



The Not-So-Frequent (but still important) Things You Should Know

April 2025



Welcome



Tiffany Gustin

Director of Management and Insurance Trust Services

tgustin@mnmsba.org

507-934-8131

This presentation and corresponding materials are for information and educational use only. This presentation provides general statements from federal law, Minnesota law, and agency guidance. The presentation does not include all legal considerations that may arise in a particular situation and the law is constantly evolving. Schools should consult with their attorney for specific legal advice, information, or individualized inquiries. If you have any questions about this presentation or the corresponding materials, please contact MSBA.

Pop Quiz: True or False

- The years a teacher spends teaching under an OFP do not count toward completing their probationary period.

Example:

A teacher holds an elementary teaching license but is hired by your school district to teach Special Education under an OFP granted by PELSB.

Pop Quiz

| School Year | Assignment.... |
|------------------|-----------------------------------|
| 2021-2022 | ACME School District |
| 2022-2023 | ACME School District |
| 2023-2024 | ACME School District (nonrenewed) |
| 2024-2025 | YOUR School District |
| <i>2025-2026</i> | <i>YOUR School District</i> |
| <i>2026-2027</i> | <i>YOUR School District</i> |

You are here.

When is the school district making a decision on whether this teacher will be granted continuing contract status (tenure)?

Pop Quiz

- What is the deadline to notify a teacher of a nonrenewal?
- What is the deadline to provide final notification of a continuing contract teacher's placement on ULA?

Reductions of Teaching Staff

- **Reductions in teaching staff**
 - Nonrenewal
 - Unrequested leave of absence
- **Out-of-Field Permissions**
 - Review each of them
 - Teaching on an OFP counts toward completing the probationary period ---- and achieving continuing contract!
- **Tier 1 and Tier 2**
 - Review each of them

Resources

Nonrenewal and ULA Resources



Human Resources

Administrators ▼

Non-licensed Employees ▼

Superintendent ▼

Teachers ▼

2019-21 Teacher Settlement Spreadsheet

2021-23 Teacher Settlement Spreadsheet

Considerations for Hiring a Retiree

MSBA Teacher Negotiation Communications Toolkit

[Model ECFE-ABE Teacher Master Agreement Language - Updated 9/12/23](#)

Model Preschool, School Readiness, School Readiness Plus, and Prekindergarten Instructor Master Agree

Model Substitute Teacher Contract_Disclaimer

Model Teacher Master Agreement

Model Tier 1 Teacher Contract

Model Tier 1 and Tier 2 Licensed Teacher Master Agreement Language - Updated 9/12/23

Model Tier 2 Teacher Contract

Model Tier 3 Teacher Contract

Model Tier 4 Teacher Contract

PELSB Minnesota Tiered Licensure System

READ Act MOU Template

Reduction of Teaching Staff - ULA Forms and Checklists

Reduction of Teaching Staff - ULA Q and A

Scope of Negotiable Items for Licensed Employees (Non-Representative Bargaining Agreements)

Forms

Summary / Timeline

Resource
Library

Human
Resources

Teachers

Recent Law Changes

Pay History Inquiries

Applicable statute:
[MS 363A.08](#)

Resource:
[MN Dept of Human Rights FAQ](#)

| Do / Can | | Don't / Can't | |
|--|--|---|------------|
| Employer | Applicant | Employer | Applicant |
| <p>Provide information on the wages, benefits, compensation, or salary of the position</p> <p>Inquire about or otherwise engage in discussions with an applicant about the applicant's expectations or requests with respect to wages, salary, benefits, or other compensation.</p> <p>Inquire into the pay history if the job applicant's pay history is a matter of public record under federal or state law, unless the [employer seeks] access to those public records with the intent of obtaining pay history of the applicant for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant.</p> | <p>Can voluntarily and without asking, encouraging, or prompting, disclose pay history for the purposes of negotiating wages, salary, benefits, or other compensation</p> | <p>Inquire into, consider, or require disclosure from any source the pay history of an applicant for employment for the purpose of determining wages, salary, earnings, benefits, or other compensation</p> | <p>N/A</p> |

**2023 Legislation
Effective Now**

.....but why else would you ask?

