district or charter school can select which canceled days to count; it does not need to count all of the canceled days.

Q. Where can I find a school board resolution template for our board?

A. The Minnesota Department of Education (MDE) has not provided a template. However, the [Minnesota School Boards Association \(MSBA\)](#) has a template posted on its website.

E-Learning

Q. Does the law allow districts and charter schools to count more than five e-learning days?

A. No. The law does not extend the number of e-learning days that a district or charter school can count as instructional days, beyond five.

***Q. What's the difference between an e-learning day and special instructional days that may include a digital component, e.g., flex instructional day?**

***A.** Special instructional days may include days with field trips or other required, off-site learning activities, including digital days in which students receive instruction remotely. These days are planned and included in the school calendar.

E-learning days are board adopted plans and are implemented in lieu of school cancelation due to inclement weather. Plans must include provisions for students to access online instruction from their teachers. They require notice to parents and students at the beginning of the school year. Families must be notified at least two hours prior to implementation on a given school day.

Employee/Contract Compensation

Q. Can the employees be offered additional work hours in FY 2020 to meet the law or do they need to be paid in FY 2019?

A. No. The employee's compensation must be in the current fiscal year (FY).

Q. If a district implemented an e-learning day for one or more, but not all, schools in the district in lieu of canceling school on a given day, does the law apply only to the schools that were canceled?

A. The law applies to the schools that were canceled on a given day and at which the canceled day(s) is reported as an instructional day. If the district chooses to report a canceled day as an instructional day for the school and as a membership day for students enrolled in the school, the reimbursement requirements for staff, as described in the April 9, 2019, letter, apply to employees scheduled to work at that school on the canceled day.

Q. Which district is responsible for reimbursing unpaid staff who were scheduled to transport students to a joint powers district on a canceled school day?

In most cases, the joint powers school/program would share a calendar with the member districts. The member districts would be responsible for transporting students to joint powers programs in which the student was placed. When the member district cancels a school day, it would not be transporting students to programs in other districts.

- In the case where both the joint powers and the transporting district canceled school on the same day, if the member district reports the canceled day as an instructional and membership day, the member district would be responsible for compensating the unpaid transportation staff.
- If the member district does not report the canceled day as an instructional and membership day, the member district is not obligated to compensate the unpaid transportation staff unless the current employee contract requires compensation.
- The joint powers would not be responsible for compensating transportation staff on a canceled school day that it reports as an instructional and membership day. However, it would be responsible for other staff who were not paid on those days.

Consideration: When a member district transports an open-enrolled student with a disability to a joint powers program and reports the canceled day as an instructional and membership day but the joint powers district does not, the member district would most likely charge the cost to Finance Code (FIN) 723. If their State Fiscal Year (SFY) 2019 FIN 723 costs are greater than SFY 2018, they would not be able to bill that day's cost to the resident district because the joint powers district did not report the day.

***Q. Are districts obligated to pay for transportation services to a contractor if the district chooses to report a canceled day as an instructional day?**

***A.** Yes, see subdivision 3(c) of the snow day relief law:

“A contract employer who agrees to compensate its eligible employees at their normal rate of pay for the hours of pay lost due to a school cancellation, later counted as an instructional day under subdivision 1, must notify the district of its intended action and, once notified, the school district must fully compensate the contract employer for the days identified under paragraph (b).”

See subdivision 5 for financial accounting:

“Notwithstanding any law to the contrary, services paid under subdivision 2 or 3, including expenses recorded in the food service fund, may be charged to the same Uniform Financial Accounting and Reporting Standards object code to which the service is charged for an instructional day.”

Therefore, if a district chooses to count a canceled school day as an instructional day the district must inform the contractor. The contractor would bill the district for the services at the normal rate as if it were an instructional day that actually happened. The district would claim the cost in the appropriate Uniform Financial Accounting and Reporting Standards (UFARS) finance code. The miles would not be reported on the *Pupil Transportation Annual Report*.

Q. How are transportation staff compensated on days when school is canceled and the day is counted as an instructional and membership day when some of the staff are contracted and some are district employees?

