

## Directory of Programs and Policies Affecting Nonpublic Schools

Updated September 6, 2018

Note: This directory is in a constant state of updating, which is necessary to reflect frequent changes in laws, rules, and interpretations. Please let us know of any problems you may have with links or if you have any other recommended changes. Prepared for (MISF) by Dr. Barry Sullivan

<a href="#">Advanced Placement (AP) and International Baccalaureate (IB)</a> .....	2
<a href="#">Accreditation, State Recognized Accrediting Agencies</a> .....	2
<a href="#">Background Checks</a> .....	3-4
<a href="#">Bleacher Safety</a> .....	4
<a href="#">Child Care; includes <a href="#">Early Learning Scholarships</a> and <a href="#">License Exclusion</a> .....</a>	4-6
<a href="#">College-Level Examination Program (CLEP)</a> .....	6
<a href="#">Compulsory Instruction</a> .....	6
<a href="#">Computers for Schools</a> .....	7
<a href="#">Concussion Procedures</a> .....	7
<a href="#">Data Practices</a> .....	7-8
<a href="#">Discrimination Laws</a> .....	8-9
<a href="#">Driver Education</a> .....	9-10
<a href="#">Early Childhood Health and Developmental Screening</a> .....	10-11
<a href="#">Early Childhood Resources</a> .....	11
<a href="#">Every Student Succeeds Act (ESSA)</a> .....	11-13
<a href="#">Emergency Planning, Crisis Management, and Disaster Preparedness Resources</a> ....	13-14
<a href="#">Employment, Minnesota Statutes</a> .....	14
<a href="#">Extracurricular Activities and Home schools</a> .....	14
<a href="#">Federal Office of Nonpublic Education</a> .....	15
<a href="#">Flu – Seasonal and Novel Influenza</a> .....	15
<a href="#">Fire Drills in Schools; Door and Exit Requirements; Records</a> .....	15
<a href="#">Gambling, Charitable</a> .....	15-16
<a href="#">Home Schools</a> .....	16
<a href="#">Immunization Reporting</a> .....	16-17
<a href="#">International Student Exchange</a> .....	17
<a href="#">Maltreatment of Minors</a> .....	17-18
<a href="#">Medication</a> .....	18-19
<a href="#">Mercury Uses in Schools Prohibited</a> .....	19
<a href="#">Minnesota Department of Education</a> .....	19
<a href="#">Minnesota Nonpublic Education Council</a> .....	19
<a href="#">Minnesota State High School League</a> .....	19-20
<a href="#">Nonpublic Fall Report</a> .....	20
<a href="#">Nonpublic Pupil Aids – Includes Rates</a> .....	20-22
<a href="#">Nutrition Programs (including school lunch and breakfast)</a> .....	22
<a href="#">Online Learning Option Act</a> .....	22-23
<a href="#">Pesticide Application Notification</a> .....	23
<a href="#">Post-Secondary Enrollment Options (PSEO)</a> .....	23-24
<a href="#">Pool Safety</a> .....	24
<a href="#">Pupil Fair Dismissal Act (generally applies only to public schools)</a> .....	24-25
<a href="#">Record Transfers Required</a> .....	25
<a href="#">Safe at Home Address Confidentiality Program</a> .....	25
<a href="#">School Choice, MDE</a> .....	25-26
<a href="#">School Safety</a> .....	26
<a href="#">School Safety Center</a> .....	26
<a href="#">School Wellness Resources</a> .....	26
<a href="#">Shared Time</a> .....	26-27

<a href="#">Special Education</a> .....	27
<a href="#">State Income Tax Credit and Deduction</a> .....	27
<a href="#">Statewide Testing</a> .....	28
<a href="#">Technology Programs (includes state and federal programs)</a> .....	28-29
<a href="#">Transportation</a> ; includes several school bus provisions (such as Equal Treatment) and the <a href="#">Safe Routes to School Program</a> .....	29-31
<a href="#">Weapons Reporting</a> .....	31
<a href="#">Selected Sources for Additional Information</a> .....	31-32

### Items are listed in alphabetical order

Along with telephone numbers and e-mail addresses, websites and direct links are provided below for those accessing this document electronically. Please note that contact names change frequently; therefore, we will update this information as often as possible. In addition to the specific information associated with each program or policy listed below, a primary source for many state and federal programs is the Minnesota Department of Education (MDE): Telephone – (651) 582-8200 or [www.education.state.mn.us](http://www.education.state.mn.us). **You can view the complete statute (for example, [120B.13](#)) by simply clicking on the highlighted number** (this will link you to that official state statute, provided by the Minnesota Office of the Revisor of Statutes). Also, other electronically highlighted information sources can be accessed in this manner.

**Advanced Placement (AP) and International Baccalaureate (IB) Program** (Minnesota Statutes, Section [120B.13](#)). Provides financial incentives for schools to begin or expand their AP and IB offerings and to promote rigorous, challenging courses for students in secondary schools. Nonpublic students qualify for exam fee subsidies and, if they are from low-income families, they may have all exam fees paid by the College Board and the state. To qualify for exam fee reimbursement for your students, the AP or IB Coordinator at a nonpublic school must complete an application from the state (see state contact below) and order exams from the Educational Testing Service by April 1 each year. To receive reimbursement, the AP or IB Coordinator must also submit a copy of the AP and/or IB Exam Invoice to MDE by June 15. **State Contact**, General: Jacqui McKenzie, MDE (651) 582-8852; e: [jacqui.mckenzie@state.mn.us](mailto:jacqui.mckenzie@state.mn.us)

**Accreditation, State Recognized Accrediting Agencies** (Minnesota Statutes, Section [123B.445](#)). “The [Minnesota Nonpublic Education] Council may recognize educational accrediting agencies, for the sole purpose of sections [120A.22](#), [120A.24](#), and [120A.26](#).” Nonpublic schools may choose to be accredited by an independent accrediting agency (the state does not accredit schools, public or nonpublic). Although accreditation is not a requirement of state statute, if a nonpublic school in Minnesota is accredited by a “**state recognized**” **accrediting agency**, the school is relieved of several reporting requirements (see **Compulsory Instruction**, below). A complete, updated list of “state recognized” accrediting agencies can be found at this link on MDE’s website: [Accrediting Agencies Whose Schools Have Reduced Reporting Requirements](#) - 5/22/17

**State Contact:** Cindy Jackson – (651) 582-8572 or e: [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us) or [mde.contactus@state.mn.us](mailto:mde.contactus@state.mn.us)

**Background Checks on School Employees** (Minnesota Statutes, Sections [123B.03](#) and [122A.18, subd. 8](#). A nonpublic school hiring authority (except a home school) as well as each public school authority:

*“...shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals who are offered employment in a school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to a school, regardless of whether any compensation is paid.”* A school hiring authority, at its discretion, may decide not to request a criminal history background check on an individual who holds an initial entrance license issued by the State Board of Teaching or the commissioner of education within the 12 months preceding an offer of employment. Related laws require the Board of Teaching and the Commissioner of Education to request criminal history background checks on all first-time teaching applicants for licenses under their jurisdiction (see 122A.18, subd. 8). The law permits a school hiring authority to use results of a criminal background check conducted at the request of another school hiring authority under certain circumstances – 123B.03 subd. 1(b). A **school hiring authority may, at its discretion**, request a criminal history background check on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee.

Recent Changes in the Background Check Statutes:

**2008 Law Changes.** Amendments in 2008 modify existing background check law: [Chapters 275](#) , [315](#), and [369](#). Together, these acts impose additional duties on all “**school hiring authorities**,” including those in **nonpublic schools**. In brief, school hiring authorities will now have to seek background checks “... on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services...” Other changes include: notification requirements for schools are modified; the definition of “school hiring authority” is clarified to explicitly reference those in charge of nonpublic schools; an additional “investigation of disciplinary actions” step, which will require contacting the Board of Teaching (now called the Professional Educator Licensing and Standards Board), is imposed; and “third-party contracting” of criminal history background checks will be allowed. Most changes will take effect September 1, 2008; however, the investigation of disciplinary actions will not be required until May 1, 2009.

**2009 Law Change.** Chapter [115](#) of 2009 Session Laws amends the law passed the year before by directing **school employers (including nonpublic schools)** to contact the “Board of Teaching” (now called the Professional Educator Licensing and Standards Board) to determine whether the board has taken disciplinary action against a prospective teacher for misconduct. This act strikes references in previous law that restricted these investigations to “sexual misconduct” or “attempted sexual misconduct.” Also, with this amendment, the law now excludes from the definition of “disciplinary action” only board action based on “court-ordered child support or maintenance payment “arrearages” or “delinquent state taxes.” As amended, then, the requirements would affect all disciplinary actions except those explicitly excluded (court ordered child support payments and delinquent state taxes). This law change was effective May 20, 2009.

**State Contacts:**

**Bureau of Criminal Apprehension**, Jean Kelly - [Jean.Kelly@state.mn.us](mailto:Jean.Kelly@state.mn.us) or (651) 793-2403 or (651) 793-2400 or <https://dps.mn.gov/divisions/bca/Pages/default.aspx>

**Minnesota Professional Educator Licensing and Standards Board** 651-582-8739.

For purposes of implementing the requirement regarding complaints, the state has

developed the [Teacher Discipline Inquiry System \(TDIS\)](#), an online search application system to be used by schools. It can be accessed from a link on the board's website – [Minnesota Professional Educator Licensing and Standards Board](#) (formerly known as the Board of Teaching) or directly at <https://mn.gov/pelsb/districts/complaints/>

**For school administrators, contact the [Minnesota Board of School Administrators \(BOSA\)](#).** Dr. Tony Kinkel, Executive Director, 651-582-8236. [Anthony.Kinkel@state.mn.us](mailto:Anthony.Kinkel@state.mn.us)

**Bleacher Safety** (Minnesota Statutes, Section [326B.112](#), and Minnesota Rules, [Part 1303.2100](#)). State law and rules require entities "...owning places of public accommodation with bleachers that are subject to the safety requirements in subdivision 3 [see [326B.112](#)] shall provide a signed certification of compliance to the commissioner [of Labor and Industry]." According to the statute, "For bleachers owned by a school district or **nonpublic school**, the person the district or nonpublic school designates to be responsible for buildings and grounds may make the certification." **Periodic Inspections.** "Bleacher footboards and guardrails must be reinspected at least every five years and a structural inspection must be made at least every ten years. Inspections may be completed in the same manner as provided in subdivision 4." Note: the reference to "subdivision 4" means that the nonpublic school may have the person it designates to be responsible for buildings and grounds perform these inspections and "reinspections." Exceptions: The certificate of compliance is not required for bleachers 55 inches above grade and lower without guardrails. Also, this statute does not preclude a municipal authority from establishing additional reinspections under the State Building Code.

**State Contact:** Minnesota Department of Labor and Industry, [Bleacher Safety](#) or <http://www.dli.mn.gov/business/codes-and-laws/bleacher-safety-standards>. For help with questions, contact Jerry Norman, Construction Codes and Licensing, (651) 284-5872 or e-mail: [Gerald.Norman@state.mn.us](mailto:Gerald.Norman@state.mn.us)

**Busing, Bus Safety, Type III bus, Child Restraints, Special Event Use – See [Transportation](#)**

## **Child Care**

**Early Learning Scholarships.** Minnesota Statutes, Section [124D.165](#) establishes an Early Learning Scholarship Program aimed at closing the opportunity gap by increasing access to high quality early education programs for children ages three to five. See [Early Learning Scholarships](#).

