

Directory of Programs and Policies Affecting Nonpublic Schools

Updated February 2, 2023

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

Advanced Placement (AP) and International Baccalaureate (IB)	2
Accreditation, State Recognized Accrediting Agencies	2-3
Background Checks	3
Bleacher Safety	3-4
Child Care; includes Early Learning Scholarships and License Exclusion	4-6
College-Level Examination Program (CLEP)	6
Compulsory Instruction	6
Concussion Procedures	6-7
Cybersecurity and Infrastructure Security	7
Data Practices	7-8
Discrimination Laws	8-9
Driver Education	10
Early Childhood Health and Developmental Screening	9-11
Early Childhood Resources	11
Elementary and Secondary Education Act/Every Student Succeeds Act	11-13
Emergency Planning, Crisis Management, and Disaster Preparedness Resources	14
Employment, Minnesota Statutes	14
Extracurricular Activities and Home schools	14-15
Federal Pandemic Relief Funds	15
Federal Office of Nonpublic Education	15
Flu – Seasonal and Novel Influenza	15
Fire Drills in Schools; Door and Exit Requirements; Records	15-16
Gambling, Charitable	16
Global Minnesota K-12 Education Programs	16
Home Schools	16-17
Immunization Reporting	17-18
International Student Exchange	18
Maltreatment of Minors	18-19
Medication	19
Mercury Uses in Schools Prohibited	19-20
Minnesota Department of Education	20
Minnesota Nonpublic Education Council	20
Minnesota State High School League	20
Minnesota Tech for Success (formerly “Computers for Schools”)	20-21
Nonpublic Fall Report	21
Nonpublic Pupil Aids – Includes Rates	21-23
Nutrition Programs (including school lunch and breakfast)	23
Online Learning Option Act	23
Pandemic	23-24
Pesticide Application Notification	24-25

Post-Secondary Enrollment Options (PSEO)	25-26
Pool Safety	26
Pupil Fair Dismissal Act (generally applies only to public schools)	26-27
Record Transfers Required	27
“Release Time” from Public School for Religious Instruction	27
Safe at Home Address Confidentiality Program	28
School Choice, MDE	28
School Safety	28
School Safety Center	28
School Wellness Resources	29
Shared Time	29
Special Education	29-30
State Income Tax Credit and Deduction	30-31
Statewide Testing	31
Technology Programs (includes state and federal programs)	31-32
Transportation; includes several school bus provisions (such as Equal Treatment) and the Safe Routes to School Program	32-35
Weapons Reporting	35
Selected Sources for Additional Information	35

Items are listed in alphabetical order

Along with telephone numbers and e-mail addresses, websites and direct links are provided below for those accessing this document electronically. Please note that contact names change frequently; therefore, we will update this information as often as possible. In addition to the specific information associated with each program or policy listed below, a primary source for many state and federal programs is the Minnesota Department of Education (MDE): Telephone (651) 582-8200 or www.education.state.mn.us. **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 November 15 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

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

[Back to top](#)

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](#) and [Minnesota Nonpublic Education Council Guidelines for Recognizing Accrediting Agencies](#)

State Contact: Cindy Jackson – (651) 582-8572 or e: cindy.s.jackson@state.mn.us or 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](#).
Email: BCA.CHA@state.mn.us. Or at 651-793-2400.
- [Minnesota Professional Educator Licensing and Standards Board](#) 651-539-4200 or e-mail 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

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

[Back to top](#)

certification.” **Periodic Inspections.** “Bleacher footboards and guardrails must be reinspected at least every five years and a structural inspection must be made at least every ten years. Inspections may be completed in the same manner as provided in subdivision 4.” Note: the reference to “subdivision 4” means that the nonpublic school may have the person it designates to be responsible for buildings and grounds perform these inspections and “reinspections.” Exceptions: The certificate of compliance is not required for bleachers 55 inches above grade and lower without guardrails. Also, this statute does not preclude a municipal authority from establishing additional reinspections under the State Building Code. “The current standard for ‘new bleachers’ is [ICC-300](#)” according to the [Bleacher Safety Fact Sheet](#). State Contact: Mn Department of Labor and Industry, Codes and Licensing. Web: www.dli.mn.gov. Phone: 651-284-5005 or 1-800-657-3944 or Scott Mckown at (651) 284-5893 or e-mail: Scott.McKown@state.mn.us.

