

# **Directory of Programs and Policies Affecting Nonpublic Schools**

Updated October 8, 2019

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

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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 contacts 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 Contacts:** Jacqui McKenzie, MDE (651) 582-8852 e: [jacqui.mckenzie@state.mn.us](mailto:jacqui.mckenzie@state.mn.us); Beth Barsness at (651) 582-8336 e: [beth.barsness@state.mn.us](mailto:beth.barsness@state.mn.us); or Mary Barrie at (651) 582-8478 e: [mary.barrie@state.mn.us](mailto:mary.barrie@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](#)

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**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 Professional Educator Licensing and Standards Board or the commissioner of education within the 12 months preceding an offer of employment”* ([123B.03](#)).

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. Also, a school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension 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.

**These statutes are extensive; therefore, open the links for a full understanding of the many provisions** ([123B.03](#) and [122A.18, subd. 8](#).)

State Contacts: [Background Checks](#) or [Bureau of Criminal Apprehension](#).

Cindy Robetor at (651) 793-2404 or for questions regarding any of the background check options, contact the BCA at 651-793-2400.

[Minnesota Professional Educator Licensing and Standards Board](#) 651-539-4200 or e-mail [pelsb@state.mn.us](mailto:pelsb@state.mn.us).

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).

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

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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](#). Scott Mckown at (651) 284-5893 or e-mail: [Scott.McKown@state.mn.us](mailto:Scott.McKown@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.** I have been advised in the past by Lisa Barnidge 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):**

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*“(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

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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: Mary Barrie, MDE (651) 582-8478 or e: [mary.barrie@state.mn.us](mailto:mary.barrie@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 ~~16~~ 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).

#### 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](#) Minnesota nonpublic schools (traditional private schools or homeschools) that are directly accredited by any of these organizations are eligible for reduced reporting requirements to the superintendents of the districts where their students reside, as outlined in Minnesota Statutes, section 120A.22, Minnesota Compulsory Instruction Law. These schools are eligible because their accrediting organization has been recognized by the Minnesota Nonpublic Education Council or the Commissioner of Education. [View Minnesota Statutes, section 120A.22](#)
- [Letter of Intent to Continue to Provide Instruction](#)

**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.”

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Contact: [Minnesota State High School League](http://www.mshsl.org/mshsl/index.asp) or <http://www.mshsl.org/mshsl/index.asp>. Also, see [Concussion Link](http://www.mshsl.org/mshsl/news/ConcussionInfo.pdf) 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 [Advisory Opinion 01-088](#) Advisory Opinion 01-088 October 31, 2001; Minnesota Catholic Conference 10/31/2001 10:14:43 AM This ... 2001, from Peter Noll, Education Director of the Minnesota Catholic Conference. In his letter, Mr. Noll asked the Commissioner ... see link for more

**State Contact:** [Data Practices Office](#), Minnesota Department of Administration: 1-800-657-3721 or (651) 296-6733. **MDE** also has information relating to data practices, mainly directed toward public schools. However, the advice they have may be of help for nonpublic schools, even if they are not mandated to comply with data practices requirements. At MDE, contact Kathryn A. Olson, (651) 582-8669 or [kathryn.a.olson@state.mn.us](mailto:kathryn.a.olson@state.mn.us) or

Kerstin Forsythe, Rulemaking Coordinator & Records Manager, 651-582-8583 or [Kerstin.Forsythe@state.mn.us](mailto:Kerstin.Forsythe@state.mn.us)

Links to consider for best practices: [Q&A: Record Retention and Record Retention Schedules](#) and [Q&A: Cumulative Records](#)

Also, see [Record Transfers Required](#).

**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](#).

See the above links for details regarding the many specific areas of discrimination. Below is a brief summary of selected laws:

- **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:*

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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."

