

Fredrikson and Byron Legislative Update



MINNESOTA INDEPENDENT SCHOOL FORUM (MISF) 2019 LEGISLATIVE SESSION SUMMARY

Below is a summary outline of legislative issue areas of interest to the Minnesota Independent School Forum (MISF), results of key legislative proposals and future issues for the 2020 legislative session. If you have questions, please let Shep Harris know at sharris@fredlaw.com or 612-492-7849.

Session Overview

- “Big Picture” – New, more cooperative DFL Governor + new DFL majority House + returning Republican Senate majority = minimal legislative success or “a draw”
 - DFL – avoid repeal of health care provider tax but had it reduced; blocked on gas tax; only got minimal government funding increases in education, workforce development, health/human services, etc.; blocked on gun safety reforms, no success on family paid leave, unsuccessful on expansion of pre-Kindergarten, bonding bill unsuccessful
 - GOP – MnLARS clean-up successful, slight middle class income tax cut, unsuccessful on education voucher, lost on health care provider tax continuation but got it reduced to lower rate, succeeded only allowing minimal government funding increases, blocked bonding bill
 - Bi-Partisan – elder abuse, tax conformity, opioids, school safety, hands-free driving, broad band funding.

- MISF Agenda*
 - Success in educating legislators about MISF and positions.
 - Passage of nonpublic pupil textbook policy clarification language.
 - Increased nonpupil pupil aid (textbooks, telecom, counseling, etc.) by 3% in FY20 and 3% in FY21.
 - Unsuccessful in expanding counseling coverage for nonpublic pupil aid from grades 7-12 to include grade K-6 and telecommunications aid.
 - Unsuccessful in creating school safety funds for private school physical security and security audits.

*Issue areas worked on by Fredrikson & Byron, requested by MISF. Other education-related issues were handled by in-house MISF staff or other lobbyists.

Nonpublic Pupil Textbook Policy - PASSED

- SF1297/HF945/HF428 (Anderson, P.; Wazlawik, Gruenhagen)
- Final language included in omnibus education finance bill (Special Session HF1):
<https://www.revisor.mn.gov/laws/2019/1/Session+Law/Chapter/11/> - Article 1, Sections 2–4.
- Legislation allows nonpublic schools to request reimbursement for nonpublic pupil textbook aid from public schools for purchase of teacher guides and other materials, as long as they are primarily used toward student instruction.
- Effective May 31 – schools can start submitting for reimbursement for this school year!
- MISF took the lead but worked in partnership with MAIS, Minnesota Catholic Conference (MCC) and Jewish Community Relations Council (JCRC).
- Bill required more work for passage than expected:
 - Language was vetoed last year in mega-omnibus bill
 - New MDE Commissioner/staff were very slow to communicate and required new negotiations and new language.

Nonpublic Pupil Counseling Aid – NOT PASSED

- HF1231/SF580 (Persell/Eichorn) -
https://www.revisor.mn.gov/bills/text.php?session=ls91&number=HF1231&session_number=0&session_year=2019&version=list
- Legislation expands nonpublic pupil health, guidance and counseling services to include elementary school students and all American Indian tribal schools' students.
- Estimated cost of expansion of legislation was \$3.6 million for FY20-21 and \$4.1 million for FY22-23.
- MISF worked in coalition with MAIS, Minnesota Catholic Conference and JCRC.
- Bill received hearing in Senate Education Committee but not in House Education Policy Committee due to Second Committee Deadline. HF1231 did not advance to Education Finance Committee and was not included in House education finance bill.
- Senate Education Chair included funding in Senate education finance bill but only for American Indian schools due to lack of funding.
- Strong coalition efforts – grassroots, direct and indirect lobbying activities – employed to include funding for nonpublic schools but not successful.
- Additional chain of events causing delays and funding not included in final bill:
 - Senate Chair lost original bill, Senate chief author temporarily lost House bill with staff transition until House author introduced it, Senate author unclear who brought bill forward making difficult to find other allies to help push bill forward, more of MISF lobbying efforts diverted toward textbook bill, not enough coalition support until end of session;
 - Final education finance bill – Very little funding leftover after General Education Funding Formula increase (3% annual increase), funding for Voluntary Pre-K and School Safety. Both chairs had only \$3 million to work with.

Nonpublic Physical Security Funding – NOT PASSED

- MISF worked in coalition with MAIS, MCC and JCRC but MCC took the lead.
- Early on, this coalition faced stiff opposition from both the House and Senate education committee chairs during initial legislative session conversations and was never able to get enough traction to move forward in the legislative process.
- Final education finance agreement included \$30 million in one-time funding, which is distributed to school districts and charter schools on a per pupil basis for school safety purposes.