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

Child abuse reporting—see [Maltreatment of Minors Reporting](#).

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](#). Update: **Find guidance related to Early Learning Scholarships in the Minnesota Distance Teaching and Learning Implementation Guidance, available on the [COVID-19 Updates](#) webpage.** *Please reference the Table of Contents within the guidance document to find the Early Learning section.*”

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 4 are eligible, and prioritized, 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 \$8,500 for each eligible child per year. The award amount is based on the Parent Aware rating of the early education program. Children with one of the four priority statuses are eligible for up to \$12,000 per scholarship year.

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, 2024, have a 3 or 4 Star Parent Aware rating.

New Appropriation Levels. Lawmakers in the 2019 legislative session appropriated approximately \$70.7 million for each year of the 2022-2023 biennium. Link to MDE’s [Early Learning Scholarships](#).

[Back to top](#)

Role for Nonpublic Schools. Nonpublic schools that are rated in Parent Aware (Minnesota’s Tiered Quality and Improvement Rating System) **can receive Early Learning Scholarships.** A nonpublic school that runs an early childhood program must have a childcare 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](http://parentaware.org/programs/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. 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](#)):

“(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 or (651) 431-6500.

[Back to top](#)

Child Care Center Statutes and Rules:

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

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

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

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

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

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

State contact: Beth Barsness MDE (651) 582-8336 or e: beth.barsness@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 Compliance Data Reporting](#)
- [Nonpublic and Home Schools](#)
- [Accrediting Agencies Whose Schools Have Reduced Reporting Requirements](#). “Minnesota nonpublic schools (traditional private schools or homeschools) directly accredited by any of the following 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...” see link for more
- [Letter of Intent to Continue to Provide Instruction](#)

Concussion Procedures. Minnesota Statutes, Section [121A.38 \(Concussion Procedures\)](#) defines terms and establishes procedures to be followed. Subd. 2 (a) of this statute specifies that, “... The appropriate sports governing body, including the high school league under chapter 128C, 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

[Back to top](#)

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.” See, also, Minnesota Statutes, section [121A.37 \(Youth Sports Programs\)](#).

Contact: [Minnesota State High School League](#) or <https://www.mshsl.org>

COVID-19—see [Pandemic](#) and [Federal Pandemic Relief Funds, Minnesota Department of Education \(MDE\) Page](#)

Cybersecurity and Infrastructure Security. The Cybersecurity and Infrastructure Security Agency (CISA) released its “[Partnering to Safeguard K-12 Organizations from Cybersecurity Threats](#)” report with a supporting [toolkit](#). Also, see [School Safety](#) below

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: or Phone: 1-800-USA-LEARN (1-800-872-5327)
[Family Educational Rights and Privacy Act \(FERPA\), US Department of Education.](#)
- **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 Contacts: [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. MDE contact email: mde.datapractices@state.mn.us. Also, links at MDE to consider for best practices: [Q&A: Record Retention and Record Retention Schedules](#) and [Q&A: Cumulative Records](#)

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

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. Also, [OCR](#) or <https://www2.ed.gov/about/offices/list/ocr/index.html>. Also, see these links:
 1. [Education and Title VI](#); and
 2. [Impact of the Civil Rights Laws](#)
- **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. Also,

[Back to top](#)

[OCR](https://www2.ed.gov/about/offices/list/ocr/index.html) or <https://www2.ed.gov/about/offices/list/ocr/index.html>. Also, see information at these specific selected links:

1. [Title IX Coordinator](#)
 2. [Title IX of the Education Amendments of 1972](#)
 3. [Single sex classes and schools](#)
- **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. [OCR](#) or <https://www2.ed.gov/about/offices/list/ocr/index.html>. Also, see information at these selected links:
 1. [504 and ADA, Disability Discrimination](#)
 2. [Impact of the Civil Rights Laws](#)
 3. [Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities](#)
 - **Title II of the Americans with Disabilities Act of 1990:** "Is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments." *Contact Information:* Coordination and Review Section, Civil Rights Division of the U.S. Department of Justice. P.O. Box 66118 Washington, D.C. 20035-6118. Telephone: (202) 514-0301. [ADA.Gov.](#) or <https://www.ada.gov>.
 - **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. [OCR](#) or <https://www2.ed.gov/about/offices/list/ocr/index.html>. Also, see [Age Discrimination, Laws and Guidance](#) Also, see these selected links:
 1. [Laws and Regulations](#)
 2. [ADA Technical Assistance](#)
 3. [ADA Standards for Accessible Design](#)

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."
- See, also, [state Employment law requirements below](#)
- [Parental Rights Statutes](#) (prepared by MDE)
"Compilation of parental rights topics with links to relevant state statutes and rules.

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](#)

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 Also, you could call Cindy Hom, (651) 201-7626, e-mail to Cindy Hom at cindy.hom@state.mn.us . General questions can also be sent to: drivers.licenses@state.mn.us

Early Childhood Health and Developmental Screening. Minnesota Statutes, Sections: [121A.16](#) (Early Childhood Health and Development Screening; Purpose);

[Back to top](#)

[121A.17](#) (School Board Responsibilities);
[121A.18](#) (Data Use); and
[121A.19](#) (Developmental Screening Aid).
 Minnesota Rules, parts [3530.3000-3530.4310](#)

School districts provide health and 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. **Although not a requirement for children attending nonpublic schools, early childhood screening is required for those attending public schools.** Therefore, appointments may not be available in the fall for all families. Families should be encouraged to make an appointment with their resident district for children between the ages of 3 and 4 years of age during the spring, summer, and winter sessions. Screening early ensures that if there are any health or developmental concerns, there will be adequate time to offer additional evaluation services. Screening may be offered by districts in a distance method (virtual, online, phone) for families during COVID-19.

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

- [Early Childhood Screening Brochure - English](#) (Brochures and videos also available in other languages.)
- [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.](#)

Early Childhood Resources. In addition to the information regarding screening (above), nonpublic school leaders and parents may find these resources helpful:

- [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>
- [Early Childhood Family Education](#) (ECFE) link at MDE's website. "ECFE is a parenting education program for all Minnesota families with children between the ages of birth to kindergarten entrance....Early Childhood Family Education (ECFE) is based on the idea that parents provide their child's first and most significant learning environment and parents are children's first and most enduring teachers."
- [High Quality Early Learning](#). By concentrating on quality, gaps in school and life outcomes will close for children from differing backgrounds.

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

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

[Back to top](#)

See this link from MDE: [Nonpublic Participation \(from MDE website\)](#). Excerpts:

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](#)

Other selected information from the [Nonpublic Participation \(from MDE website\)](#):

- [District Timeline for Nonpublic School Title Programs](#). “This document is intended to be a generic Title I-Part A, Title II-Part A, Title III-Part A and Title IV-Part A timeline that follows the state fiscal year. It may be used as a guide by a large or small district serving nonpublic students/staff.” Contact MDE at mde.esea@state.mn.us with any questions.
- [Eligible Nonpublic Students that Live Outside the District Boundaries](#). Explains who should provide Title I services to eligible nonpublic students living outside the district boundaries.
- [Elementary and Secondary Education Act Complaint Procedure Title Programs](#). “This document outlines the process to follow if an organization or individual has reason to believe that the state or district is not correctly administering an Elementary and Secondary Education Act Program.”
- **General state contact** for ESEA/ESSA and nonpublic schools: **Alicia Waeffler**, Ombudsperson for ESEA Title programs, alicia.waeffler@state.mn.us, 651-582-8227.