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

According to MDE, "The Minnesota Department of Education (MDE) does not have jurisdiction to investigate discrimination complaints." However, MDE has related information at this link: [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](#)

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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:** Dustin Lacina, Driver Education Coordinator, Driver and Vehicle Services, Minnesota Department of Public Safety – Phone: 651-201-7625. E-mail: [dustin.lacina@state.mn.us](mailto:dustin.lacina@state.mn.us) Also, you could call Cindy Hom, (651) 201-7626, e-mail to Cindy Hom 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; \$40 for a child screened at age 5 or 6 prior to kindergarten; and \$30 for a child screened within the first 30 calendar days of kindergarten.

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

- [Early Childhood Screening Brochure - English](#)
- [Parent Frequently Asked Questions for Early Childhood Screening](#)
- [Summary Child Health and Developmental Screening](#)
- Find A Local Program and your district's Early Childhood Screening Coordinator - [Search online by county, school district or city to find early childhood programs.](#)

**State Contact:** Margo Chresand, MDE – (651) 582-1136 e: [margaret.chresand@state.mn.us](mailto:margaret.chresand@state.mn.us) or [mde.els@state.mn.us](mailto:mde.els@state.mn.us)

**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>

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

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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 by the Every Student Succeeds Act (ESSA).** This major federal education law includes several programs **requiring the equitable participation of students and teachers in nonpublic schools.** See this link from MDE: [Nonpublic Participation \(from MDE website\)](#)

**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 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.

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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](mailto:mde.esea@state.mn.us) Contact: [mde.esea@state.mn.us](mailto:mde.esea@state.mn.us) . The [Nonpublic Participation](#), contact [the Ombuds](mailto:mde.ombudsman@state.mn.us). [mde.ombudsman@state.mn.us](mailto:mde.ombudsman@state.mn.us).

Link to information on federal “title programs” from MDE: [ESEA \(ESSA\)](#) 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](#). 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, Private Schools**

Excerpt: “(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

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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.

(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS- Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological..." see link for more, [Part E—Uniform Provisions](#) or <http://www.ed.gov/legislation/ESEA02/pg111.html>

### [Nonpublic Participation \(from MDE website\)](#)

Excerpts from this link:

“To help ensure equitable participation for eligible nonpublic school children, teachers, and other educational personnel, the Minnesota Department of Education (MDE) has designated an ombuds to monitor and enforce these requirements; Section 1117(a)(3)(B). Email questions regarding these services to [the Ombuds](#).”

### **Minnesota Procedures for Serving Nonpublic Students and Staff Equitably**

The resources below are tools for district and charter school staff to use in providing equitable services for the Every Student Succeeds Act (ESSA).

- [Letter of Intent to Participate in Elementary and Secondary Education Act \(ESEA\) Programs](#)
- [Affirmation of Consultation Title I](#)
- [Affirmation of Consultation Title II](#)
- [Affirmation of Consultation Title III](#)
- [Affirmation of Consultation Title IV, Part A](#)

### [Nonpublic Title II Needs Assessment and Professional Development Plan](#) - 5/30/19

This is a tool that districts may use to ensure that the nonpublic school's Title II program is meeting the requirements of Title II, Part A.

### [District Timeline for Nonpublic School Title Programs](#) - 5/23/19

This is a sample timeline that districts may use to ensure that a nonpublic school's Title II program is meeting the requirements of Title II, Part A.

### [Eligible Nonpublic Students that Live Outside the District Boundaries](#) - 2/2/18

This document explains who should provide Title I services to eligible nonpublic students who live outside the district boundaries.

see link for more: [Nonpublic Participation \(from MDE website\)](#)

### **Information on the relatively new ESSA law and changes to ESEA from 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](#)

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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.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 Minnesota Department of Education (MDE) has a [Model Crisis Management Policy](#) to help public schools comply with Minnesota Statutes, section [121A.035](#).
- 3) The Minnesota Department of Education also has resources and guidance available at its [School Health Services](#) link.
- 4) The U.S. Department of Education has “[Practical Information on Crisis Planning](#).”
- 5) 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 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.
- 6) The U.S. Department of Homeland Security sponsors the national preparedness web site [Ready.gov](#) ([www.ready.gov](http://www.ready.gov)) that contains disaster preparedness information for families and communities.