Recent Law Changes

Salaries in Job Postings

Applicable statute:

MS 181.173

2024 Session Law: Chapter 110

2024 Legislation

Effective January 1, 2025

Must

Employers with more than 30 employees

(a) An employer **must disclose** in each posting for each job opening with the employer the **starting salary range, and a general description of all of the benefits and other compensation**, including but not limited to any health or retirement benefits, to be offered to a hired job applicant.

(b) An employer that does not plan to offer a salary range for a position must list a **fixed pay rate**. A salary range may not be open ended.

Definitions:

*"Posting" means any solicitation intended to recruit job applicants for a specific available position, including recruitment done directly by an **employer or indirectly through a third party**, and includes any postings made **electronically or via printed hard copy**, that includes qualifications for desired applicants.*

*"Salary range" means the **minimum and maximum annual salary or hourly range of compensation**, based on the employer's good faith estimate, for a job opportunity of the employer at the time of the posting of an advertisement for such opportunity.*

Recent Law Changes

What will we see
on January 1,
2026?

Paid Leave

- Wages are reported through the same online system Unemployment Insurance ---- new to schools



<https://mn.gov/deed/paidleave/>

Recent Law Changes

ESST – Earned Sick and Safe Time

- All time provided for illness and injury leave must follow ESST definition as of January 1, 2025
- May require changes to your master agreements and employee handbooks
- Will there be additional changes during this legislative session?



Legislative Session

Funding

Leave

Policy

Compensatory

MN Paid Leave

**Even-Year
Elections**

**Maintain
inflationary
formula increase**

**Tweaks to
Earned Sick and
Safe Time**

Data Requests

Unemployment

...and so much more.



Legislative Session

Funding

The February 2025 Budget and Economic Forecast shows a predicted \$456 million state surplus for the 2026-27 fiscal biennium, but a projected shortfall of nearly \$6 billion in the 2028-29 biennium. (MN House)

| <i>Proposed impact on education....</i> | Governor Walz | Senate (DFL) | House (DFL/GOP) |
|---|---------------|--------------|-----------------|
| FY 2026-2027 | (\$240M) | \$0 | \$40M |
| FY 2028-2029 | (\$445M) | (\$687M) | \$0 |

Open Meeting Law

| Can a board meeting be closed to: | Yes / No | Statute |
|---|----------|---------|
| conduct a performance evaluation on the Superintendent? | | |
| negotiate a new contract with the Superintendent? | | |
| discuss labor negotiations strategy with union maintenance staff? | | |
| discuss labor negotiations strategy with non-union maintenance staff? | | |
| discuss labor negotiations strategy with at-will employees? | | |
| have preliminary discussion about a consolidation? | | |

Resource

MSBA Closed Meeting Chart

Resource
Library

Meeting
Management

General
Information



CLOSED MEETING CHART

Minnesota's Open Meeting Law (Minnesota Statutes, Chapter 13D) requires school board meetings to be open to the public with few exceptions. A public meeting must begin as an open meeting and state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed. A majority vote is needed to close the meeting, with the time and place announced at the public meeting before going into closed session. Please review the specific statute before proceeding to close a meeting. For specific questions, consult with legal counsel.

The School Board MUST Close a Meeting in the Following Situations

| | |
|--|---|
| Discussion of Specified Not Public Data Minn. Stat. 13D.05, Subd. 2(a) | The school board must close a meeting to discuss specified data that is not public. Any portion of a meeting must be closed if the following types of data are discussed: (a) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults; (b) active criminal investigative data as defined under Minn. Stat. § 13.82, subd. 7; (c) student educational data (personally identifiable and not directory information), health data, medical data, welfare data, or mental health data; (d) an individual's medical records. These closed meetings must be electronically recorded at the expense of the school district. The recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public. |
| Preliminary Consideration of Allegations or Charges Minn. Stat. 13D.05, Subd. 2(b) | The school board must close a meeting to discuss preliminary consideration of allegations or charges against a school district employee. The employee can request* the meeting be open. If the meeting is closed, it must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public. |
| Dismissal of a Licensed Teacher Minn. Stat. | A hearing on the dismissal of a licensed teacher must be closed unless the teacher requests* it to be open. If this hearing is closed, it must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public. Hearing procedures are established under Minn. Stat. |



Resource

What can you do on [date?]