Nonpublic Pupil Telecom Aid – NOT PASSED

- HF2516/SF628 (Munson/Eichorn) - https://www.revisor.mn.gov/bills/text.php?number=HF2516&version=0&session=ls91&session_year=2019&session_number=0
- Legislation increases equity in telecommunications access aid for nonpublic schools.
- MISF worked in coalition with MAIS, MCC and JCRC. MCC took lead on bill.
- Bill received hearing in Senate Education Committee but not in House Education Finance Committee. SF628 was included in Senate education finance bill for \$2 million over the next two biennium (FY20-23) but was not included in Special Session education finance agreement due to lack of funding and not a high priority for education committee chairs.

Other Legislation of MISF Interest

1. Education tax credit/deduction legislation – The Senate had in its omnibus tax bill \$19.3 million of funding (in FY20-21 and \$38.6 million in FY22-23) for the Opportunity Education Tax Credit. The Governor and House DFL were opposed and refused to accept any funding for the program as part of the final Special Session tax bill.
2. Student data privacy/school social media regulations – Rep. Eric Lucero and Sen. Bruce Anderson introduced HF1821/SF2291 earlier this session but neither bill has received a hearing. Private schools are mandated to comply with various proposals. With several DFL co-authors on the bill, this legislation is one for MISF to watch and possibly work on during the interim.
3. Sexual abuse claims extension – No legislative action has occurred on extending the sexual abuse claims act against private schools, which sunset in May 2016.
4. Allowing certain private school students into PSEO – The Senate omnibus education finance bill authorized 10th grade nonpublic school students to participate in PSEO career and technical education classes. This policy was accepted by the House and included in the Special Session education finance bill.
5. Alternative fire drills – The Senate education omnibus finance bill allowed all schools to conduct an additional alternative fire drill which does not require exiting the buildings. However, it was not accepted by the House in the Special Session education finance bill.

6. Notification of environmental hazards – The Senate education omnibus finance bill requires all schools to notify school staff, parents, students and parents of an environmental hazard if the school has been notified by the state’s Department of Health or Pollution Control Agency. The policy was included in the Special Session education finance bill. However, it did not apply to private schools.

MISF 2019 SESSION ACTIVITIES

- Fredrikson & Byron lobbyists monitored nearly 6000 bill introductions, more than 1000 hearings by 55+ committees, 350 House and Senate floor votes and more than a dozen omnibus finance bill conference committees.
- Out of those totals, Fredrikson & Byron lobbyists Shep Harris tracked more than 32 bills of interest to MISF with 20+ committee hearings and House and Senate floor sessions.
- Executive Director Tim Benz, other MISF representatives and Fredrikson & Byron lobbyist Shep Harris testified before key legislative committees 5+ times and met with and/or had critical conversations over 40 times with key legislative committee chairs/minority leads, key legislative and agency leaders and staff, and rank and file committee members.
- MISF staff and lobbyist team participated in regular strategy meetings/conversations throughout legislative session and with other lobbyists.

LESSONS LEARNED/STRATEGY FOR 2020 SESSION

- Don’t be surprised by how long legislation takes – even easy bills – to become law. Politics, new players, basic opposition, etc. all slow down legislation.
- Efforts by coalition partners was disappointing. Need to ask private school coalition partners to be more active, take more leadership or express actual capacity to help.
- Cannot rely on Senate education chair to be an advocate for private schools. Must develop stronger bi-partisan relationships via grassroots and grassroots advocacy, starting during the interim and into session.
- On the Textbook Bill:
 - Thank you letter to chief authors with some sort of acknowledgment to be made (eg; plaque, certificate) at a board meeting or annual event and before the next legislative session.
 - Thank you letter to co-authors and committee chairs.
- On the Counseling Aid Bill:
 - Determine whether MISF stays with Eichorn/Persell or introduces new bill with new authors. Meet with authors to determine strategy, build stronger coalition around bill.
 - Clarify accuracy of Fiscal Note and, if possible, reevaluate estimated costs with MDR and MDE.
- Depending on capacity, MISF members become more persistent with legislators year-round:
 - Host in-district meetings with legislators.
 - Host “town hall” meetings with legislators at schools.
 - State Capitol legislator meetings with MISF leaders and/or F&B lobby team (see below)
 - Attend caucus events
 - Attend individual legislator events
 - **Identify legislative candidates from MISF schools and ally organizations**

- MISF could send letter to Governor and legislative leaders expressing:
 - Appreciation for passage of textbook policy;
 - Disappointment on counseling aid, physical safety grants and telecom;
 - Desire for better partnership and results for private schools next session.

- Work with MISF staff and leadership on developing 2020 legislative agenda this summer/early fall.

- MISF leaders should develop and/or enhance relationships and educate key legislators about MISF issues
 - Chief authors of MISF legislation
 - Committee chairs/minority leads
 - Caucus leadership
 - Key agency commissioners and staff
 - Governor's Office