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

- **Minnesota Statutes, Chapter 181**, and **Minnesota Rules, Chapter 5200** (relating to wages and labor), establish requirements governing employment in the state. Provisions of particular importance to nonpublic schools include: “Whistleblower Law” (Section [181.932](#)); Parenting Leave (Section [181.940](#) and [181.941](#)); School conference and Activities Leave (Section [181.9412](#)); 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](#)).
- The Department of Labor and Industry’s 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](#), information about the state Pregnancy and Parental Leave Act and the federal Family and Medical Leave Act (FMLA).
- Also, see the [Women’s Economic Security Act FAQs](#). “The [Women’s Economic Security Act](#) (WESA) strengthens workplace protections and flexibility for pregnant women and nursing mothers, expands employment opportunities for women in high-wage, high-demand occupations and reduces the gender pay gap through increased enforcement of equal pay laws.”

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- [An Employer's Guide to Employment Law Issues in Minnesota](#). A Collaborative Effort: Minnesota Department of Employment and Economic Development and LINDQUIST.

See, also, Minnesota Human Rights Act, with **Discrimination Laws (above)**.

**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.

**Contact:** Minnesota State High School League – (763) 560-2262) or [www.mshsl.org](http://www.mshsl.org). This includes a 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. E-mail: [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](#). MDH phone number: (651) 201-5000.
- The federal government has a dedicated website for information about flu: <http://www.flu.gov>.

**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*

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*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: Voice: 651-201-7200 or Forrest Williams – School Inspections Supervisor: e-mail, [forrest.williams@state.mn.us](mailto:forrest.williams@state.mn.us) or Phone: 651-769-7784. Code Questions: [fire.code@state.mn.us](mailto:fire.code@state.mn.us) Website: [State Fire Marshal](#).

**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 or 651-297-1772.

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

**Global Minnesota K-12 Education Programs:** *Classroom Connection* is an interactive and hands-on elementary school program that brings students, teachers, and international volunteers together for a series of cross-cultural lessons. It provides global perspectives, introduces positive role models, promotes understanding and respect, and supports Minnesota education standards. *Academic WorldQuest* is the only international knowledge team competition of its kind in the state! Interactive and fun, this event challenges high school students to think globally and quiz locally about critical issues facing the U.S and the world.

The following link to Global Minnesota's website includes additional information:

<https://www.globalminnesota.org>

Contact: Sylvia Oxenham tel. 612-301-2314 [email:soxenham@globalminnesota.org](mailto:soxenham@globalminnesota.org)

**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.
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](#)

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

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**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 comply 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 Statutes, 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.

Statutory Authority: *MS s [121A.15](#)* History: *38 SR 557* Published Electronically: *November 18, 2013.*

**A new form was released in April 2019 by the Minnesota Department of Health (MDH)**, which “will help schools in collecting the immunization information they need to comply with the School Immunization Law and complete the Annual Immunization Status Report (AISR).” See information at this MDH link: [Vaccines for Infants, Children, and Adolescents](#). Note: Along with other information, this link includes the [Immunization Form \(PDF\)](#). According to MDH: “Use this form to document vaccines as well as medical or non-medical exemptions for children enrolled in child care, early childhood education, or school.” According to Lisa Harris at MDE: “This form is to be used by all schools [**including nonpublic schools**], and all K-12 schools in Minnesota, public and **nonpublic** (including home schools) schools are required to complete the AISR.”

**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*

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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 websites: [Immunizations: Schools and Child Care](#) and [Vaccines for Infants, Children, and Adolescents](#).

**Immunization State Contact:** Lisa Harris, School & Childcare Reporting Outreach & Coordination | Education & Partnership Unit, 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](#) or <http://www.sos.state.mn.us/study-abroad/>.