See this link for more information and resources: [Nonpublic Participation \(from MDE website\)](#)

Federal ESEA/ESSA Guidance.

- [Title I, Part A. Equitable Services for Eligible Private School Children, Teachers, and Families](#). “This guidance document only addresses Title I equitable services to eligible private school children, their teachers, and their families. The ESEA also includes other programs that require State educational agencies (SEAs) and LEAs to provide for the equitable participation of eligible private school students and their teachers and other educational personnel.”
- The “[Non-Regulatory Guidance](#)...,” which was released by the U.S. Department of Education on November 21, 2016, includes important requirements affecting nonpublic schools. For additional information, see the [Department’s ESSA Resources page](#) and visit the [Office of Nonpublic Education at USDOE](#) 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”) must engage in timely and meaningful consultation with nonpublic school officials to ensure that equitable services are provided.
- Text [of the law](#).

Minnesota Department of Education (MDE) information and contacts especially important for nonpublic schools in relation to ESEA/ESSA program areas

Title I, Part A – Improving Basic Programs Operated the Local Educational Agencies (LEA) – Every Student Succeeds Act (ESSA). [Guidance from the federal government: Equitable Services Provisions \(updated 10-7-2019\)](#). For information and resources are available on the Minnesota Department of Education website, [Title I](#) and [Nonpublic Participation](#).

General link to information about federal “title programs” from MDE: [ESEA \(ESSA\)](#), which includes contact information for program specialist in each area of ESEA/ESSA, and [Nonpublic Participation](#). Contact: mde.esea@state.mn.us or 651-582-8579.

Title I, Part C – Education of Migrant Children and Youth

For information and resources are available on the Minnesota Department of Education website, [Migrant Education Program](#).. Contact: mde.migrant@state.mn.us Or 651-582-8579.

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

Teacher and Principal Training and Recruiting Fund (Title II, Part A). For information and resources, see this from the Minnesota Department of Education website, [Title II](#), Supporting Effective Instruction. Contact: mde.esea@state.mn.us. Or 651-582-8579.

Title III – Ensuring that English Learners (ELs) and Immigrant Students Attain English Proficiency and Meet State Academic Standards. Information and resources are available on the Minnesota Department of Education website, [Title III](#). Further information is available on the Minnesota Department of Education at [English Learner Education](#) site. 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 – Language Instruction for Limited English Proficient and Immigrant Students](#).
- [Non-Regulatory Guidance on Implementation of Title III State Formula Grant Program](#).

Contact: mde.el@state.mn.us. Or 651-582-8579.

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

For information and resources are available on the Minnesota Department of Education website at the [Student Support and Academic Enrichment \(SSAE\) grant program](#). Or Contact: mde.esea@state.mn.us or 651-582-8579.

Title IV, Part B – Nita M. Lowey 21st Century Community Learning Centers

For information and resources are available on the Minnesota Department of Education website, [21st Century Community Learning Centers](#). Contact: mde.21cclc@state.mn.us Or 651-582-8495.

ESEA/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.

General link to information about federal “title programs” from MDE: [ESEA \(ESSA\)](#), which includes contact information for program specialist in each area of ESEA/ESSA. Also, see [Nonpublic Services and Equitable Share During COVID-19](#).

General state contact for ESEA/ESSA and nonpublic schools: Alicia Waeffler, Ombudsperson for ESEA Title programs, alicia.waeffler@state.mn.us, 651-582-8227.

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 [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) 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.”

[Back to top](#)

- [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.

Contacts: MDE: Cindy Jackson, MDE – (651) 582-8572 or e: cindy.s.jackson@state.mn.us

See also, [Home Schools](#)

Minnesota State High School League – (763) 560-2262) or www.mshsl.org.

Federal Pandemic Relief Funds, Minnesota Department of Education (MDE) Page.