**Family eligibility.** Have a child three or four years of age on September 1 of the current year, who is not yet eligible for Kindergarten, and meets specified income restrictions – one measure is income equal to or less than 185 percent of the federal poverty level. However, children birth through age 2 are eligible if they are in foster care, in need of child protective services, experiencing homelessness or have a parent under the age of 21 who is pursuing a high school or general educational equivalency diploma. Also, any sibling between zero and 5 has access to a scholarship if attending the same program

**Funding.** Scholarships will be awarded up to **\$7,500 for each eligible child** per year. The award amount is based on the Parent Aware rating of the early education program.

**Early childhood program eligibility criteria.** To be eligible to accept a scholarship, a program must: Participate in Parent Aware, Minnesota’s quality rating and improvement system under 124D.142 and beginning July 1, 2020, have a 3 or 4 Star Parent Aware rating.

**New Appropriation Levels.** Lawmakers in the 2017 legislative session appropriated approximately \$70.2 million for each year of the 2018-2019 biennium. Link to MDE’s [Early Learning Scholarships](#).

**Role for Nonpublic Schools.** Lisa Barnidge at MDE has advised me that, if interested, “**nonpublic schools that are rated in Parent Aware** (Minnesota’s Tiered Quality and Improvement Rating System) **can receive Early Learning Scholarships...**at this time, a nonpublic school that runs an early childhood program must have a child care license from DHS in order to obtain a Parent Aware rating.” To learn more about Parent Aware, you can visit [Parent Aware – Earn A Rating](#) or <http://parentaware.org/programs/earn-a-rating/>

**State Contact:** Sandy Myers, MDE: 651-582-8301 or [sandra.myers@state.mn.us](mailto:sandra.myers@state.mn.us) Also, see this link at MDE: [Early Learning Scholarships](#).

**Preschool Licensing Exclusion for Nonpublic Schools.** A 2009 law made permanent what had been a temporary moratorium for nonpublic schools. See Minnesota Statutes, [Section 245A.03, subdivision 2, paragraph \(a\), clause \(26\), and subdivision 8. Exclusion from Licensure](#):

*Clause (26) “a program serving only children who are age 33 months or older, that is operated by a nonpublic school, for no more than four hours per day per child, with no more than 20 children at any one time, and that is accredited by:*

*(i) an accrediting agency that is formally recognized by the commissioner of education as a nonpublic school accrediting organization; or*

*(ii) an accrediting agency that requires background studies and that receives and investigates complaints about the services provided.*

*A program that asserts its exemption from licensure under item (ii) shall, upon request from the commissioner, provide the commissioner with documentation from the accrediting agency that verifies: that the accreditation is current; that the accrediting agency investigates complaints about services; and that the accrediting agency's standards require background studies on all people providing direct contact services.”*

*Subd. 8. “**Excluded providers seeking licensure.** Nothing in this section shall prohibit a program that is excluded from licensure under subdivision 2, paragraph (a), clause (26), from seeking licensure. The commissioner shall ensure that any application received from such an excluded provider is processed in the same manner as all other applications for child care center licensure.”*

### 2017 law change.

First Special Session Laws of 2017, Chapter 6 – Health and Human Services Omnibus Act included an amendment to this statute. This change establishes a process for the certification of license-exempt child care centers. The Commissioner of Human Services must provide application instructions and information on rules and requirements. The act requires that this process for certifying license-exempt child care centers must be implemented by September 30, 2017. [Article 16, sec. 45-propose coding in § 245G.03.]

To find the list of formally **recognized nonpublic school accrediting organizations**, go to the link on MDE's website: [Accrediting Agencies Whose Schools Have Reduced Reporting Requirements](#)

**State Contacts:** Minnesota Department of Human Services Licensing - Peggy Cunningham, DHS Licensing Division Unit Manager, at 651-431-6590 or [Peggy.Cunningham@state.mn.us](mailto:Peggy.Cunningham@state.mn.us). or (651) 431-6500.

Child Care Center Statutes and Rules:

[Minnesota Rules, Parts 9503.0005 to 9503.0170](#), Licensure of Child Care Centers

[Minnesota Statutes, Chapter 245A](#) (Human Services Licensing Act)

[Minnesota Statutes, Chapter 245C](#) (Human Services Background Study Act)

[Minnesota Statutes, section 626.556](#) (Maltreatment of Minors Act)

**College-Level Examination Program (CLEP)** (Minnesota Statutes, Section [120B.131](#)). CLEP is a program offered by the College Board that gives students, including those in nonpublic schools, the opportunity to demonstrate college-level achievement and receive college credit or advanced standing through a program of examinations in undergraduate college courses. Schools must provide information about CLEP and the opportunity to receive college credit from a Minnesota postsecondary institution to students successfully completing a college-level course. The colleges and universities of the Minnesota State Colleges and Universities system must award, and the University of Minnesota and private postsecondary institutions are encouraged to award, college credit to high school students who receive a satisfactory score on a CLEP examination under this section.

No funding was appropriated for CLEP examination fees during the current biennium; therefore, students are no longer eligible for state reimbursement of CLEP examination fees.

State contact: Angie Johnson, MDE (651) 582-8478 or e: [angie.johnson@state.mn.us](mailto:angie.johnson@state.mn.us)

**Compulsory Instruction** (Minnesota Statutes, Sections [120A.22](#), [120A.24](#), and [120A.26](#)). State statutes compel school attendance for children between the ages of 7 and 17. Note: based on a 2013 law ([116](#), Article 3, Section 1), the age for compulsory instruction was raised to 17 beginning in the 2014-2015 school term. “Every child between seven and 17 years of age must receive instruction unless the child has graduated.”

Included in the statutes cited above are the **basic reporting requirements for nonpublic schools** (including home schools), which must report specified information to the public school superintendent who serves the school district where each child resides. Note that nonpublic schools accredited by a state-recognized agency are exempted from many reporting requirements (see **Accreditation**, above). Note: changes in these statutes were enacted in the 2011, 2012, and 2013 legislative sessions – see [MISF \(http://www.misf.org/\)](http://www.misf.org/) website for details about State Laws Relating to Nonpublic Schools for each of these years.

#### **Compulsory instruction information links from MDE website**

- [Compulsory Instruction](#) (including “what superintendents need to know”)
- [Nonpublic and Home Schools](#)
- [Accrediting Agencies Whose Schools Have Reduced Reporting Requirements](#) “Nonpublic schools, including homeschools, that are directly accredited by one of the accrediting organizations on this list have reduced reporting requirements to their students' local school superintendents under

Minnesota's Compulsory Instruction Statute.”

- [Letter of Intent to Continue to Provide Instruction](#) (4/15/15)

This form is to be submitted to the resident school superintendent by October 1 of each year after the instructor has provided the same district with a Full Report. Revised April 2015.

**Computers for Schools.** Minnesota Computers for Schools (MCFS) operates under the principle that all students deserve equal access to the technology necessary to develop the skills, knowledge and confidence required for success in school, the community and the workforce. MCFS employs and trains inmates at the Stillwater Correctional Facility to refurbish and recycle computers donated from businesses. The **refurbished computers are sold to schools and educational nonprofits for a nominal fee.** Each computer is customized for the school’s needs and comes with a three-year warranty and tech support. **Contact:** La Vang, Business Manager, MN Computers for Schools 651-779-2816 [www.mncfs.org](http://www.mncfs.org) or e: [lvang@mncfs.org](mailto:lvang@mncfs.org)

Other Computer-related programs – See “[Technology Programs](#)” below.

**Concussion Procedures.** Minnesota Statutes, Section [121A.38](#) (passed in 2012), defines terms and establishes procedures to be followed. The statute specifies that the appropriate sports governing body, including the high school league..., among other sports governing bodies, shall work with public **and nonpublic** school coaches, officials, and youth athletes and their parents or guardians to make information available about the nature and risks of concussions, including the effects of continuing to play after receiving a concussion. The information shall include protocols and content, consistent with current medical knowledge from the Centers for Disease Control and Prevention.” The statute specifies these “protocols” and “content.”

Contact: [Minnesota State High School League](#) or <http://www.mshsl.org/mshsl/index.asp>. Also, see [Concussion Link](#) or <http://www.mshsl.org/mshsl/news/ConcussionInfo.pdf>

Contact: Phone (763) 560-2262 FAX (763) 569-0499

**Data Practices.** Federal and state laws and related regulations have some applicability to nonpublic schools in certain situations. However, this is a very complex area of law; therefore, readers may wish to seek additional information after reviewing this broad overview.

- **Family Educational Rights and Privacy Act (FERPA).** This federal law establishes standards that public schools must follow in handling student records. Among other requirements, the law gives parents the right to inspect all records relating to their children that the school maintains and allows them to challenge the accuracy of these records. Parents must give their consent before a school can release a student’s records to entities outside of certain designated categories. Once the student attains the age of 18, he or she may give such consent. Each school district must publish a pupil records policy. **Applicability to Nonpublic Schools.** FERPA applies to educational agencies or institutions that receive federal funds from programs administered by the U.S. Department of Education (DOE). “Generally,” according to communications received by this writer from the Family Compliance Office of DOE, “private schools at the elementary and secondary levels do not receive funding...from programs administered by the department.” Even when a private school has “students and teachers who receive services from a local or state education agency funded by a DOE program, this does not

necessarily bring the school under the coverage of FERPA.” This federal communication makes a distinction between a government program that serves the student or teacher and one that provides financial assistance to the private school. Indeed, the federal regulations specify that the law does not apply to a private school “...solely because students attending that...institution receive non-monetary benefits under a program” (34 CFR Section 99.1(b)). Since the distinction relating to those who benefit from the federal funding – e.g., a student or the private school – may be difficult to generalize, readers may wish to pose specific questions to the federal government office noted below:  
Federal Contacts: [Family Compliance Office](#) or (202) 260-3887.

- Minnesota Government Data Practices Act** (Minnesota Statutes, [Chapter 13](#)). In general, this state statute governs the collection, security, and dissemination of government data as managed by all state agencies, political subdivisions (including school districts), and statewide systems. Most provisions of this Chapter that govern “educational data” are in Section [13.32](#). Also, see Educational Data: [13.321](#). Prekindergarten-grade 12 Educational Data Coded Elsewhere. Over the years questions have arisen as to whether provisions of Chapter 13 affect nonpublic schools. A 2001 opinion by the state answers some of these questions. Minnesota Department of Administration Advisory Opinion 01-088 addresses a question related to whether Minnesota nonpublic or private schools are subject to the provisions of Chapter 13. Although the question related to a specific provision – Section 13.32, subd. 5a – the opinion appears to have broad applicability: “*Generally speaking, Minnesota private/nonpublic schools are not subject to any of the provisions of Minnesota Statutes, Chapter 13, including section 13.32, subdivision 5a. If, however, a particular school is under contract to a government entity, the school may be subject to certain provisions of Chapter 13.*” The entire opinion, including background facts, can be accessed at the [Information Policy Analysis Division](#) website.  
**State Contact:** Information Policy Analysis Division, Minnesota Department of Administration -<http://www.ipad.state.mn.us/> 1-800-657-3721 or (651) 296-6733

**Discrimination Laws** (Federal and State). Also, see **Employment** below. Major sources of information regarding federal and state requirements include: the [U.S. Equal Employment Opportunity Commission \(EEOC\)](#), [U.S. Office of Civil Rights \(OCR\)](#), and [Minnesota Department of Human Rights](#).