**State Contact:** Patricia Baird or Millie Cardinal, 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](#)

**Maltreatment of Minors and a 2013 Law. Chapter [89](#) – Child Victims Act – Extended 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

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protect them. For new victims of child sexual abuse, all limits for filing lawsuits have been removed. **See current statute:** [Minnesota Statutes, section 541.073](#).

**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:** MPCA’s Small Business Assistance Program, which can be reached at 651-282-6143 or 800-657-3938. Also, see the [Mercury in Schools link](#), which has some guidance documents and other contacts for specific questions.

**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.

Member schools annually choose to join the League. The League exists to provide competitive, equitable and uniform opportunities for high school students to learn valuable lessons through participation in athletics and fine arts. The League also provides support for member schools with programs that address sportsmanship, chemical health, scholarship recognition. The League also oversees more than 4,500 registered contest officials and judges. The League provides educational programs for coaches.

The Minnesota State High School League neither solicits nor receives any state funding. Most revenue comes from state tournament ticket sales, broadcast rights, and corporate partnerships, plus some from the sale of tournament merchandise. The League also annually returns hundreds of thousands of dollars to schools which had participants in state tournaments and contests to help offset the costs associated with ‘Going to State’” [About the MSHSL](#).

**Contact:** [Minnesota State High School League](#) – (763) 560-2262 or [www.mshsl.org](http://www.mshsl.org)  
 Erich Martens, Executive Director: [emartens@mshsl.org](mailto:emartens@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

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Children and Youth enrollment. Information gathered is used for a variety of purposes, including determining funding levels for several federal education programs. New for the 2018-19 school year are the counts of F-1 visa students for several categories as a subset of the existing counts, e.g., enrollment, free/reduced price meals, etc. These counts are needed for selected federal 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](#)
- [Nonpublic Fall Report Memo](#)  
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](#).  
Alternate Form for Income Eligibility for the Free/Reduced-Price Meal Program - Family Survey.

**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.

### **Updated Rates for 2019-2020 school Year**

Based on appropriations in the 2019 Omnibus Education Act as well as other factors, MDE on June 13, 2019, announced **new Nonpublic Pupil Aid Program rates**. Please read the [Nonpublic Public Aids; Promulgation of Fiscal Year 2020 Program Rates of Entitlement and Pupil Reporting Procedure memorandum](#) from Greg Sogaard, Division of School Finance.

Excerpt from this memo:

“The authorized rates of entitlement per eligible pupil to be used in computing district allotments for **nonpublic pupil aids for school year 2019-20** are as follows:

- Textbooks, Standardized Tests, and Individualized Instructional Materials—**\$85.09**
- Pupil Health Services—**\$81.19**
- Secondary Pupil Guidance and Counseling Services—**\$272.08**

Rates may be readjusted on or about October 15 when the actual appropriation and program participation figures are known” See the above link for more information, including reporting requirements and deadlines.

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

**MDE Nonpublic Pupil Aids Contact for assistance**, e-mail to: [greg.sogaard@state.mn](mailto:greg.sogaard@state.mn)

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

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Recent amendments to this law include:

- A 2011 law change **added “electronic books as well as other printed materials delivered electronically”** and
- A 2012 amendment **added “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 modified 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.”
- In 2019, **The definition of “textbooks” was changed** to include “a teacher's edition, teacher's guide, or other materials that accompany a textbook that a pupil uses when the teacher's edition, teacher's guide, or other teacher materials are packaged physically or electronically with textbooks for student use.” enactment. Also, **The definition of Individualized instructional or cooperative learning materials** was expanded to include “teacher materials that accompany materials that a pupil uses.” Both of these 2019 amendments were effective the day following final enactment.

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. For detailed information on the various federal and state nutrition programs, see MDE’s [School Nutrition Programs](#).