Updated frequently, this MDE link includes important guidance relating to major, recent federal funding programs intended to help schools and communities in addressing problems resulting from the **COVID 19 pandemic**. From the MDE site: “The federal government has passed three major relief packages in response to COVID-19. The **Coronavirus Aid, Relief, and Economic Security Act (CARES)**, the **Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA)**, and the **American Rescue Plan Act (ARP)** all included funding for education. The Minnesota Department of Education (MDE) is administering multiple grant opportunities from these three relief packages.” See link for more

Also, note all the resources and guidance provided on [MDE’s COVID 19 Updates page](#) and [Pandemic](#) below.

Federal Office of Non-Public Education (ONPE), U.S. Department of Education. Contact: 202-401-1365 or email to onpe@ed.gov From their website: “The roles and activities of the Office of Non-Public Education (ONPE) fall into two major categories: leadership and outreach. ONPE represents the interests, activities and needs of the private elementary and secondary school community, and also consults with the private school community on the participation of students and teachers in programs and initiatives at the U.S. Department of Education...” see link for more.

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 \(www.health.state.mn.us\)](#) 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 or 888-345-0823 (toll free)
- [For School Health Personnel](#). Resources to help school health personnel address influenza in the schools.
- The federal government has a dedicated Center for Disease Control and Prevention website for information: [Influenza \(Flu\)](#) or <https://www.cdc.gov/flu/index.htm>

Fire Drills, School Lock-Down, and Tornado Drills in Schools; Door and Exit Requirements; Records. Minnesota Statutes, Sections [121A.037](#) and [299F.30](#). Minnesota

[Back to top](#)

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

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

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

State Contact: Minnesota State Fire Marshal: Voice: 651-201-7200 or Forrest Williams – School Inspections Supervisor: e-mail, forrest.williams@state.mn.us or Phone: 651-769-7784. Code Questions: 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
- [Lawful Gambling, Minnesota Department of Revenue](#) or <https://www.revenue.state.mn.us/guide/lawful-gambling>
- Jack Mansun, Director of Special Taxes, MN Department of Revenue, 651-556-6009 or 651-297-1772. Email: jack.mansun@state.mn.us

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. Class visits to your school can be conducted in-person or virtually. *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. This program is offered in a hybrid format where teams can either compete in-person or online. The following link to Global Minnesota’s website includes additional information: [Global Minnesota, Education Page](#).

Contact: Sylvia Oxenham 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 changes along with the 2012 and 2013 changes are incorporated in the links to statutes (above). For helpful, updated information regarding homeschools and nonpublic schools in general, see information at this MDE site: [Nonpublic and Home Schools](#). Also, see this House Research summary: [Homeschools](#). **State Contact:** Cindy Jackson – (651) 582- 8572 or e: cindy.s.jackson@state.mn.us Also, see [Extracurricular Activities and Home Schools](#).

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 MDH: “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.” MDH suggests using the [AreYourKidsReady?](#) resource as a companion piece for parents to easily understand the school law requirements including exemptions. One page shows the law requirements, one page shows the CDC recommended vaccine schedule.

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 December 1 of each year”* ([121A.15](#),

[Back to top](#)

subd. 8). Only child care facilities licensed under Minnesota Rules [Chapter 9503](#) (child care centers) are required to submit reports. Those licensed under [Chapter 9502](#) (family and group family day care) need not, although they still must enforce the same immunization requirements.

