



March 23, 2023

Sen. Jennifer McEwen
3217 Minnesota Senate Building
St. Paul, MN 55155

Rep. Michael Nelson
585 State Office Building
St. Paul, MN 55155

We are writing to share our deep and ongoing concern with provisions now included in HF 1522/SF 1384. As representatives of organizations who are charged with the care and management of our school districts and who value and prioritize staff, student outcomes, and learning opportunities, we believe this bill will lead to negative outcomes for public education system.

Our school boards and school administrators play a vital role in our public schools. M.S. 123B.02 states that school boards “must have general charge of the business of the school district, the school houses, and of the interests of the schools thereof. The Board’s authority to govern, manage, and control the district; to carry out its duties and responsibilities; and to conduct the business of the district includes implied powers in addition to any specific powers granted by the legislature.”

The above referenced bills will significantly alter the duties, responsibilities, and authority of our elected school boards and administration. Our communities elect school board members to represent parents, students, and communities making school boards directly accountable to the public.

At this time, our organizations are strongly opposed to HF 1522/SF 1384 for the following reasons:

Personnel Data: Changing “may” to “must” removes the responsible authority (school board and administration) from the section and will grant union unregulated access to school district’s email system that will expose the employee, and district, to unnecessary risk.

E-Learning Days: Requiring school boards to meet and negotiate on e-learning days would impede timely decision-making, impacting and reducing student learning opportunities. The current process requires “consultation” with the exclusive representative, which is the appropriate standard.

Definition of Teacher: Adding part-time, seasonal staff, Tier I teachers, prekindergarten, and early learning instructors to the definition of “teacher” to allow for union membership does not enhance the teacher workforce which is needed by our school districts. It will complicate the negotiation process to solve a problem that does not exist.

Probationary Period: Reducing the probationary period from 120 to 60 days, or even 90 days, in a 170-day contract is simply unmanageable. No reasonable method exists to adequately evaluate a probationary teacher in less than a 120 day period for those previously tenured in another school district. In short, such a teacher would be given one year credit for working 35 percent of the academic year. The shortened timeline does not allow areas of improvement to be recommended and leaves no time for the employee to address items of concern as it relates to performance. The result will be school districts managing their risk by non-renewing (releasing) staff who eventually may become outstanding teachers rather than securing greater employment rights for probationary teachers.

Terms and Conditions of Employment: We are concerned that setting staffing ratios, student testing, class size and personnel ratios will remove the inherent managerial rights schools have as a public employer to have discretion over the policy and function of its programs, its overall budget, utilization of technology, selection of personnel and direction and number of personnel. School districts are constitutionally mandated to provide educational services to all. Today, our district leaders and the exclusive representatives already have an opportunity to meet and discuss important policy implications in a “meet and confer” process to hear from and consider our valued employees on educational issues. As a result, these amendments will reduce the districts’ ability to react and respond to changing events and conditions. As an example, an influx of new students due to a school closure, or open enrollment, could easily throw a negotiated agreement out of compliance which could result in grievances and more legal challenges and unnecessarily delay important educational components.

Time Off for Union Duties: Providing an undefined amount of time off to elected or appointed officials of a union affiliate may exacerbate an existing workforce shortage and interrupt student learning. Such leaves do not promote the local union and its employees within the district but requires a public school to provide employment support to outside union organizations.

Access to Employees, Buildings and Data: The goal of our public schools is to optimize as many opportunities as possible to learn. We share similar concerns about access and data identified in the February 28th memo submitted by the League of Minnesota Cities (LMC), Association of Minnesota Counties (AMC), and Minnesota Inter-County Association (MICA). The bill requires the sharing of otherwise private data that some or many employees may not wish to be shared regardless of union membership. We are concerned that requiring access to an exclusive representative at any time during the day would be disruptive and could raise safety concerns. School district safety and operational requirements for all visiting guests (including parents, vendors, exclusive representatives) should apply in these cases. We share with our partnering organizations the concern that giving complete access to our school district’s email system is a data privacy issue. Security of school district information and data is important. Providing unlimited access would raise concerns around security and may expand the number of requests for public data, which may introduce an unintended consequence for our staff. In addition, the numerous mandates placed upon schools to provide union access to information and employees will come at a high and unfunded cost.

In the end, as employers and stewards of public school districts, we care deeply for our employees and our students and want the best possible outcomes for both. We believe that our public schools are better today and, in the future, when we work collaboratively with all our employees.

We appreciate the authors’ time to meet and discuss our identified concerns.

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cc: Governor Tim Walz, Lt. Governor Peggy Flanagan, Speaker of the House Melissa Hortman, Senate Majority Leader Kari Dziedzic, Senate Minority Leader Mark Johnson, House Minority Leader Lisa Demuth, Senate Education Finance Committee Chair Mary K. Kunesh, Senate Education Policy Committee Chair Steve A. Cwodzinski, House Education Finance Committee Chair Cheryl Youakim, House Education Policy Committee Chair Laurie Pryor, Senator Grant Hauschild, Representative Sydney Jordan

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