**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)

**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)

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**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 related information are available on the MDH web site:

- [Pesticide Use in Schools](#)
- [Model Pesticide Notice #3; General Notice for School Employees](#)
- [Model Pesticide Notice #1; General Notice for Parents and Guardians](#)
- [Model Pesticide Notice #2; Individual Notice for Parent or Guardian](#)

**Postsecondary Enrollment Options (PSEO)** (Minnesota Statutes, Section **124D.09**).

A nonpublic school (including home school) student in grades 10, 11, or 12 who meets residency requirements outlined in the residency guidelines section of the [Postsecondary Enrollment Options \(PSEO\) Reference Guide](#) is eligible. A **2019 law** amended Minnesota Statutes, section [124D.09](#), expanding the program beyond grades 11 and 12 by **authorizing nonpublic students in 10th grade to participate in PSEO career and technical courses.**

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

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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 Enrollment Options \(PSEO\) Reference Guide](#) 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](#). If you have any questions regarding the mileage reimbursement for low-income students' participation in the PSEO program, contact Kelly Garvey: e-mail [kelly.garvey@state.mn.us](mailto:kelly.garvey@state.mn.us) or phone 651-582-8524. [MDE PSEO website](#).

[Postsecondary Enrollment Options \(PSEO\) Reference Guide](#) A reference guide to assist students and parents, high school educators and Minnesota State Colleges and Universities eligible to offer PSEO.

**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)
- Mary Barrie, MDE Supervisor of High School to Postsecondary Initiatives, 651-582-8478 or [mary.barrie@state.mn.us](mailto:mary.barrie@state.mn.us)
- Jeanne Krile, MDE Finance, (651) 582-8637 or [jeanne.krile@state.mn.us](mailto:jeanne.krile@state.mn.us)
- Sharon Peck, MDE Supervisor Data Management, School Finance, (651) 582-8811 or [sharon.peck@state.mn.us](mailto:sharon.peck@state.mn.us)

**Pool Safety (Minnesota Statutes, Section [144.1222](#))**. The Abigail Taylor Pool Safety Act of 2008 ([Chapter 328](#)) mandated standards for new and existing public pools and expanded licensure requirements to previously unlicensed public pools. The statute defines a "**Public pool**" to mean [subd. 3, d]: *"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 \(a\)](#).*

The Minnesota Department of Health (MDH) provides information on their website: [Public Swimming Pools](#). Related Minnesota Rules, Parts 4717.0150 to 4717.3975, can be found at [The Office of the Revisor of Statutes](#).

**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

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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:** [mde.compliance-assistance@state.mn.us](mailto:mde.compliance-assistance@state.mn.us) or (651) 582-8689. 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) requires that “A district, a charter school, **or a nonpublic school that receives services or aid under sections [123B.40](#) to [123B.48](#)** from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections [123B.40](#) to [123B.48](#) must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

*(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.*

[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:** [mde.compliance-assistance@state.mn.us](mailto:mde.compliance-assistance@state.mn.us) or (651) 582-8689 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)

Also, see [Data Practices](#) above.

**“Release Time” from Public School for Religious Instruction.** Authorizes public school districts to provide what is commonly called “**release time**” for students to leave the school for religious instruction. It is part of a lengthy section of law relating to compulsory instruction. Open this link to Minnesota Statutes, [Section 120A.22](#), and scroll down to subd. 12 (“Legitimate Exemptions”).

“Release time” (or similar wording) for religious instruction is included in many state statutes as an exemption from ordinary compulsory education (of instruction) requirements. In Minnesota, the essence (though not the exact phrase) is part of a long list of legitimate exemptions from compulsory instruction requirements. <https://www.revisor.mn.gov/statutes/?id=120A.22>

Excerpt: Minnesota Statute, Section [120A.22, Subd. 12](#), Minnesota’s Compulsory Instruction Law’s Provision Relating to legitimate exemptions from school, Excerpt from Subd. 12:

*“(3) that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. However,*

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*a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.”*

**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:** See the Secretary of State’s [Safe at Home](#) link or (651) 201-1399 or toll free: 1-866-723-3035; Minnesota Relay Service 71. E-mail: [Safe.athome@state.mn.us](mailto:Safe.athome@state.mn.us)