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

All information (including requirements affecting child care, early childhood, and schools) can be found at this Department of Health 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

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: Millie Cardinal, 651-296-2803 or 1-877-551-6767. E-mail: business.services@state.mn.us

Maltreatment of Minors Reporting. [Minnesota Statutes, chapter 260E](#), the Minnesota Maltreatment of Minors Act, establishes a system for reporting possible child maltreatment to government agencies providing protective services for the child or conducting criminal investigations. The law requires mandated reporters who suspect maltreatment to file a report within 24 hours. Maltreatment includes physical abuse, neglect, mental injury and sexual abuse. 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 Contact at MDE - Jennifer Alexander, MDE, 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](#)

[Back to top](#)

Maltreatment and Department of Human Services (DHS) – According to DHS, “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.” Guidance from DHS: [Maltreatment of Minors Mandated Reporting Policy DHS Licensed Programs](#)

[Summary of the law from House Research \(December 2020\)](#). Note: This summary provides an overview of the current law which was amended and recodified as [Minnesota Statutes, chapter 260E](#) in the 2020 regular legislative session and 7th special session. Also, see “actions for damages due to sexual abuse” in [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

[Back to top](#)

- 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, subdivision 4](#). Therefore, this law applies to both public and **nonpublic schools**, but for purposes of these restrictions on mercury, **home schools are excluded**.

State Contact: MPCA: [651-296-6300](tel:651-296-6300) or [800-657-3864](tel:800-657-3864). Also, MPCA’s Small Business Assistance Program, which can be reached at 651-282-6143 or 800-657-3938

Email: info.pca@state.mn.us 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/mde/index.html>. Address: 400 NE Stinson Blvd. Minneapolis, MN 55413. The building is currently closed to visitors due to construction activity.

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 S. Jackson call (651) 582-8572. Email options:

mde.schoolchoice@state.mn.us or mde.contactus@state.mn.us or cindy.s.jackson@state.mn.us.

Also, see these selected links from MDE’s website:

- [Nonpublic Education Council](#), MDE link
- [Minnesota Nonpublic Education Council Meeting Schedule](#)
- [Nonpublic Education Council Members](#)
- [Guidelines for Recognizing Accrediting Agencies](#)
- [Minnesota Nonpublic Education Council Checklist for Recognition Criteria](#)
- [Nonpublic and Schools Information Link, MDE](#).

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

Overview from the MSHSL website: *“Since 1916, the Minnesota State High School League remains rooted as a non-profit voluntary association that provides service, leadership, and extra-curricular opportunities to more than 500 member schools. Through interscholastic athletic and fine arts activities, the League’s mission is to provide educational and leadership opportunities **for students across its membership of public, private, online, charter and home schools.***

The League consistently ranks among the top state associations across the nation with more than 240,000 high school students participating annually in athletics and fine arts activities. The League also oversees more than 8,000 registered contest officials and judges, as well as provides leadership opportunities for administrators and certification programs for coaches. The League also focuses on programs that are based on the principles of a strong education and teaches students through sportsmanship, recognition, and scholarships...As a non-profit organization, the League neither solicits, nor receives, state funding. The League’s primary revenue streams come from state tournament ticket sales, broadcast rights and corporate partnerships.”

Contact: [Minnesota State High School League](#) – (763) 560-2262

[Back to top](#)

or see this link to specific contacts: <https://www.mshsl.org/contact>

Minnesota Tech for Success (formerly “Computers for Schools”) Minnesota Tech for Success 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 technicians and interns to refurbish computers donated by 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:** Website—www.techforsuccess.org. Jim Christiansen, email jchristiansen@techforsuccess.org or main number 612-383-2400. Jim’s direct number is 612-383-2388. <https://techforsuccess.org>

Nonpublic Fall Report and Alternative Form to Determine Eligibility for Federal Education Funding. The Nonpublic Fall Report is a yearly survey of nonpublic schools (excluding home schools) conducted by the Minnesota Department of Education. From MDE: “The information collected on this form is used for a variety of purposes, many of which will ultimately benefit your school and/or your teachers. Therefore, it is of the utmost importance that this form be completed with accuracy and submitted in a timely manner.” The survey form is sent to nonpublic schools at the beginning of the school year. See these links for the latest details: [Nonpublic Fall Report](#) and [Nonpublic Fall Report Memo](#), including timelines. **State Contact:** [Michelle Carey](#) (michelle.carey@state.mn.us) 651-582-8287.