Summary below from the OCR website:

- Title VI of the Civil Rights Act of 1964:** Provides that "no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education."  
*Contact information:* Office for Civil Rights, Chicago Regional Office, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL. 60661. Telephone: (312) 730-1560.
- Title IX of the Education Amendments of 1972:** "Is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution." *Contact information:* Office for Civil Rights,



Chicago Regional Office, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475. Chicago, IL 60661. Telephone: (312) 730-1560.

- **Section 504 of the Rehabilitation Act of 1973:** "Is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance." *Contact information:* Office for Civil Rights, Chicago Regional Office, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661. Telephone: (312) 730-1560.
- **Title II of the Americans with Disabilities Act of 1990:** "Is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments." *Contact Information:* Coordination and Review Section, Civil Rights Division of the U.S. Department of Justice. P.O. Box 66118 Washington, D.C. 20035-6118. Telephone: (202) 514-0301.
- **Age Discrimination Act of 1975.** Prohibits discrimination on the basis of age. *Contact information:* Office for Civil Rights, Chicago Regional Office, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475 Chicago, IL. 60606-7204. Telephone: (312) 730-1560.

**Major state requirements include (but are not limited to):**

**Minnesota Human Rights Act (Minnesota Statutes, Chapter [363A](#),** which is intended "to secure for persons in this state, freedom from discrimination" on the basis of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age. *Contact information:* [Minnesota Department of Human Rights](#), Telephone: 1-800-657-3704 or (651) 296-5663.

**Athletic Equal Opportunity (Minnesota Statutes, [121A.04](#)).** Intended "to provide an equal opportunity for members of both sexes to participate in athletic programs." *Contact information:* Minnesota Department of Education, Telephone: 651-582-8237 or [www.education.state.mn.us](http://www.education.state.mn.us).

Public schools must submit to MDE an annual "assurance of compliance" with state and federal laws prohibiting discrimination.

**Driver Education (Minnesota Statutes, [Section 171.05](#) and Minnesota Rules, [Chapter 7411, Driver Education](#)).** The Department of Public Safety administers state law and rules governing motor vehicle licensing requirements, including public and private driver education programs. Among the requirements, state law authorizes the department to issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who unless having completed a driver education course or licensed in another state is enrolled in either:

- (1) *A public, private, or commercial driver education program approved by the Commissioner of Public Safety that includes classroom and behind-the-wheel training or*
- (2) *an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a homeschool diploma, the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety, and the student's parent has certified the student's homeschool and home-classroom driver training status on the form approved by the commissioner [of Public Safety]*

**Recent Changes:**

Students under age 18 are required to log at least 50 hours of driving, 15 at night, before taking their road test for a provisional driver's license. This is an increase from 30 and 10. A driving log is required to be presented to the driver examiners when the students check in for the road test. Exact wording can be found in Minnesota Statutes, section [171.055](#)

Students whose parents complete an optional 90-minute parent class at a driver education program are only required to show 40 hours, 15 at night on the driving log. Information on the parent class can be found in Minnesota Statutes, section [171.0701](#)

More information regarding classroom driver education requirements, approved sources for driver education textbooks, parental involvement resources, and home school driver education requirements is available at the Department of Public Safety's website. For example:

- [Graduated Driver License Law](#)
- ["Teen Driver Laws."](#)
- [Child-Passenger Safety](#)
- [Home School Driver Education Materials.](#)

**State Contact:** Don Hoechst, Driver Education Coordinator, Driver & Vehicle Services, Minnesota Department of Public Safety – (651) 201-7625 – or [don.hoechst@state.mn.us](mailto:don.hoechst@state.mn.us)  
Also, you could call Cindy Hom, (651) 201-7626, e-mail to [Cindy Hom](mailto:Cindy.Hom@state.mn.us) at [cindy.hom@state.mn.us](mailto:cindy.hom@state.mn.us) . General questions can also be sent to: [drivers.licenses@state.mn.us](mailto:drivers.licenses@state.mn.us)

**Early Childhood Screening** (Minnesota Statutes, Sections:

[121A.16](#) (Early Childhood Health and Development Screening; Purpose);

[121A.17](#) (School Board Responsibilities);

[121A.18](#) (Data Use); and

[121A.19](#) (Developmental Screening Aid).

School districts provide developmental screening programs for all resident families, including those with children attending or planning to attend nonpublic schools. An overview of the standards and protocols for the required and optional health and developmental components of the Early Childhood Screening (ECS) program are available. State aid per child screened is: \$75 for a child screened at age 3; \$50 for a child screened at age 4; and \$40 for a child screened at age 5 or 6 prior to kindergarten.

The following additional information can be found on MDE's [Early Childhood Screening](#) link:

- [Early Childhood Screening Brochure - English](#) - 4/3/17
- [Parent Frequently Asked Questions for Early Childhood Screening](#) - 8/29/16
- [Summary Child Health and Developmental Screening](#) - 6/28/16
- Find A Local Program - [Search online by county, school district or city to find early childhood programs.](#)

**State Contact:** Debbykay Peterson, MDE – (651) 582-8426 e: [debbykay.peterson@state.mn.us](mailto:debbykay.peterson@state.mn.us)

Local Contact: Your school district's Early Childhood Screening Coordinator. You can use the following MDE search tool to find the coordinator in your area: <http://w20.education.state.mn.us/ELSSearch/search.do>

**Early Childhood Resources.** In addition to the information regarding screening (above), nonpublic school leaders and parents may find these resources helpful (both are recommended by MDE’s Debbykay Peterson):

**[Help Me Grow](#).** This is a new statewide initiative for public awareness, outreach and child find under IDEA (Part C and Part 619B) for infants and toddlers with disabilities and preschool special education. The Help Me Grow phone number is 1.866.693.4769. The link for online referral <http://helpmegrowmn.org/HMG/index.htm>

**[Minnesota Parents Know](#).** Parenting Information and Resources from a website hosted by MDE – <http://helpmegrowmn.org/>

Also, see [Early Childhood Family Education](#) (ECFE) link at MDE’s website. “ECFE is a program for all Minnesota families with children between the ages of birth to kindergarten entrance...ECFE works to strengthen families. ECFE's goal is to enhance the ability of all parents and other family members to provide the best possible environment for their child's learning and growth.”

**Elementary and Secondary Education Act (ESEA), as amended Every Student Succeeds Act (ESSA).** This major federal education law includes several programs **requiring the equitable participation of students and teachers in nonpublic schools.**

**ESSA Guidance.** The [“Non-Regulatory Guidance...,”](#) which was released by the U.S. Department of Education on November 21, 2016, includes important requirements affecting nonpublic schools. Below is a summary of this large document from the federal Office of Non-Public Education that relate to nonpublic schools:

*“The new guidance addresses significant changes and additions to the equitable services requirements, including: the role of the ombudsman, notice of allocations, obligation of funds, and the goal of reaching agreement in consultation. Information on these topics can be found in section N of the guidance.*

*The equitable services requirements under Title I, Part A, located in section 1117 of the ESEA as amended by ESSA, include changes to the method of allocating Title I funds for equitable services, expanded consultation requirements, and a new requirement for transmitting the results of consultation to the ombudsman. Information specific to Title I equitable services can be found in section O of the guidance.*

*The Uniform Provisions for equitable services previously located in Title IX of the ESEA are now located in Title VIII, Part F, sections 8501-8504 of the ESEA as amended by ESSA. The programs covered by the Title VIII Uniform Provisions are:*

*Title I, Part C – Education of Migratory Children*

*Title II, Part A – Supporting Effective Instruction State Grants*

*Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement*

*Title IV, Part A – Student Support and Academic Enrichment Grants*

*Title IV, Part B – 21st Century Community Learning Centers*

*The ESSA also includes changes to the complaint process for equitable services, expanded topics for consultation, and changes to the method for determining the amount of funds available and*

[Back to top](#)

*allowable uses of funds for equitable services under Title II, Part A. Information related to Title VIII equitable services is located in section P of the guidance.*

For additional information on the transition to ESSA, see the [Department's ESSA Resources page](#) and visit the [ONPE ESSA webpage](#) for guidance and resources.

In general, these services are provided through the local public school district and are considered benefits to the students and teachers, not the nonpublic schools. Local public school districts (often called "Local Education Agencies" or "LEAs" under federal law) must engage in timely and meaningful consultation with nonpublic school officials to ensure that equitable services are provided. Federal law, regulations, and related guidance can be found at the U.S. Department of Education web site – <http://www.ed.gov/legislation/ESEA02/> for NCLB, which is effective through this school year, 2016-17. Also, here is a link to a very helpful overview of the various parts of ESEA/NCLB as they relate to private (nonpublic) schools: [Office of Nonpublic Education and NCLB](#)

Below are the Minnesota Department of Education resources that are especially important for nonpublic schools:

***Title I, Part A – Improving Basic Programs Operated the Local Educational Agencies (LEA) – Every Student Succeeds Act (ESSA)***

For information and resources are available on the Minnesota Department of Education website, [Title I](#) Contact: [mde.esea@state.mn.us](mailto:mde.esea@state.mn.us) . And the [Nonpublic Participation](#), contact [mde.ombudsman@state.mn.us](mailto:mde.ombudsman@state.mn.us) .

Link to information on federal "title programs" from MDE: [ESEA](#) and [Nonpublic Participation](#)

***Title I, Part C – Education of Migratory Children***

For information and resources are available on the Minnesota Department of Education website, [Migrant Education Program](#). Contact: [mde.esea@state.mn.us](mailto:mde.esea@state.mn.us)

***Title II – Preparing, Training, and Recruiting High Quality Teachers, Principals and Other School Leaders***

Teacher and Principal Training and Recruiting Fund (Title II, Part A)

For additional information and resources to the Minnesota Department of Education website, [Title II](#). Contact: [mde.esea@state.mn.us](mailto:mde.esea@state.mn.us)

***Title III – English Language Acquisition, Language Enhancement, and Academic Achievement Act***

For information and resources are available on the Minnesota Department of Education website, [Title III](#). Contact: [mde.esea@state.mn.us](mailto:mde.esea@state.mn.us)

Further information on [English Learner Education](#) is available on the Minnesota Department of Education. Also, see these recently updated links from the U.S. Department of Education: Title III--Language Instruction for LEP and Immigrant Students, Language Acquisition, Language Enhancement, and Academic Achievement Act (Part A).