A. The district is responsible for compensating the district employees who were unpaid due to a canceled school day that is reported as an instructional and membership day.

The district is responsible for notifying the contractor of the canceled school days that are reported as instructional days. The district and contractor will need to agree on whose employees would have covered the routes on the canceled day. For the routes provided by contracted employees, if the contractor agrees to compensate the contracted employee, the district must compensate the contractor.

Q. Is a district obligated to pay substitute teachers on a canceled school day that is reported as an instructional and membership day?

A. Yes. If the substitute teacher had committed to teach on the canceled school day and the district reports the canceled day as an instructional and membership day, the district is obligated to compensate the teacher for the scheduled hours at the normal rate of pay or allow the teacher to work a different day at the normal rate of pay.

Q. Is a district obligated to pay community education staff on a canceled school day that is reported as an instructional and membership day?

A. Yes. If the community education staff were scheduled to work on the canceled school day and the district reports the canceled day as an instructional and membership day, the district is obligated to compensate the staff for the scheduled hours at the normal rate of pay or allow the staff to work a different day at the normal rate of pay.

***Q. If a district/school offers an employee the opportunity to work the additional hours to make up for the canceled school days and an employee declines, is the district/school obligated to compensate the employee?**

***A.** No.

***Q. Does the work offered employees to replace canceled school days need to be the same or similar to what they normally do or can it be some other type of work?**

***A.** The work assigned on an alternate day must be allowable under, or consistent with the employee's position description. The district/school should review the position description and the district's/school's policy for assigning tasks to employees. There may be something in the employee's position description that mentions that other duties may be assigned to the person within reason.

Calendars

Q. How should the charter school calendar show the canceled school days that are reported as instructional and membership days?

A. Charter schools are required to send a copy of their school calendar to MDE. An updated calendar should be sent if the calendar changes during the school year. The calendar should show the canceled school days as non-school days whether or not they are reported as instructional and membership days under this year's law. The canceled school days that are reported as instructional and membership days will be reported independently to MDE this summer. More instructions will be provided to Minnesota Automated Reporting Student System (MARSS) coordinators about this data collection.

MARSS Reporting

Q. Can a school report special education service hours on canceled school days that are reported as instructional and membership days?

A. Yes. When a district chooses to report a canceled school day as an instructional and membership day, early childhood special education (ECSE) students and other students for whom service hours are required, can generate special education service hours on the canceled school day. The students must be enrolled on both the school day immediately prior to the canceled day and the one immediately following the canceled school day and be scheduled to attend on the canceled day. These students' membership, Special Education Service Hours and attendance would include the number of hours that were scheduled for the canceled school day.

Q. Are students reported as in attendance or absent on the canceled days that are reported as instructional and membership days?

A. Students who are enrolled on the school day immediately prior to and the school day immediately following the canceled school day that is reported as an instructional and membership day can be reported in attendance.

However, if the student reaches 15 consecutive days absent prior to or during the canceled school days that are reported as instructional and membership days, the student must be withdrawn on the 15th consecutive day absent. For example, school was canceled January 28 through January 31 for four school days and the district reports those four canceled days as instructional and membership days. A student who is absent for the 10 school days prior to the first canceled school day (January 28) and five days following the canceled school day, must be withdrawn no later than 15 days following the first of the 10 days absent, i.e., withdrawn on February 1.

Voluntary Prekindergarten and School Readiness Plus

***Q. If the instructional hours for a school's state-approved voluntary prekindergarten (VPK) or school readiness plus (SRP) program falls below 350 hours, will the school lose funding?**

***A.** To be eligible for funding the VPK or SRP program's calendar was intended to provide at least 350 instructional hours. If the program falls below 350 instructional hours the school board is advised to adopt language that the district will count enough canceled school days, for all schools in the district, so that the VPK/SRP program's calendar equals or exceeds 350 hours. If the board does not adopt language that counts canceled days as instructional days, full-year participants will generate less than the minimum of 0.41 average daily membership (ADM).