**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 Contacts:** [mde.school-choice@state.mn.us](mailto:mde.school-choice@state.mn.us). Or 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)

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

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

**Contacts:** MnSSC team:

- Randy Johnson ([randy.johnson@state.mn.us](mailto:randy.johnson@state.mn.us)) Director, 651-201-7094
- Jennifer Larrive ([jennifer.larrive@state.mn.us](mailto:jennifer.larrive@state.mn.us))  
School Resource Officer Coordinator, 651-201-7092
- Connie Forster ([connie.forster@state.mn.us](mailto:connie.forster@state.mn.us)) Safe School Assessment Coordinator, 651-201-7093

**School Wellness Resources.** 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](#).

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**State Contacts:** [mde.HealthyYouth@state.mn.us](mailto:mde.HealthyYouth@state.mn.us); [mde.safe-healthy@state.mn.us](mailto:mde.safe-healthy@state.mn.us); or (651) 582-8352.

**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 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.

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**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.

- [K-12 Education Subtraction and Credit](#), an excellent, updated informational link at the Minnesota Department of Revenue, which includes the appropriate tax forms.
- [Tax deduction \(or “subtraction”\)](#), the law.
- [Minnesota Education Credit](#), the law.
- Minnesota House Research Summary: [Income Tax Deductions and Credits for Public and Nonpublic Education in Minnesota](#) (a very good “Information Brief”).

**State Contacts:** Department of Revenue – (651) 296-3781, [Minnesota Department of Revenue](#).

**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](#), 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.

## **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. 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: for (888) 641-8722 (press 3 for schools and libraries)

See also [Computers for Schools](#).

**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 subd. 2, 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 (see subd. 2, (c)).
4. **May provide Kindergarten Pupil Training Before First Day of School** (Minnesota Statutes, section [123B.90](#) (d)) A district and a **nonpublic school** with students transported by school bus at public expense may provide kindergarten pupils with bus safety training before the first day of school.
5. **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 provide student safety education for bicycling and pedestrian safety for grades kindergarten through 5.

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6. **Reasonable accommodation** (Minnesota Statutes, section [123B.90](#), subdivision 2(f). A district and a **nonpublic school** with students transported by school bus at public expense must make reasonable accommodations for the school bus safety training of pupils known to speak English as a second language and pupils with disabilities.
7. **School Bus Safety Training Twice During School Year** (Minnesota Statutes, section [123B.90](#), subdivision 2(g) The district and a **nonpublic school** with students transported by school bus at public expense must provide students enrolled in kindergarten through grade 3 school bus safety training twice during the school year.
8. **Bus Evacuation Drill** (Minnesota Statutes, section [123B.90](#), subdivision 2(h) A district and a **nonpublic school** with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.

**State Contact:** **Kelly Garvey**, student transportation specialist – 651-582-8524 or [Pupil Transportation email \(pupiltransportation.mde@state.mn.us\)](#)

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 27-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 – (651) 350-2007 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 – (651) 350-2007 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” from <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 – (651) 350-2007 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.

**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. 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

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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](#) [“School defined” includes both public and nonpublic schools]. However, [121A.06](#) 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**

- All [Minnesota statutes and rules](#) can be accessed from the Minnesota Office of the Revisor of Statutes.
- Federal laws, regulations, and related information can be found at several websites, including [United States Code](#), [USA.Gov](#), and [Congress.Gov](#) (the latter is an excellent source of current federal legislative activity).
- [How to Contact Your Federal, State, and Local Elected Officials](#).
- [Minnesota Independent School Forum](#).
- [Minnesota legislative activity](#) (including current bills and committee hearings).
- The [U.S. Department of Education](#) and [Minnesota Department of Education](#) websites include links to federal and state laws as well as 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 \(CAPE\)](#) is a coalition of national organizations and state affiliates serving private elementary and secondary schools.
- The [Home School Legal Defense Association](#) 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.

Prepared by Dr. Barry Sullivan, Minnesota Independent School Forum ([MISF](#)) Consultant.