- [The Law](#)
- Title III, Part A Equitable Services, Non-Regulatory Guidance (July 2015) [PDF](#) (188 KB) [Preliminary Guidance](#)

### ***Title IV, Part A – Student Support and Academic Enrichment Grants***

For information and resources are available on the Minnesota Department of Education website, [Title IV Part A Grant Program](#). Contact: [mde.academic-standards@state.mn.us](mailto:mde.academic-standards@state.mn.us)

### ***Title IV, Part B– 21<sup>st</sup> Century Community Learning Centers***

For information and resources are available on the Minnesota Department of Education website, [21<sup>st</sup> Century Community Learning Centers](#), contact: [mde.21cclc@state.mn.us](mailto:mde.21cclc@state.mn.us)

## **Part E — Uniform Provisions**

*Subpart 1* — “IN GENERAL- Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program...” see link for more:


<http://www.ed.gov/legislation/ESEA02/pg111.html>

### **Updates and information on the new “ESSA” law and changes to ESEA, NCLB**

- The text [of the law](#) is available online. Also, see this [comparison chart](#) of the equitable services provisions of the Elementary and Secondary Education Act (ESEA) under the ESSA and under the No Child Left Behind Act is now available. According to the federal Department of Education, “The [comparison chart](#) highlights the new equitable services provisions as well as other changes in the statutory language.”
- **ESSA Updates** Stay informed about what's going on with ESSA in Minnesota is through the ESSA Update newsletter. [Subscribe to the newsletter](#) and check out the latest editions:
- **Other ESSA Informational Resources:**  
See MDE’s [Nonpublic participation webpage](#)  
Federal ESSA resources can be found on the [ESSA resources web page](#) and the [Office of Non-Public Education](#).  
**Minnesota implementation:** See [MDE’s ESSA page](#). If you have questions, use the ESSA mailbox at [mde.essa@state.mn.us](mailto:mde.essa@state.mn.us).  
For further information contact [mde.ombudsman@state.mn.us](mailto:mde.ombudsman@state.mn.us) or [mde.esea@state.mn.us](mailto:mde.esea@state.mn.us) .

**Emergency Planning, Crisis Management, and Disaster Preparedness Resources.** (*See, also, “Flu” – H1N1 Novel Influenza, formerly known as “Swine Flu – and “School Wellness,” below*). School leaders have a variety of online resources available for help with these challenging topics. Among online resources are the following:

- 1) [Homeland Security and Emergency Management \(HSEM\)](#). HSEM is a division of the Minnesota Department of Public Safety. According to their website: “HSEM provides school emergency planning, guidance and information to help schools develop comprehensive emergency plans, policies and procedures to ensure the safety and security of all students.” Their website includes the [Comprehensive School Safety Guide](#)
- 2) The [American Red Cross \(ARC\)](#) offers a ["Masters of Disasters" curriculum](#) to assist schools in the aftermath of an emergency.

- 3) The [Minnesota Department of Education \(MDE\)](#) has a [Model Crisis Management Policy](#) to help public schools comply with Minnesota Statutes, section [121A.035](#).
- 4) The Minnesota Department of Education also has resources and guidance available at its [School Health Services](#) link.
- 5) The [U.S. Department of Education](#) has information about emergency preparedness for threats, disasters, pandemic influenza and other crises that schools may face at this link: [Emergency Planning](#) 
- 6) The U.S. Department of Education's [Office of Safe and Drug-Free Schools \(OSDFS\)](#) and the [Readiness and Emergency Management Technical Assistance Center \(REMS\)](#) site (<http://rems.ed.gov/>) are designed to help schools develop comprehensive plans and policies. The latter site includes REMS grant programs available for public schools; however, the site also has resources that might be useful for nonpublic schools.
- 7) The [National Child Traumatic Stress Center](#) website
- 8) The U.S. Department of Homeland Security sponsors the national preparedness web site [Ready.gov \(www.ready.gov\)](#) that contains disaster preparedness information for families, businesses, and kids.

### **Employment** (see, also, **Discrimination** above)

- **Minnesota Statutes, Chapter 181, Minnesota Rules, Chapter 5200**, relating to wages and labor), and [Chapter 181A \(Child Labor Standards Act\)](#) establish requirements governing employment in the state. Examples or provisions of particular importance to nonpublic schools include: Chapter: “Whistleblower Law” (Section [181.932](#)); Parenting Leave (Section [181.940](#) and [181.941](#)); School conference and Activities Leave (Section [181.942](#)); Sick or Injured Child Leave (Section [181.9413](#)); Personnel Record Review and Access (Sections 181.960 to 181.966 of [Chapter 181](#)); References from Current and Former Employers (Section [181.967](#)); and the Child Labor Standards Act ([Chapter 181A](#)).
  - Recent Changes in Statutes:  
**New Minimum Wage Law of 2014.** Chapter [166](#) – Raises the state’s minimum wage for both “large” and “small” employers. This is explained in detail in the summary of *2014 Minnesota Laws Relating to Nonpublic Schools, Parents, and Students*, available on the MISF website in the summer of 2014. But school leaders will find a fine summary of the new law and its impact at this Department of Labor and Industry link: <http://www.dli.mn.gov/LS/minwage.asp>
  - The [Minnesota Department of Labor and Industry](#) website has numerous informational summaries of both state and federal employment laws. For example, the [federal Family and Medical Leave Act and Minnesota’s Parental Leave Act](#).
  - [An Employer’s Guide to Employment Law Issues in Minnesota \(2016\)](#). Lindquist & Vennum LLP and the Minnesota Department of Employment and Economic Development.
  - See, also, Minnesota Human Rights Act, with **Discrimination Laws (above)**.
- For information, contact the [Minnesota Department of Labor and Industry](#) or

**Extracurricular Activities and Home Schools** (Minnesota Statutes, Section [123B.49](#), subd. 4). Public school boards must allow resident pupils receiving instruction in a home school to be eligible to fully participate in extracurricular activities on the same basis as public school students. <https://www.revisor.mn.gov/statutes/?id=123B.49>

**Contact:** Minnesota State High School League – (763) 560-2262) or [www.mshsl.org](http://www.mshsl.org). A direct link to questions regarding eligibility, including home school student eligibility to participate in

local resident public high school activities programs, is available at:

<http://www.mshsl.org/mshsl/news/eligquestions.htm?mj=8> - scroll down to “Eligibility for Home School and Charter School Students”

**State Contact at MDE:** Cindy Jackson, MDE – (651) 582-8572 or e:

[cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us)

See also, [Home Schools](#)

**Federal Office of Non-Public Education, U.S. Department of Education – Contact:** Maureen Dowling, Director (202) 260-7820 or (202) 401-1365. Email: [Maureen.dowling@ed.gov](mailto:Maureen.dowling@ed.gov) Fax: (202) 401-1368.

**Flu – Seasonal and Novel Influenza (See, also, “Emergency Planning,” “Crisis Management,” and “Disaster Planning Resources,” “Medication,” and “School Wellness”).**

Both federal and state government agencies are providing important resources and guidance for this health concern, with our state’s health department serving as the initial contact.

- The **Minnesota Department of Health’s (MDH) website ([www.health.state.mn.us](http://www.health.state.mn.us))** has important resources regarding flu, immunizations, other health issues as well as links to the Centers for Disease Control and Prevention (CDC). See [Influenza/flu](#) and the specific school health site [School Health Personnel Influenza Information](#) or <http://www.health.state.mn.us/divs/idepc/diseases/flu/school/index.html>. See the red envelope on the page to sign up an immediate email whenever and update has been posted. Also, see this link at MDH: [Hand Hygiene for Schools and Child Care](#). MDH phone number: (651) 201-5000.
- The **federal government** has a dedicated website for information about flu - <http://www.flu.gov>. Joint federal health and education departments posted several guidelines and resources, which are located at <http://www2.ed.gov/admins/lead/safety/emergencyplan/pandemic/index.html> and <http://www.flu.gov/professional/school/index.html>

**Fire Drills, School Lock-Down, and Tornado Drills in Schools; Door and Exit Requirements; Records.** Minnesota Statutes, Sections [121A.037](#) and [299F.30](#). Minnesota Statutes, Section [121A.037 \(School Safety Drills\)](#), require that: *“Private schools and educational institutions not subject to section [121A.035](#) must have at least five school lock-down drills, five school fire drills consistent with section [299F.30](#), and one tornado drill.”* Also, [299F.30](#) requires the following:

*Subd. 2. **Fire drill.** Each superintendent, principal, or other person in charge of a public or private school, educational institution, children's home or orphanage housing 20 or more students or other persons, shall instruct and train such students or other persons to quickly and expeditiously quit the premises in case of fire or other emergency by means of drills or rapid dismissals while such school, institution, home, or orphanage is in operation. Records of such drills shall be posted so that such records are available for review by the state fire marshal at all times and shall include the drill date and the time required to evacuate the building.*

*Subd. 3. **School doors and exits.** Consistent with section [121A.035](#) and this section, each superintendent, principal, or other person in charge of a public or private school, educational institution, children's home, or orphanage shall keep all doors and exits of such school, institution, home, or orphanage unlocked so that persons can leave by such doors or exits at any time during the hours of normal operation.*

**State Contact:** Minnesota State Fire Marshal: <http://www.fire.state.mn.us/> or Voice: 651-201-7200.  
Bruce West, State Fire Marshal: [bruce.west@state.mn.us](mailto:bruce.west@state.mn.us)

**Gambling, Charitable.** Nonpublic school leaders and other nonprofit organizations may find the following of help in answering questions regarding pertinent laws and regulations to be followed.

**Contacts.** Below are contact links and phone numbers for three Minnesota state agencies responsible for regulation and licensing, enforcement of laws, and auditing and taxation:

- [Gambling Control Board](#) or (651) 539-1900
- [Alcohol and Gambling Enforcement Division in the Department of Public Safety](#) or (651) 201-7500
- [Special Taxes Division of the Department of Revenue](#) or Gina Amacher, director 651-556-6781

For more information regarding this general topic, see this summary from House Research: [Charitable Gambling in Minnesota; Information Brief](#).

**Home Schools** – see, also, “**Compulsory Instruction**” (above). Home Schooling is explicitly permitted under Minnesota’s Compulsory Instruction law, Minnesota Statutes, Sections [120A.22](#), [120A.24](#), and [120A.26](#). Portions of these statutes relating to reporting were amended in the 2011, 2012, and 2013 legislative sessions. The 2011 changes were the most significant; these 2011 along with the 2012 and 2013 changes are incorporated in the links to statutes (above). For helpful, updated information regarding homeschools, see these links on MDE’s website:

1. [Unaccredited Nonpublic School \(Including Homeschools\) Full Report](#)  
This form is to be submitted to resident school superintendents by October 1 of each year, or within 15 days of withdrawing a child from public school. Revised April 2015.
2. [Letter of Intent to Continue to Provide Instruction](#)  
This form is to be submitted to the resident school superintendent by October 1 of each year after the instructor has provided the same district with a Full Report.