Resource
Library

Meeting
Management

General
Information

Applicable statutes:

[MS 645.44](#)
[MS 120A.42](#)
[MS 10.55](#)

Thursday

Dates with Meeting Restrictions 2025-2026

| | | |
|--------------------|---|--|
| January 1, 2025 | New Year's Day Holiday | No school, no meetings |
| January 20, 2025 | Martin Luther King, Jr.'s Birthday Observed * | No meetings |
| February 17, 2025 | Presidents' Day * | No meetings |
| March 11, 2025 | Township Election Day (if applicable) | No meetings or activities 6:00 p.m. - 8:00 p.m. |
| May 26, 2025 | Memorial Day | No school, no meetings |
| June 19, 2025 | Juneteenth ^ | No school, no meetings |
| July 4, 2025 | Independence Day | No school, no meetings |
| August 12, 2025 | Primary Election Day | No meetings or activities 6:00 p.m. - 8:00 p.m. |
| September 1, 2025 | Labor Day | No school, no meetings |
| September 17, 2025 | Constitution Day ^^ | Schools must an educational program |
| October 13, 2025 | Indigenous Peoples Day (Optional Holiday) ^^^ | No meetings if this is a school district holiday |
| November 4, 2025 | Election Day | No meetings or activities 6:00 p.m. - 8:00 p.m. |
| November 11, 2025 | Veterans Day | No meetings |
| November 27, 2025 | Thanksgiving Day | No school, no meetings |
| November 28, 2025 | Day After Thanksgiving (Optional Holiday) | No meetings if this is a school district holiday |
| December 25, 2025 | Christmas Day | No school, no meetings |

Resource

Compensating Hourly Employees During School Closures

Extreme cold leads to school delays, cancellations Tuesday across Minnesota



Resource
Library

Human
Resources

Non-Licensed
Employees



Compensating Hourly Employees During School Closures

When considering whether hourly school district employees must be compensated during a school closure, several statutes must be considered, including:

Minnesota Statute 120A.414 – E-Learning Day

Minnesota Statute 120A.416 – Paid Leave for School Closures

Minnesota Statute 181.9447 – Use of Earned Sick and Safe Time

This resource addresses the common questions school districts face when the school calendar changes due to inclement weather.



Resource (Coming Soon)

- **Updated Model Teacher Master Agreement**
- **Updated Model Contracts**
 - Tier 1
 - Tier 2
 - Tier 3
 - Tier 4

Resource
Library

Human
Resources

Teachers

Resource (New – Coming Soon)

- **Union Contract Negotiations Considerations**

- MN paid leave
- Unemployment (costing?)
- Lane changes
- Unfair labor practices
- ESST
 - ✓ Bereavement
-

Resource (New – Coming Soon)

- Deep Dive: **Earned Sick and Safe Time**

**Did you miss the
Negotiations Seminar?**

Watch for another opportunity in May!

Records Retention



Q&A: Record Retention and Record Retention Schedules

The Minnesota Department of Education (MDE) developed this document to assist school districts who have raised questions about record retention. The purpose of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal situation.

- <https://education.mn.gov/MDE/dse/sped/caqa/ue/>


Records Retention

- **M.S. 138.17, Subdivision 7**
 - Requires every government entity (including schools) to have a retention schedule to govern the retention and destruction of all records.

