



To: Members of the Workers' Compensation Advisory Council

From: Tim Benz, President
Minnesota Independent School Forum

Jason Adkins, Executive Director
Minnesota Catholic Conference

Date: February 22, 2021

Re: Consideration of HF37 (Huot)

We are writing this letter to the Workers' Compensation Advisory Council (WCAC) in response to legislation being considered this week by WCAC. The legislation, HF37 (Huot), is also scheduled for a hearing in the House Labor, Industry, Veterans and Military Affairs Policy and Finance Committee on Wednesday, February 24.

The Minnesota Independent School Forum (MISF) and the Minnesota Catholic Conference (MCC) represent non-public schools across the state. Since the start of the 2020-21 school year, we have worked closely with non-public schools as they have reopened to provide in-person education services to students. While most non-public schools have operated in-person since the start of the school year, some of these schools have operated in hybrid and distance learning models.

During the process of reopening, non-public schools worked closely with the Minnesota Department of Health (MDH) and local public health agencies to safely welcome back teachers, staff, and students. In addition, non-public schools have closely followed MDH and CDC's guidance and directives on safety protocols to protect staff and students. Non-public schools have also worked with their insurance carriers to ensure that schools are operating in compliance with all federal and state laws, rules, and guidance related to COVID-19.

Since the start of the school year, the transmission rate for COVID-19 in non-public schools has been very low. On February 12, the Governor's Office and MDH confirmed this fact by noting that the overall transmission rate among teachers in public and non-public schools is just

0.37%. We know from local, state, and national data and studies that schools can be safely reopened to students and staff for in-person learning.

Over the course of the pandemic, community spread of COVID-19 has made it difficult to determine the nexus of transmission. HF 37 places that presumption automatically onto public and non-public schools, when in fact we know from data that individuals have a much higher rate of contracting COVID-19 from other activities or venues. The legislation also assigns various contractors to the list of those who would be granted presumption – some whom may have never even entered our school buildings during the school year. This also applies to teachers and staff who have been working solely in distance learning – under this standard, if a teacher or staff member contracted COVID-19, the school would be presumed responsible for the positive COVID case.

Lastly, this legislation provides no funding for public and non-public schools to manage the costs of this new mandate. Instead, it is left to schools to pay for any additional expenses, even if the school has taken every safety precaution and was never the nexus for COVID-19. Passing this mandate will financially harm non-public schools at a time where they are already stretched to meet the added costs of COVID-19. For example, there are non-public schools that have spent hundreds of thousands of dollars during this school year to meet COVID safety protocols, hire additional staff, and enhance technology for staff and students.

We request that the Workers' Compensation Advisory Council decline to endorse this legislation. It's unnecessary, may harm schools at a time when financial resources are already stretched, and may hinder the ability of all schools – public and non-public – to safely reopen and provide critical educational services for students.

We can be reached at tbenz@misf.org or jadkins@mncatholic.org if you have any questions.