Also, see [Extracurricular Activities and Home Schools](#)

For detailed descriptions of recent changes, see the **2011, 2012, and 2013 summaries of new state laws affecting nonpublic schools on MISF’s website** - [www.misf.org](http://www.misf.org) . State Contact, Home Schools: Cindy Jackson – (651) 582- 8572 or e: [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us)

**Immunization Reporting (Minnesota Statutes, Section [121A.15](#), subdivisions 1-9, and Minnesota Rules, [Chapter 4604](#)).**

Administrators of nonpublic schools are to submit reports to verify that students in their schools are in compliance with state immunization requirements. According to state statute: *“The school report must be prepared on forms developed jointly by the commissioner of health and the commissioner of education and be distributed to the local districts by the commissioner of health. The school report must state the number of persons attending the school, the number of persons who have not been immunized according to subdivision 1 or 2 [provisions relating to “School and child care facility immunization requirements” or “schedule of immunizations”], and the number of persons who received an exemption under subdivision 3 [relating to “exemptions from immunizations”], clause (c) or (d).*

For details, see: [Minnesota Immunization Law 121A.15](#)



## Minnesota Administrative Rules

### **4604.0410 REPORT:**

A. *The school report required under Minnesota Statutes, section 121A.15, subdivision 8, must be filed with the commissioner of health within 90 days of the commencement of each new school term.*

B. *The administrator or other person having general control and supervision of the child care facility or school-based early childhood program shall file a report with the commissioner of health on all persons enrolled in the child care facility by December 1 of each year.*

**Immunization in Child Care facilities.** Certain child care facilities are also to report immunization information to the state. According to the statute: *“The child care facility report must be filed with the commissioner of human services by November 1 of each year”* ([121A.15](#), subd. 8). Only child care facilities licensed under Minnesota Rules [Chapter 9503](#) (child care centers) are required to submit reports. Those licensed under [Chapter 9502](#) (family and group family day care) need not, although they still must enforce the same immunization requirements.

**Immunization and Home School-Related Provisions.** Reports from homeschools are addressed in a different manner. The superintendent of each district is required to file a report with the commissioner for all persons within the district receiving instruction in a home school in compliance with the compulsory instruction statutes (sections [120A.22](#) and [120A.24](#)). *“The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, 3, 4, and 12 [provisions relating to school and child care facility immunization requirements, schedule of immunizations, exemptions from immunizations, substitute immunization statement, and modifications to schedule] to the superintendent of the district in which the person resides by October 1 of the first year of their homeschooling in Minnesota and the grade 7 year”* ([121A.15](#), subd. 8).

All information (including requirements affecting child care, early childhood, and schools) can be found at this Department of Health website: [Immunization Laws in Minnesota](#) or <http://www.health.state.mn.us/divs/idepc/immunize/laws/index.html>

Also, see [Got Your Shots?](#) News from the Minnesota Department of Health (MDH)

**Immunization State Contact:** Lisa Harris, Adult/Adolescent Immunization Program Specialist, Minnesota Department of Health. Phone: 651-201-3523. Fax: 651-201-5501 e-mail: [lisa.harris@state.mn.us](mailto:lisa.harris@state.mn.us)

**International Student Exchange (Minnesota Statutes, [Chapter 5A](#)).** Student exchange programs are administered by the [Minnesota Secretary of State](#). International Student Exchange Organizations (ISEOs) bringing students to Minnesota for high school or other K-12 programs must first register with the Office of the Secretary of State, if the student's stay will be longer than 30 days. Click for a [current list of student exchange organizations](#). The following link on the Secretary of State's website includes additional information, including items for Minnesota students who wish to study abroad: <http://www.sos.state.mn.us/study-abroad/>.

**State Contact:** Patricia Baird 651-296-2803 or 1-877-551-6767. E-mail: [business.services@state.mn.us](mailto:business.services@state.mn.us)

**Maltreatment of Minors Reporting.** State law (Minnesota Statutes, Section [626.556](#)) mandates the reporting of known or suspected neglect, physical, or sexual abuse of a child. According to an MDE official: “MDE has the authority to investigate reports of alleged maltreatment in public schools when the alleged conduct is inflicted by a school employee. MDE does not have the authority to investigate reports of alleged maltreatment in nonpublic schools. Public schools and nonpublic schools should report to MDE if the alleged maltreatment is inflicted on a child in a public school setting by a school employee. Otherwise, reports of alleged maltreatment of a child by a family member should be reported to law enforcement or the county child protection system.”

**State Contacts: MDE** - Jennifer Alexander, MDE, [Jennifer.Alexander@state.mn.us](mailto:Jennifer.Alexander@state.mn.us), MDE’s Student Maltreatment Program. General Student Maltreatment Program Number, (651) 582-8546. Also, see the [Student Maltreatment link at MDE](#)

**Maltreatment and DHS – According to the State Department of Human Services,** “Reports regarding incidents of suspected abuse or neglect of children occurring within a family or in the community should be made to [your]...local county social services agency at or [your] local law enforcement.” Contacts for each county and advice from DHS:

- [County and Tribal Information Directory](#)
- [Maltreatment of Minors Mandated Reporting Policy DHS Licensed Programs](#)
- [Community-Based Services Manual \(CBSM\)](#)

**Maltreatment of Minors and a New Law. A 2013 Law, Chapter [89](#) – Child Victims Act – Extends the limitation period for civil actions involving sexual abuse.** Previous statutes had required victims of child sexual abuse to file lawsuits by age 24. The new law gives victims over age 24 an additional three-year window to sue their abusers and the institutions that allegedly failed to protect them. For new victims of child sexual abuse, all limits for filing lawsuits have been removed. For more details, see the summary of this law in *2013 Minnesota State Laws Relating to Nonpublic Schools*, which is on the MISF website.

**Medication – Possession and Use of “Epinephrine Auto Injectors”** (Minnesota Statutes, Section [121A.2205](#)). Note that this statute was amended in 2013. Changes are reflected in the updated statute link. Essential features of current statute:

**“Plan for use of epinephrine auto-injectors.** (a) At the start of each school year or at the time a student enrolls in school, whichever is first, a student's parent, school staff, including those responsible for student health care, and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed epinephrine auto-injectors that enables the student to:

- (1) possess epinephrine auto-injectors; or
- (2) if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine auto-injectors in close proximity to the student at all times during the instructional day.

The plan must designate the school staff responsible for implementing the student's health plan, including recognizing anaphylaxis and administering epinephrine auto-injectors when required, consistent with section [121A.22, subdivision 2](#), clause (10). This health plan may be included in a student's 504 plan.”

A “school,” under this law, “means a public school under section [120A.22, subdivision 4](#), or a nonpublic school, excluding a home school, under section [120A.22, subdivision 4](#) [nonpublic schools are included under this “definition of a school” provision] that is subject to the federal Americans with Disabilities Act.” Further, the statutory provision, as amended in 2013, encourages other nonpublic schools to follow these requirements: “Other nonpublic schools are encouraged to develop and implement an individualized written health plan for students requiring epinephrine auto-injectors, consistent with this section and section [121A.22, subdivision 2](#), clause (10).”

**Mercury Uses in Schools Prohibited** (Minnesota Statutes, Section [121A.33](#)).

After December 31, 2007, a school (defined to include nonpublic schools except home schools) shall not:

- Purchase or use elemental mercury for any purpose; and
- Purchase or use an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, sphygmomanometer, or a manometer containing mercury.

After December 31, 2009, a school shall not:

- Store elemental mercury for any purpose; and
- Store an instrument that contains mercury, including, but not limited to, a thermometer, barometer, sphygmomanometer, or a manometer containing mercury

This section does not apply to thermostats for heating, ventilating, and air conditioning in the school. A “school” is defined to have the meaning given in Minnesota Statutes, Section 120A.22, subd 4. Therefore, this law applies to **nonpublic schools**, but for purposes of these restrictions on mercury, **home schools are excluded**.

**State Contact:** Carol Hubbard, Minnesota Pollution Control Agency (MPCA) at 651-757-2452 or e-mail at [carol.hubbard@state.mn.us](mailto:carol.hubbard@state.mn.us); or Dale Sundstrom, Minnesota Department of Education - (651)582-8605, or e-mail: [dale.sundstrom@state.mn.us](mailto:dale.sundstrom@state.mn.us)

**Minnesota Department of Education** (651) 582-8200 or see agency website:

<https://education.mn.gov>

**Minnesota Nonpublic Education Council** (Minnesota Statutes, Section [123B.445](#)).

Appointed by the Commissioner of Education, this 15-member council is to represent the interests of nonpublic schools throughout the state. It provides advice to the Commissioner of Education on matters affecting nonpublic education and nonpublic schools; grants state recognition to educational accrediting agencies for purposes of helping nonpublic schools comply with state compulsory instruction statutes ([120A.22](#), [120A.24](#), and [120A.26](#)) and may act on complaints filed by a parent or guardian of a nonpublic school student or a nonpublic school about services provided under the Nonpublic Pupil Aid Program, [123B.40-48](#).

**State Contact:** Cindy Jackson – (651) 582-8572 or e: [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us). Also, see these selected links from MDE’s website:

- [Nonpublic Education Council Members](#)
- [Nonpublic Education Council Meeting Dates, 2018-2019](#).
- [Accrediting Agencies Whose Schools Have Reduced Reporting Requirements](#)

**Minnesota State High School League** (Minnesota Statutes, [Chapter 128C](#)).

According to their website: “The Minnesota State High School League is a voluntary, nonprofit association of public and private schools with a history of service to Minnesota's high school youth since 1916. Today, nearly 500 schools are members of the League. Most - about 435 - are actual high schools. The remainder are either special schools or home schools. These member schools provide opportunities for athletics and fine arts competition for more than 200,000 high school students statewide each year.” The Board of Directors for the League consists of 20 members, including four appointed by the Governor, two appointed by the Minnesota Association of Secondary School Principals, and 14 selected according to League bylaws.  
**Contact:** Minnesota State High School League – (763) 560-2262 or [www.mshsl.org](http://www.mshsl.org)  
 Dave Stead, Executive Director: [dstead@mshsl.org](mailto:dstead@mshsl.org)

**Nonpublic Fall Report and Form for Free/Reduced Price Meals.** The Fall Report is a yearly survey of nonpublic schools (excluding home schools) conducted by the Minnesota Department of Education. Requested information includes school name and location; accreditation status; enrollment for each grade; school staffing levels; free and reduced price meal eligibility; English Learner (Limited English Proficiency (LEP)); prior year high school graduates; and Immigrant Children and Youth enrollment. Information gathered is used for a variety of purposes, including determining funding levels for several federal education programs. The survey form is sent to nonpublic schools at the beginning of the school year. See these links for the latest:

- [Nonpublic Fall Report - 2018-19](#) (8/20/18)
- [Nonpublic Fall Report Memo](#) (8/17/18)  
 Accompanies the Nonpublic Fall Report and alternative form.

Also, note this alternative form for **eligibility for free/reduced meals**:

- [2018-19 Alternative Form to Determine Eligibility for Federal Education Funding](#) – (6/27/18). Alternate Form for Income Eligibility for the Free/Reduced-Price Meal Program - Family Survey.

**Note on Definitions:** According to a 2012 law: “In Minnesota Statutes and Rules, the Revisor of Statutes shall substitute the terms **"English learner," "EL," or similar term** for "limited English proficient," "English language learner," "LEP," "ELL," or similar term when referring to early childhood through grade 12 education. From Chapter [239](#) of Minnesota 2012 Regular Session laws, Article 1, Section 33.

**State Contact:** Sharon Peck – 651-582-8811 or [Sharon.peck@state.mn.us](mailto:Sharon.peck@state.mn.us)

**Nonpublic Pupil Aids** (Minnesota Statutes, Section [123B.40-48](#), and Minnesota Rules, Chapter [3540](#)). This state aid program provides financial help to nonpublic school students in the following three areas: 1) textbooks, standardized tests, and instructional materials; 2) health services; and 3) guidance and counseling services for secondary students. A maximum, per student rate is set yearly for each of the three aids. Pupil request forms will be forwarded from the public school to each nonpublic school (including home school) asking for the forms. These forms must be completed and filed on behalf of each nonpublic school student.