Records Retention

<https://www.mnhs.org/preservation/state-archives/government>

Buy TicketsDonateEventsMembershipShop



Visit ▾Explore ▾Educate ▾Who We Are ▾Support Us ▾

Search MNHS.ORG

MNHS > Preservation > Minnesota State Archives > Government Records Services

Preservation Home

Legacy Grants

Commemorate 50 Years of Southeast Asians in Minnesota

Heritage Partnership Program

State Capital Projects Grants-in-Aid

Local History Services

Preservation Specialists Directory

Building and Site Preservation

Government Records Services

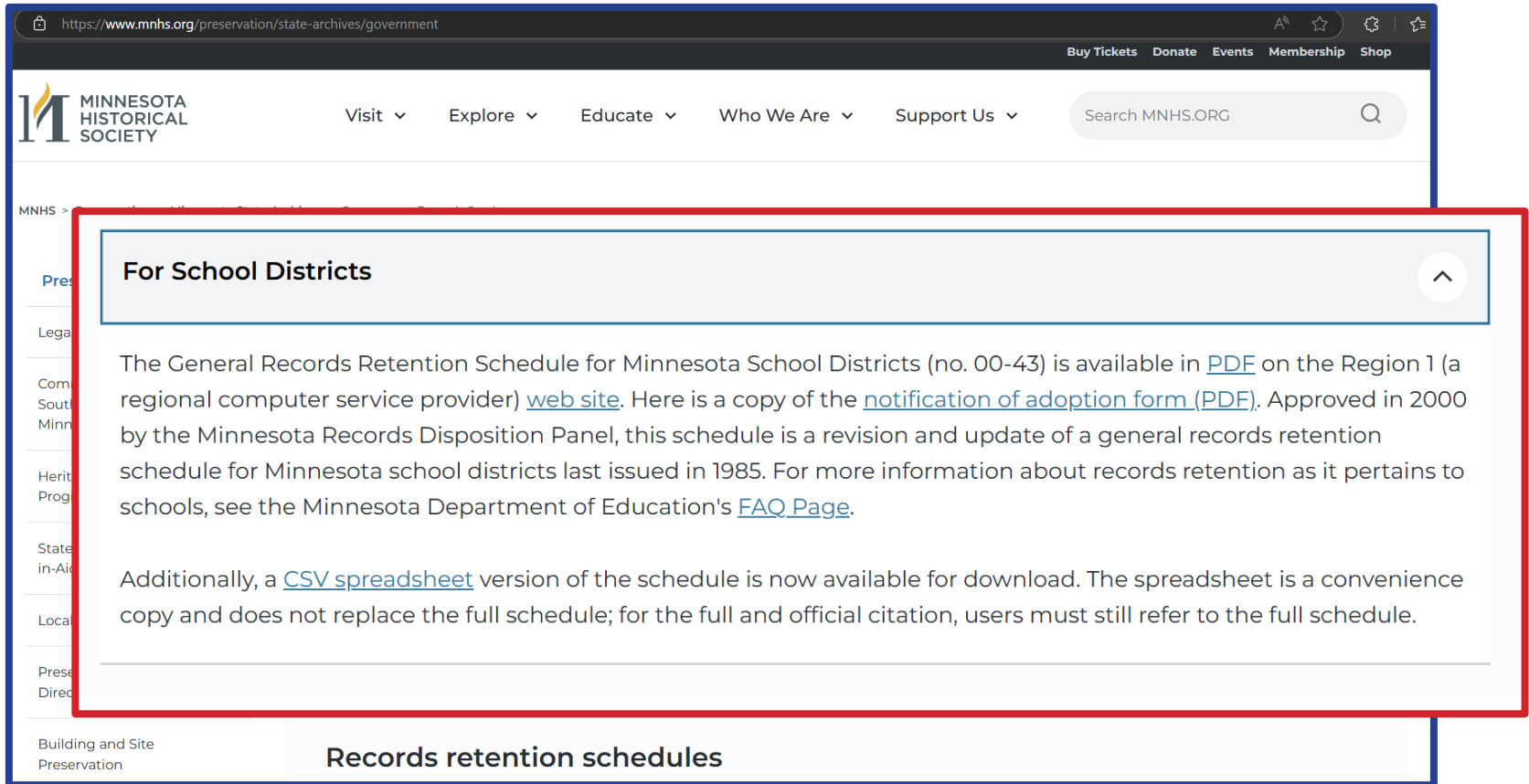
This page provides links to general records retention schedules, records management forms, and informational leaflets listing local government records with historical value.

If you want to learn more about how government records management works in the state of Minnesota, visit our page about the [Minnesota Records Disposition Panel](#) which outlines the legal landscape and processes behind how government entities at all levels manage their records.

If you want to learn more about how government records management works in the state of Minnesota, visit our page about the Minnesota Records Disposition Panel which outlines the legal landscape and processes behind how government entities at all levels manage their records. To determine whether or not your government entity has adopted a retention schedule, please contact State Archives staff for assistance. State Archives staff can additionally provide guidance concerning the historical value of government records. Our contact information is available on our [main page](#).

Records retention schedules

Records Retention



The screenshot shows the Minnesota Historical Society website. The URL in the browser is <https://www.mnhs.org/preservation/state-archives/government>. The navigation bar includes links for Buy Tickets, Donate, Events, Membership, and Shop. The main navigation menu has links for Visit, Explore, Educate, Who We Are, and Support Us. A search bar is labeled "Search MNHS.ORG".

The left sidebar contains a list of categories: MNHS, Preservation, Legal, Community, Southern, Minnesota, Heritage, Programs, State, in-Aid, Local, Preservation, and Direct.