Also, note [2021-22 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:** [Kelly Wosika](#) kelly.wosika@state.mn.us and 651.582.8855.

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 individualized instructional or cooperative learning 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 nonpublic pupil aid rates and related reporting procedures for Fiscal Year 2023 (2022-2023 school year). See entire memo at this link: [Nonpublic Pupil Aids Memo from MDE \(February 28, 2022\)](#).

Excerpts from this memo:

Authorized rates of entitlement for fiscal year 2023. The authorized rates of entitlement per eligible pupil to be used in computing district allotments for nonpublic pupil aids for **school year 2022-23** are as follows:

- Textbooks, Standardized Tests, and Individualized Instructional Materials \$81.31
- Pupil Health Services \$73.71
- Secondary Pupil Guidance and Counseling Services\$298.05

Rates may be readjusted on or about October 15 when the actual appropriation and program participation figures are known.

[Back to top](#)

Other guidance from this February 28, 2022, MDE memo includes the following:

Pupil Reporting Procedure. The following procedure applies to all nonpublic pupils, including those attending "home schools" [note: links to the four documents below are in the MDE memo]

- **Pupil Requests.** The Pupil Request Forms should be duplicated and forwarded to the nonpublic school administrator for distribution to the students at the beginning of the school year. These Request Forms must be completed and filed on behalf of the student sometime after school starts in the fall but no later than September 15, 2022.
- **Student Report (ED-01650-35):** Pupil Requests, signed on or before the September 15 deadline, must be summarized by the nonpublic school (or home school) officials on the Student Report Form ED-01650-35 and submitted to the public school district by October 1, 2022.
- **District Report:** The district shall forward the Program Report for Nonpublic Aids with a copy of the Student Report (ED-01650-35) received from each of the nonpublic schools (or home schools) attached, to the department by October 15, 2022.
- **Education Aids for Nonpublic School Students** (background information document).

[Note: links to the four documents above are in the MDE memo].

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

- A parent's request for services or materials made after the September 15 deadline is not eligible for reimbursement. However, the late administrative reporting of an eligible request, properly executed, may be accommodated under extenuating circumstances if approved by the department.
- Accurate and complete reporting on the dates specified is essential to the effective administration of this program. Advance payments for district reports received by October 15, 2022, will be made on November 30, 2022.

For complete details see the [Nonpublic Pupil Aids Memo from MDE \(February 28, 2022\)](#).

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: Greg Sogaard at greg.sogaard@state.mn.us or 651-582-8858

Also, see the [Minnesota Nonpublic Pupil Aid Complaint Submission Form](#)

Expanded Uses of Nonpublic Pupil Aids in Recent Years:

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

[Back to top](#)

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 for Nonpublic Pupil Aids: Greg Sogaard – (651) 582-8858 e: greg.sogaard@state.mn.us or mde.funding@state.mn.us <http://education.state.mn.us>

Nutrition Programs (National School Lunch and Breakfast Program, Afterschool Snack Program, Food Distribution Program, School Milk Programs, Fresh Fruit and Vegetable Program, 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](#).

Also, please view the [Food and Nutrition COVID-19 Resources webpage](#) for the most up-to-date Food and Nutrition resources and Q&A information and the [Minnesota Department of Education’s COVID-19 Updates webpage](#) for school-related resources. Both webpages are updated regularly.

State Contact: [Food and Nutrition Services \(FNS\)](#), MDE - (651) 582-8526 or (800) 366-8922. Email: 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.

Refer to this link for the [Online Learning Process](#). Also, here is a link to [Minnesota Approved Online Learning Providers](#).

State Contacts: Program Questions – Online and Digital Learning Specialist: Jeff Plaman, MDE (651) 582-8457 or e: jeff.plaman@state.mn.us. Funding Questions: Becky Wochnick, MDE 651-582-8781 or Becky.Wochnick@state.mn.us.