Based on appropriations and other factors that affect aid levels, MDE in a January 25, 2018 memo— [Nonpublic Pupil Aids; Promulgation of Fiscal Year 2019 Program Rates of Entitlement and Pupil Reporting Procedure](#) —The authorized rates of entitlement per eligible pupil to be used

in computing district allotments for nonpublic pupil aids for school year 2018-2019 are as follows:

- Textbooks, Standardized Tests, and Individualized Instructional Materials.....\$86.94
- Pupil Health Services .....\$78.61
- Secondary Pupil Guidance and Counseling Services.....\$267.62

According to MDE: “Rates may be readjusted on or about October 15 when the actual appropriation and program participation figures are known.”

Procedures, Deadlines, and Guidance below from MDE’s memo:

**PUPIL REPORTING PROCEDURE:** The following procedure applies to all nonpublic pupils, including those attending "home schools.”

- a. **PUPIL REQUESTS:** The Pupil Request Forms should be duplicated and forwarded to the nonpublic school administrator for distribution to the students at the beginning of the school year. These Request Forms must be completed and filed on behalf of the student sometime after school starts in the fall but no later than SEPTEMBER 15, 2018.
- b. **STUDENT REPORT (ED-01650-31):** Pupil Requests, signed on or before the September 15 deadline, must be summarized by the nonpublic school (or home school) officials on the Pupil Report Form ED-01650-31 and submitted to the public school district by OCTOBER 1, 2018.
- c. **DISTRICT REPORT:** The district shall forward the Program Report for Nonpublic Aids with a copy of the Student Report (ED-01650-31) received from each of the nonpublic schools (or home schools) attached, to the department by OCTOBER 15, 2018.

**DEADLINES:** The importance of the timely submission of program data cannot be overemphasized.

- a. A parent's request for services or materials made after the September 15 deadline is not eligible for reimbursement. However, the late administrative reporting of an eligible request, properly executed, may be accommodated under extenuating circumstances if approved by the department.
- b. Accurate and complete reporting on the dates specified is essential to the effective administration of this program. Advance payments for district reports received by October 15, 2018, will be made on November 30, 2018.

Note: The textbook, tests, and materials aid levels are “linked” to increases in the general formula allowance for public schools ([123B.42, subd. 3\(b\)](#)).

Contact for assistance, e-mail to: [greg.sogaard@state.mn.us](mailto:greg.sogaard@state.mn.us). [contact Greg Sogaard](#), MDE School Finance.

### **Expanded Uses of Nonpublic Pupil Aids in Recent Years:**

**Definitions of “textbook” and “software or other educational technology”** were modified in 2017.

- “Textbook” will now include an on-line book with an annual subscription cost
- “Software or other educational technology” will now include registration fees for online advanced placement courses.

Effective for revenue in fiscal year 2018 and later

**Nonpublic Pupil Aids – Eligibility for Standardized Tests.** Excerpt from April 9, 2015, memo from Greg Sogaard: “The commissioner of education has determined that the ACT college entrance examination meets the definition of a standardized test under Minnesota Statutes, section 123B.41, Subdivision 2, making the purchase of the ACT an eligible expense within the textbook/standardized test/individualized instructional materials component of the nonpublic pupil aid program.” MDE in August 2015 notified us that the decision by the legislature in 2015 to remove a requirement for public school students to demonstrate their understanding of academic standards on a national college entrance exam will not affect nonpublic student eligibility for the ACT exam for FY 2016, the 2015-2016 school year. A final decision on future years has not yet been made.

Questions concerning this change should be sent to: <mailto:greg.sogaard@state.mn.us>. directed to Greg Sogaard, education finance specialist, School Finance Division, at (651) 582-8858 or <mailto:greg.sogaard@state.mn.us>.

**In the 2011, 2012, and 2017 legislative sessions**, lawmakers amended these statutes. The 2011 law change **adds “electronic books as well as other printed materials delivered electronically”** and the 2012 amendment **adds “software or other educational technology.”** According to the law, “Software or other educational technology includes software, programs, applications, hardware, and any other electronic educational technology.” The following clarification was sent to public school superintendents in August 2012: **memorandum** from Tom Melcher, director of School Finance.

A 2017 law change modifies the definitions of “textbook” and “software or other educational technology.”

- **“Textbook”** will now include “an on-line book with an annual subscription cost.”
- **“Software or other educational technology”** will now include “course registration fees for advanced placement courses delivered online.”

*Effective for revenue in fiscal year 2018 and later (Article 1, Sections 5-6).*

See [MISF’s website](#) for detailed summaries of state laws passed each year affecting nonpublic schools.

**State Contact:** Greg Sogaard – (651) 582-8858 e: [greg.sogaard@state.mn.us](mailto:greg.sogaard@state.mn.us)

**Nutrition Programs** (School Lunch, Food Distribution Program, and After-School Snacks; School Breakfast Program; School Milk Programs; Child and Adult Care Food Program; and Summer Food Service Program). Child nutrition programs are available to nonpublic schools granted federal tax-exempt status under Internal Revenue Service Code 501(c) (3), with funding derived from federal and state governments. Note on recent state funding changes: **State aid for each school lunch served** was increased from 12 to 12.5 cents beginning July 1, 2013 (Minnesota Laws 2013, Chapter 116, Article 7, Section 2). Also, **in 2014** state lawmakers added over \$3.5 million to the school lunch program, which will provide free lunches for students on reduced-price lunches, and \$569,000 for free breakfasts for all kindergarten students.

**State Contact:** Food and Nutrition Services (FNS), MDE - (651) 582-8526 or (800) 366-8922.  
E: [mde.fns@state.mn.us](mailto:mde.fns@state.mn.us)

**FNS** has a wealth of information, including updated application forms and agreements, at this link: <http://education.state.mn.us/MDE/dse/fns/>

**Online Learning Option Act** (Minnesota Statutes, Sections [124D.095](#); [124D.096](#); [126C.05](#), subd. 19). State funding is provided for online interactive K-12 courses or programs where instruction is delivered from a Minnesota-licensed teacher to a student by computer and may be combined with traditional delivery methods. An online learning provider must be a public school entity (school district, charter school, intermediate district or two or more school districts organized under a joint powers agreement) located in Minnesota and approved by MDE. Although nonpublic school students are eligible to take online courses through this program, they are not eligible to generate state funding for the online program; therefore, they can be charged tuition. For free public education online resources, see [Minnesota Learning Commons](#).

Refer to this link for [Approved Online Learning Providers in Minnesota](#).

**State Contacts:** Program Questions – Online and Digital Learning Specialist:

Jeff Plaman, MDE (651) 582-8457 or e: [jeff.plaman@state.mn.us](mailto:jeff.plaman@state.mn.us) Funding Questions, Sharon Peck – (651) 582-8811 or e: [sharon.peck@state.mn.us](mailto:sharon.peck@state.mn.us)

**Pesticide Application Notification** (Minnesota Statutes, Section [121A.30](#)). The Janet B. Johnson Parents' Right-to-Know Act of 2000 requires that all schools (including nonpublic schools except home schools) provide notification when planning to apply certain pesticides. Specifically, the law mandates the following:

A school that plans to apply a pesticide which is a toxicity category I, II, or III pesticide product, as classified by the United States Environmental Protection Agency, or a restricted use pesticide, as designated under the Federal Insecticide, Fungicide, and Rodenticide Act, on school property, must provide a notice to parents and employees that it applies such pesticides. The notice required under subdivision 3 must:

- (1) provide that an estimated schedule of the pesticide applications is available for review or copying at the school offices where such pesticides are applied;
- (2) state that long-term health effects on children from the application of such pesticides or the class of chemicals to which they belong may not be fully understood;
- (3) inform parents that a parent may request to be notified by the school in the manner specified in subdivision 6 before any application of a pesticide listed in this subdivision.

The law sets forth the timing of notification distribution, requires that notices be included in school handbooks or policy statements, requires that notices be available for at least six years, and that individual notification be provided to parents upon request. A model notice is to be made available by the Department of Health (MDH) (see link below).

For the purposes of this law, "school" means a school as defined in section [120A.22, subd. 4](#) [Compulsory Instruction] excluding home schools.

**Model notices** and memorandum are available on the MDH web site at [Model Pesticide Notices](#).

See also an EPA site on Integrated Pest Management in Schools:

<http://www.epa.gov/pesticides/ipm/index.htm>

**State Contacts:** Dale Sundstrom Minnesota Department of Education – (651) 582-8605 or [dale.sundstrom@state.mn.us](mailto:dale.sundstrom@state.mn.us)

**Post-Secondary Enrollment Options (PSEO)** (Minnesota Statutes, Section **124D.09**). **Student Eligibility: Nonpublic and Home School Students**

**11th and 12th Graders:** Any nonpublic, home school student classified as an 11th or 12th grader who meets residency requirements outlined in the Residency Guidelines section of the Postsecondary Reference Guide are eligible. These students, if accepted by a postsecondary institution, may enroll in nonsectarian courses or programs at that postsecondary institution. Each participating college and university sets its own requirements for admission into PSEO or courses and programs.

Subdivision 19 of the Postsecondary Enrollment Act addresses textbooks, materials, fees and equipment. In general, students who are enrolled in postsecondary courses for secondary and postsecondary credit cannot be charged for textbooks, materials or fees that are required for the course or enrollment at the postsecondary institution. However, students may be charged fees in specific situations. Please see the Postsecondary Reference Guide on the MDE PSEO website for details.

Funds are available to help pay transportation expenses for PSEO students whose families are at or below the poverty level, as determined by the federal government, to participate in PSEO courses on college campuses. See the [Postsecondary Enrollment Options Mileage Reimbursement Program Instructions](#) (6/28/16). If you have any questions regarding the mileage reimbursement for low-income students' participation in the PSEO program, [contact Julie Belisle \(julie.belisle@state.mn.us\)](mailto:julie.belisle@state.mn.us) at 651-582-8265.  
[MDE PSEO website](#).

[Postsecondary Enrollment Options \(PSEO\) Reference Guide](#) - 11/22/16

A reference guide to assist students and parents, high school educators and Minnesota State Colleges and Universities.

**State Contacts** for additional information on the PSEO program and other dual credit programs: Beth Barsness, MDE High School Specialist (651) 582-8336 or [beth.barsness@state.mn.us](mailto:beth.barsness@state.mn.us); Angie Johnson, MDE Supervisor of High School to Postsecondary Initiatives, 651-582-8478 or [angie.johnson@state.mn.us](mailto:angie.johnson@state.mn.us); Jeanne Krile, MDE Finance, (651) 582-8637 or [jeanne.krile@state.mn.us](mailto:jeanne.krile@state.mn.us) Also, see [MDE PSEO website](#) or <http://education.state.mn.us/MDE/dse/ccs/pseo/index.htm>

**Pool Safety (Minnesota Statutes, Section [144.1222](#))**. The Abigail Taylor Pool Safety Act of 2008 ([Chapter 328](#)) mandates standards for new and existing public pools and expands licensure requirements to currently unlicensed public pools. The statute defines a "**Public pool**" to mean *“any pool other than a private residential pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) open exclusively to members of an organization and their guests; (3) open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area; (4) open to patrons of a hotel or lodging or other public accommodation facility; or (5) operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under section [245A.14, subdivision 11, paragraph \(a\)](#).”*

More Information - The Minnesota Department of Health (MDH) provides the “Pool Code” (Minnesota Rules, Parts 4717.0150 to 4717.3975) on their website. Included are rules for



lifeguards, signage, safety equipment, and operator certification requirements: [Access the Pool Code on the MDH website](#).