The main content area is titled "For School Districts" and contains the following text:

The General Records Retention Schedule for Minnesota School Districts (no. 00-43) is available in [PDF](#) on the Region 1 (a regional computer service provider) [web site](#). Here is a copy of the [notification of adoption form \(PDF\)](#). Approved in 2000 by the Minnesota Records Disposition Panel, this schedule is a revision and update of a general records retention schedule for Minnesota school districts last issued in 1985. For more information about records retention as it pertains to schools, see the Minnesota Department of Education's [FAQ Page](#).

Additionally, a [CSV spreadsheet](#) version of the schedule is now available for download. The spreadsheet is a convenience copy and does not replace the full schedule; for the full and official citation, users must still refer to the full schedule.

The footer of the page includes the text "Building and Site Preservation" and "Records retention schedules".

Records Retention

SCHOOL DISTRICT GENERAL RECORDS RETENTION SCHEDULE

STATE OF MINNESOTA
Department of
Administration

Information Policy Analysis Division
January, 2000



Administration

Building

Community Education.....

Curriculum

Food Services

Finance

Health & Safety

Payroll.....

Personnel.....

Special Education

Students.....

Transportation.....

Records Retention

School District General Records Retention Schedule

Section: Finance

| Item | Title | Example and Description | Retention Period | Archival | Data Practices Classification/ Statute |
|----------|-----------------------------------|---|--|----------|--|
| FIN00325 | Year-End Financial Reports | Note: includes Clerks and Treasurer's Reports (Register of Receipts/Disbursements, Treasurer's Annual Report, Treasurer's Books of Records. (Post 1932) | Retain Permanently | No | Public |
| FIN00330 | Year-End Financial Reports | Accounts Receivable, Numbered Receipts, Accounts Receivable Invoices, Remittance Advice | 6 Years | No | Public |
| FIN00335 | Year-End Financial Reports | General Ledger, General Journals, Journal Entries, Disbursements Journal, Check Register Adopted and Revised Budget, Budget Publications, Balance Sheet, Receipts Journal | Retain Permanently | No | Public |
| FIN00400 | Audit Reports | | Retain permanently; has historical value | Yes | Public |
| FIN00500 | Bank Statements/ Reconciliation's | Checks, Cancelled, Returned or Voided. (Must Be original Check - Not Microfiche) | 6 Years | No | Public/Private MS 13.43 |
| FIN00510 | Bank Statements/ Reconciliation's | Statement of Pledged Securities | 6 Years after Expiration | No | Public |
| FIN00600 | Bonds and Coupons | Bond Ledgers/Registers | Until Debt Is Retired and Audit | No | Public |
| FIN00700 | Bond Issues - Official Statements | Enabling Documentation | Permanent | No | Public |
| FIN00800 | Building and Land Contracts | See Buildings | | | |

Records Retention

Has our school district adopted a retention schedule?

Contact the State Archives staff at the Minnesota Historical Society to inquire whether or not your school has adopted the MN school district general records retention schedule. (statearchives@mnhs.org)

Can we change the format and store records electronically?

"There is no requirement for a school district to notify anyone if they are retaining and preserving records in electronic form. The general schedule is media/format neutral, so it is the information that has the retention period, not the media."

Records Retention

Is it ok to retain the information
LONGER than what is required in
the retention schedule?

Give this some thought...

LEFT BRAIN

Pattern perception
Detail oriented
Reality-based
Sequential
Analytical
Practical
Cautious
Rational
Planned
Stability
Orderly
Control
Logical



RIGHT BRAIN

Emotional intelligence
Social intelligence
Holistic thinking
Compassion
Imagination
Judgement
Perception
Risk taking
Reasoning
Creativity
Synthesis
Empathy
Intuition

What impact does it have on....

- **Negotiations?**
- **Hiring?**
- **Reductions?**

“I just want to do what’s best for kids.”



Questions



Tiffany Gustin

Director of Management and Insurance Trust Services

tgustin@mnmsba.org

507-934-8131

This presentation and corresponding materials are for information and educational use only. This presentation provides general statements from federal law, Minnesota law, and agency guidance. The presentation does not include all legal considerations that may arise in a particular situation and the law is constantly evolving. Schools should consult with their attorney for specific legal advice, information, or individualized inquiries. If you have any questions about this presentation or the corresponding materials, please contact MSBA.