**State Contact:** [health.poolsbeaches@state.mn.us](mailto:health.poolsbeaches@state.mn.us) or 651-201-4503.

**Pupil Fair Dismissal Act (Minnesota Statutes, Sections [121A.40-56](#), the "Pupil Fair Dismissal Act").** This major school discipline law **applies only to public schools**. Specifically, 121A.42 requires that: “No public school shall deny due process or equal protection of the law to any public school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.” Also, 121A.41, subd. 8, defines "School" to mean “...any school defined in section [120A.05, subdivisions 9, 11, 13, and 17](#),” which limits application only to public schools (or those meeting standards established by the commissioner). However, see “**Record Transfers Required**” and “**Weapons Reporting**” below.

State Contact: Seema Desai, MDE - 651-582-8443 or [seema.desai@state.mn.us](mailto:seema.desai@state.mn.us). MDE’s website includes several excellent links to resources regarding this state statute as well as other related federal and state laws: [Student Discipline](#).

**Record Transfers Required (Minnesota Statutes, Section [120A.22 Subdivision 7](#)).**

A 2007 law amended a statute requiring the transfer of educational records within ten business days. As amended, the statute now requires a school district, charter school, and **a nonpublic school** to transmit a transfer student’s records to the school next enrolling that student. Reasonable efforts must be made to determine the school in which the student is next enrolling. A closed charter school must transfer a student’s records, within ten business days, to the student’s district of residence unless otherwise transferred under these provisions. Information regarding any formal suspension, expulsion, or exclusion is to be included in these records. Notice must be given to a student and parent or guardian that formal disciplinary records will be transferred as part of the educational record, in accordance with specified state data practices law (Chapter 13) and the federal Family Educational Rights and Privacy Act of 1974. The 2007 change makes nonpublic schools that receive services or aid under Minnesota Statutes, Sections 123B.40 to 123B.48, Aid to Nonpublic Students, subject to these requirements. [Note: the provision requiring transfer of disciplinary records may be problematic for nonpublic schools, in part because this requirement is linked to sections in the Pupil Fair Dismissal Act (121A.40 to 121A.56), which apply only to public schools.]

**State Contacts:** Seema Desai, MDE - 651-582-8443 or [seema.desai@state.mn.us](mailto:seema.desai@state.mn.us) or  
Data Privacy Related Questions: Kathryn A. Olson, MDE – (651) 582-8669 or [kathryn.a.olson@state.mn.us](mailto:kathryn.a.olson@state.mn.us)

**Safe at Home Address Confidentiality Program.** Administered by the Secretary of State, Safe at Home provides identity and location protection for those who believe they are in physical danger. Schools, both private and public, may be involved in maintaining confidentiality. Participants of the program cannot be required to disclose their addresses. According to the law, “All public and private entities in the state of Minnesota must accept a participant's assigned Safe at Home address (PO Box) as the participant's actual address of residence, **school address**, and address of employment. This requirement is mandated by Minnesota Statutes, Chapter 5B.” Amendments to the statutes were made by this 2018 Minnesota Session Law: Chapter [109](#).

**Contact for Safe at Home:** (651) 201-1399 or toll free: 1-866-723-3035; Minnesota Relay Service 711 or 1-800-627-3529. [www.sos.state.mn.us](http://www.sos.state.mn.us) or [Safe at Home Main Page](#)

**School Choice, MDE.** Provides information to parents and school districts regarding public and nonpublic school educational options. For information, see these links at MDE's website:

[School Choice](#) and

[Nonpublic Schools and Homeschools](#)

Also, see [Compulsory Instruction](#) above.

**State Contact:** [mde.school-choice@state.mn.us](mailto:mde.school-choice@state.mn.us). Also, Cindy Jackson – (651) 582-8572 or e: [cindy.s.jackson@state.mn.us](mailto:cindy.s.jackson@state.mn.us)

**School Lunch** – see “*Nutrition Programs,*” above

**School Safety** – [Homeland Security and Emergency Management \(HSEM\)](#). (See, also, *Emergency Planning...*, above, and *School Wellness*, below. HSEM is a division of the Minnesota Department of Public Safety. According to their website: “HSEM provides school emergency planning, guidance and information to help schools develop comprehensive emergency plans, policies and procedures to ensure the safety and security of all students.” Their website includes the [School Safety Guide](#) and other links to resources.

Contact: (651) 201-7400 or [dps.hsem@state.mn.us](mailto:dps.hsem@state.mn.us)

**School Safety Center.** From the MnSSC website: “The **Minnesota School Safety Center** (MnSSC) serves as an essential school safety resource to **K-12 schools**. schools, law enforcement, emergency responders and community partners by providing information, guidance, training, and technical assistance for all-hazard safety planning for schools.

The MnSSC works to: Guide school districts in developing and enhancing emergency plans, assist in the development of all hazard safety plans for schools, and coordinate preparedness activities including prevention, protection, mitigation, response and recovery with federal, state and local partners.”

Links: [Minnesota School Safety Center Fact Sheet](#) and [Minnesota School Safety Center](#).

**Contact:** Randy W. Johnson, Director, School Safety Center

Minnesota Department of Public Safety

Division of Homeland Security and Emergency Management

445 Minnesota Street Suite 223

St. Paul MN 55101-6223

Office 651-201-7094

**School Wellness Resources** (See, also, *Emergency Planning, Crisis Management, and Disaster Preparedness Resources and Flu – H1N1 Novel Influenza, Formerly known as “Swine Flu,”* above) The Minnesota Department of Education (MDE) includes various informational resources on its website, including resources for student support services; alcohol, tobacco, other drugs and violence; family and community involvement; health education; physical activity and nutrition; school health services; school wellness; and student support services. Resources can be found on MDE's website at the following links: [School Health Services](#) and [Healthy Eating](#).

**State Contact:** [mde.safe-healthy@state.mn.us](mailto:mde.safe-healthy@state.mn.us)

**Shared Time** (Minnesota Statutes, Section [126C.19](#)). Nonpublic school students may be admitted to public school programs for part of the school day. A school district that admits

[Back to top](#)

nonpublic school students is paid shared time aid in an amount proportional to the time students are in a public school. Admission of nonpublic school students to a public school under shared time is generally considered a district choice. However, state special education statutes ([125A.18](#)) specify that no resident of a district who is eligible for special instruction and services under [126C.19](#) (shared time) may be denied instruction and service on a shared time basis because of attending a nonpublic school (also, see **special education** below.) The school district in which the nonpublic school is located is responsible for providing special education services to eligible students enrolled in the nonpublic school. A 2012 law clarified that charter schools are eligible to provide shared time instruction and the resident district must allow a nonresident district or charter school to claim shared time aid on behalf of a resident student.

Participation Estimates: Based on FY 2017 year-end reporting, 5,248 nonpublic students participated in shared time.

**State Contact:** Kelly Wosika, 651-582-8855 or [Kelly.wosika@state.mn.us](mailto:Kelly.wosika@state.mn.us).

**Special Education.** Minnesota state law ([125A.18](#)) requires services for students with disabilities who are enrolled in nonpublic schools. MDE reports that in “FY 2016, there were a total of 2,489 nonpublic students who were reported as receiving special education services at some time during the school year.” Federal laws (especially the Individuals with Disabilities Education Act, or IDEA), federal regulations, Minnesota Statutes (particularly Chapter [125A](#)), and state rules govern special education. MDE maintains several links to “special education” on its website. Among those of interest:

- [Special Education](#) (“This page is a place for you to begin. The documents here may include links to other sections of our website related to special education in Minnesota”)
- [Parental Rights](#)
- [Special Education in School Choice Settings](#)

**State Contact:** Chris Reynolds, MDE – (651) 582-8330 e: [christopher.reynolds@state.mn.us](mailto:christopher.reynolds@state.mn.us)

**Federal government** links to special education: [Federal Office of Special Education Programs \(OSEP\)](#). Part of the U.S. Department of Education, OSEP includes information regarding federal law (especially IDEA), technical assistance, and parent-training information centers. Telephone: 202) 245-7459.

[Federal Office of Nonpublic Education \(ONPE\)](#). This federal U.S. Department of Education office website includes general information about IDEA as well as the equitable participation requirements pertaining to nonpublic school students. Telephone: (202) 401-1365. An example of information on the ONPE site is: [IDEA 2004 – Parentally Placed Students](#)(Law). Also, see the [Parent Advocacy Coalition of Educational Rights \(PACER\)](#). Founded in 1977, PACER is staffed primarily by parents of children with disabilities and works in coalition with 18 disability organizations. Directed toward parents and social service professionals, this website includes resources and publications related to special education and disabilities. Telephone: 952-838-9000.

**State Income Tax Deduction (“Subtraction”) and Credit for Education** (Minnesota Statutes, sections [290.0132](#) and [290.0674](#)). Minnesota tax laws include a dependent education expense deduction (“subtraction”) and an income tax credit for public and nonpublic education-related expenses.

- [Tax deduction \(or “subtraction”\)](#): Defined in Minnesota Statutes, section [290.0132](#).
- [Minnesota Education Credit](#). Defined in Minnesota Statutes, section [290.0674](#)

**State Contacts:** Department of Revenue – (651) 296-3781 [www.taxes.state.mn.us](http://www.taxes.state.mn.us)

For more details, including the appropriate tax forms, open this excellent, updated link at the Minnesota Department of Revenue Information: [K-12 Education Subtraction and Credit](#).

Minnesota House Research Summary: [Income Tax Deductions and Credits for Public and Nonpublic Education in Minnesota](#) (a very good “Information Brief”)

**Statewide Testing.** State tests required for public school students are voluntary for nonpublic school students (including those in home schools). State tests that may be taken by nonpublic school students include the Minnesota Comprehensive Assessments, Minnesota Test of Academic Skills, and English Language Proficiency Accountability Assessment. Nonpublic school officials should refer to [Nonpublic School Participation in Minnesota Assessments](#) (8/24/18), which provides information for nonpublic schools participating in Minnesota Assessments. Also, see [Statewide Testing](#).

The option to participate in the Minnesota Assessments at a cost is open to nonpublic schools.

For more details, see these links on MDE’s website: [Statewide Testing](#) or

**Contact:** [sequoia.block@state.mn.us](mailto:sequoia.block@state.mn.us) or [mde.testing@state.mn.us](mailto:mde.testing@state.mn.us) Phone: 651-582-8674 with questions about statewide assessments.

**Student Exchanges – See “International Student Exchange,” above.**

### **Technology Programs**

**Telecommunications-Internet Access Equity Aid** (Minnesota Statutes, Section [125B.26](#)). Each school district is to provide upon request by or on behalf of a nonpublic school (not including home schools) located in the district or area, ongoing or recurring telecommunications access services to the nonpublic school. These services may be provided either through existing district providers or separate providers. District aid of telecommunications services for each nonpublic school equals the lesser of:

1. 90 percent of the nonpublic school’s approved cost for the previous fiscal year exceeding \$10 for fiscal year 2006 and later times the number of weighted pupils enrolled at the nonpublic school as of October 1 of the previous school year; or
2. The product of the district’s aid per pupil unit times the number of weighted pupils enrolled at the nonpublic school as of October 1 of the previous year.

For purposes of this law, nonpublic school pupils shall be “weighted” by grade level using the weighting factors defined in section [126C.05](#), subdivision 1. A school district providing these services for nonpublic schools may claim up to 5 percent of the aid for costs of administering this program. At the request of the nonpublic school, districts may allocate aid directly to the nonpublic school to pay for or offset the nonpublic school’s costs for telecommunications access services. Costs eligible for reimbursement under this program are specified in [125B.26](#), subd. 1. Seven specific areas are authorized in subd 1, including ongoing or recurring telecommunications/Internet access costs associated with Internet access, data lines, and video links (those interested in this program should review [125B.26](#), subd. 1, for detailed descriptions of eligible items.

**State Contact at MDE:** [Lonn Moe](#) 651-582-8569 | [Lonn.Moe@state.mn.us](mailto:Lonn.Moe@state.mn.us)

**“E-Rates.”** The universal service Schools and Libraries Program, commonly known as the E-rate Program, helps ensure that schools and libraries can obtain telecommunications and Internet access at affordable rates. Nonpublic school leaders should visit the Universal Service Administrative Company (USAC) website for information.

Contacts: <http://www.universalservice.org/sl/default.aspx> or [Schools and Libraries \(E-Rate\) Program](#). Links to specific contact methods:

- Email USAC
- Call USAC
- Send mail to USAC

Phone: Want to know what buttons to push before calling? [View the phone directory](#)  for (888) 641-8722.

See also Computers for Schools, above.

**Transportation – (Minnesota Statutes, Sections [123B.84](#), [123B.85](#), [123B.86](#), [123B.87](#), Equal Treatment Provisions, and [123B.90](#), School Bus Safety Training)**

1. **Equal Transportation Requirements (Minnesota Statutes, Sections [123B.84](#), [123B.85](#), [123B.86](#), [123B.87](#)).** School districts must provide **equal transportation treatment** to resident nonpublic school students; school children attending any schools complying with compulsory instruction requirements ([120A.22](#)) are entitled to the same rights and privileges relating to transportation. Nonpublic transportation aid is provided to reimburse school districts for these costs. Also, equal treatment requirements are found in MDE Rules, Minnesota Rules [3520.1500](#).
2. **Consultation required.** *“The public school administration shall annually and as necessary consult with the appropriate nonpublic school administration on attendance areas, safety, economics, conveniences, and availability of space for the pupils.”* Excerpt from Minnesota Rules [3520.1500](#).
3. **School Bus Safety (Minnesota Statutes, Section [123B.90](#)).** Each nonpublic school is to provide all nonpublic school pupils enrolled in grades kindergarten through 10 who are transported by school bus at public expense and attend school within the district’s boundaries with age-appropriate school bus safety training. Training concepts are specified in paragraph (a) of this statute. **Upon request** of the superintendent of the school district where the nonpublic school is located, the principal or other chief administrator of each nonpublic school must certify to the school transportation safety director of the district in which the school is located that the school’s students transported by school bus at public expense have received training according to this section.
4. **Bicycling and Pedestrian Safety (Minnesota Statutes, Section [123B.90](#), subdivision 2(e))** A school district and nonpublic school with students transported by school bus at public expense may (changed from “must” by 2003 laws) provide student safety education for bicycling and pedestrian safety for grades kindergarten through 5. A school district and a nonpublic school must make reasonable accommodations for the school bus, bicycle, and pedestrian safety training of pupils known to speak English as a second language and pupils with disabilities.

**State Contact:** Julie Belisle, student transportation specialist – 651-582-8265 or [Julie.belisle@state.mn.us](mailto:Julie.belisle@state.mn.us).

State websites for more information: [MDE's Nonpublic Student Transportation Summary](#); [School Bus Safety](#) (Department of Public Safety); and [Summary of Student School Bus Safety](#) (MDE).

### **Transportation – General Laws Governing School Transportation.**

Various state and a few federal requirements govern other school transportation issues, including driver qualifications, drug and alcohol testing, vehicle requirements, traffic regulations relating to pupil transportation, and driver and student training. Most of the state statutory mandates are outside the “Education Code” and are administered by state agencies other than MDE. Perhaps the best single summary of all of these requirements as they affect schools in Minnesota is this “Information Brief” link from the Research Department of the Minnesota House of Representatives: [School Transportation Regulation](#). A 23-page information brief outlining state regulation of school buses and drivers.

Another excellent source of information for school leaders is the **Department of Public Safety's, Lt. Brian Reu**, Director of Pupil Transportation Safety – Phone: 651-405-6047, or e-mail at [Brian.Reu@state.mn.us](mailto:Brian.Reu@state.mn.us)

**Below are some recent changes in these general transportation-related state statutes** (also addressed in the [School Transportation Regulation link](#))

**1) Special Event School Bus Use.** A 2013 state law (Chapter [102](#)) that amends Minnesota Statutes, Section [169.4475](#) permits a “pupil transport entity” to operate a school bus under the a “special event bus” provision if:

- (1) the transportation is performed under an agreement with a tax exempt entity under section 501(c) of the Internal Revenue Code, as defined in section 289A.02, subdivision 7, solely to transport participants in conjunction with a special event of up to two days organized or substantially sponsored by the tax exempt entity; and
- (2) the pupil transportation entity meets the requirements of a motor carrier of passengers under chapter 221, including but not limited to use of a temporary vehicle identification card under section 221.132 for the school bus.

A pupil transport entity that meets requirements established in this law for which it has paid a registration tax under 168.013, subd. 18, may provide non-pupil transportation without registration of the bus, issuance of new plates, or payment of additional taxes and fees under chapter 168.

Despite the usual requirements in section 169.448, subdivision 1, a school bus operated under this special events provision may: (1) be painted national school bus glossy yellow; and (2) be equipped with a stop-signal arm, prewarning flashing amber signals, and flashing red signals. According to Lt Brian Reu, “The **‘School Bus’s sign** must be removed or covered when the vehicle is being used as other than a school bus.”

**State Contact:** Department of Public Safety, Lt. Brian Reu, Director of Pupil Transportation Safety – Phone: 651-405-6047, or e-mail at [Brian.Reu@state.mn.us](mailto:Brian.Reu@state.mn.us)

**2) Type III Vehicle.** A 2013 law ([127](#), section 27) amends Minnesota Statutes, Section [169.011](#), subdivision 71, by **modifying the definition of a “type III vehicle”** to include passenger vehicles generally, and not just certain types of passenger autos (the terms “cars,” “station wagons,” and “vans” are removed from the law and replaced by “vehicles.”). The new definition, with the change: “A ‘type III vehicle’ is restricted to passenger cars, ~~station wagons, vans,~~ vehicles and buses having a maximum manufacturer's rated seating capacity of ten or fewer

people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less...” (see [169.011](#), subd. 71, (h) for remainder of existing statute...According to a House Research Department explanation, “Such vehicles are used by schools in some situations to transport small groups of pupils, following pupil transportation regulations”  
<http://www.house.leg.state.mn.us/hrd/as/88/as127.pdf>

**State Contact:** Department of Public Safety, Lt. Brian Reu, Director of Pupil Transportation Safety – Phone: 651-405-6047, or e-mail at [Brian.Reu@state.mn.us](mailto:Brian.Reu@state.mn.us)

**3) Child Restraint Requirements.** Several amendments have been made to these requirements in recent years, including 2009, 2010 and 2012. (Codified in Minnesota Statutes, [Section 169.685](#) and [169.686](#)). Basic Child Restraint Requirements: “(a) Every motor vehicle operator, when transporting a child who is both under the age of eight and shorter than four feet nine inches on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards” (From Minnesota Statutes 2013, [Section 685](#), subd. 5). The change made in 2012 ([Laws 2012, Chapter 287](#), Article 4, Section 23) repealed an exception from the mandatory use of child restraints that had been allowed for certain lighter school buses. According to House Research, with this recent amendment, child restraints are required for type III vehicles or school buses having a gross vehicle weight rating of 10,000 pounds or less ([School Transportation Regulation link, page 22](#)).

**Safe Routes to School (SRTS) Program.** MnDOT’s Safe Routes to School program provides funding and resources to community and school groups to support making it safer and easier for students to walk and bike to school. Since 2006, MnDOT has awarded more than \$20 million in funding to Minnesota communities. In 2015, a new statewide strategic plan was developed with partners from around the state to guide the work of the program. Statewide programs include Walk! Bike! Fun! bicycle and pedestrian safety curriculum and the new MnSRTS Resource Center. 2016 grants will be available for SRTS planning assistance, infrastructure, mini-grants and bicycle fleets.

Nonpublic schools are eligible to apply for grants from federal and state appropriations for SRTS.  
**State Contact:** Dave Cowan, SRTS Coordinator E-mail: [dave.cowan@state.mn.us](mailto:dave.cowan@state.mn.us)  
 Refer to the program website and sign up for e-mail updates on future solicitations and resources: [Safe Routes to School](#) or <http://www.dot.state.mn.us/saferoutes/index.html>

**Weapons Reporting – Dangerous Weapons and Disciplinary Incidents (Minnesota Statutes, Section [121A.06](#)).** This state statute requires a “school” to report dangerous weapons incidents occurring in “school zones.” Definitions of “school” and “school zones” in this statute appear to apply the requirements to nonpublic schools. For example, in [121A.06](#): (2) "school" has the meaning given it in section [120A.22, subdivision 4](#). However, the statute itself requires only “school districts” to report electronically to the commissioner of education incidents involving the use or possession of a dangerous weapon in school zones.

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**Selected Sources for Additional Information**

[Back to top](#)

- All [Minnesota statutes and rules](#) can be accessed from the Minnesota Office of the Revisor of Statutes, <http://www.revisor.leg.state.mn.us>.
- Federal laws and regulations can be found at several websites, including <http://www.usa.gov> and <http://thomas.loc.gov/> (the latter is an excellent source of current federal legislative activity).
- [Minnesota Independent School Forum](#) or <http://www.misf.org>
- [Minnesota legislative activity](#) (including current bills and committee hearings) can be followed at – <http://www.leg.state.mn.us/>.
- The [U.S. Department of Education](#) or <http://www.ed.gov/> and [Minnesota Department of Education](#) or <http://education.state.mn.us> websites include links to federal and state laws as well as very important information regarding how the state is implementing legal provisions affecting nonpublic schools. In addition to electronic sources, many larger public libraries have bound copies of federal and state statutes and rules.
- The [Council for American Private Education \(CAPE\)](#) or <http://www.capenet.org/> is a coalition of national organizations and state affiliates serving private elementary and secondary schools.
- The [Home School Legal Defense Association](#) or <http://www.hslda.org/> is an advocacy organization that defends the rights of home school families. It tracks legislative and court activities at the federal and state levels affecting home school and private education in general.

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