[Back to top](#)

Pandemic (see also [federal pandemic relief funds](#) above). Nonpublic schools, of course, have been significantly affected by COVID-19. Guidance, recommendations, and requirements change rapidly. When available, updates relating to COVID-19 have been included in descriptions of programs and policies throughout this document. In addition, below are selected sites for information:

- [Minnesota Department of Education \(MDE\) COVID-19 Updates](#). Frequently updated guidance and resources helpful for all school leaders, students, and parents. Also, this website provides a wide array of related links for **updated information, including some directly affecting nonpublic schools**
- [Federal Relief Funds, Minnesota Department of Education \(MDE\) Page](#). Updated frequently, this MDE link includes important guidance relating to major, recent federal funding programs intended to help schools and communities in addressing problems resulting from the COVID 19 pandemic.
- [Guidance for Delivering Direct Student Support Services](#). The Minnesota Department of Health has developed [Guidance for Delivering Direct Student Support Services](#), providing “This guidance provides best practice recommendations to school staff on the use of protective equipment to reduce the risk of COVID-19 and other communicable disease transmission when delivering direct student support services that require close, prolonged contact. This guidance applies to services delivered in kindergarten through grade 12 special and general education; prekindergarten programs; birth to three-part C, under the Individuals with Disabilities Education Act (IDEA); and school-based child care programs.”
- [Minnesota Department of Health Website](#) (includes COVID-19 information links)

Pesticide Application at Schools (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

[Back to top](#)

years, and that individual notification be provided to parents upon request. Model notices are available from the Department of Health (MDH). See links below:

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](#)

For the purposes of this pesticide application notification law, "school" means a school as defined in the state's compulsory instruction statute, section [120A.22, subd. 4](#):

*"Subd. 4. School defined. For the purpose of compulsory attendance, a 'school' means a public school, as defined in section [120A.05, subdivisions 9, 11, 13, and 17](#), or a nonpublic school, church or religious organization, or *home school in which a child is provided instruction in compliance with this section and section [120A.24](#)."* **However**, a provision in this pesticide application notification law ([121A.30](#), subd. 11) ***excludes homeschools**.

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 to enroll in postsecondary courses for dual credit. 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.

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 only in the first semester of enrollment**. For eligibility purposes, 10th grade students must have received a passing score on the 8th grade Minnesota Comprehensive Assessment (MCA) or another reading assessment accepted by the enrolling institution. 10th graders who receive a "C" or higher on their first career and technical course may enroll in more postsecondary courses in the subsequent semester at the same institution.

Students must complete the **Postsecondary Enrollment Options Program Registration Form** for each instructional term and postsecondary institution the student attends. Students give the form to the postsecondary school they plan to attend; the postsecondary institution then completes section three and submits a copy to the Minnesota Department of Education (MDE). This form is also available on MDE's [Postsecondary Enrollment Options \(PSEO\)](#) page.

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

[Back to top](#)

courses on college campuses. See the [Postsecondary Enrollment Options Mileage Reimbursement Program Instructions](#). The instructions and forms can be found on the [transportation reporting webpage](#). If you have any questions regarding the mileage reimbursement for low-income students' participation in the PSEO program contact Kelly Garvey: kelly.garvey@state.mn.us or 651-582-8524.

For more information, access the [MDE PSEO Program page](#) or contact these additional state PSEO sources:

- Beth Barsness, MDE PSEO/Concurrent Enrollment Specialist (651) 582-8336 or beth.barsness@state.mn.us
- Sally Reynolds, MDE Supervisor of High School to Postsecondary Initiatives, 651-582-8478 or sally.reynolds@state.mn.us
- Jeanne Krile, MDE PSEO Finance Specialist, (651) 582-8637 or jeanne.krile@state.mn.us
- Gayra Ostgaard, MDE Supervisor Data Management, School Finance, (651) 582-8811 or gayra.ostgaard@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 includes extensive definitions, applications, and some exemptions, including:

“Subd. 4 (d) ‘Public pool’ means 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 \(a\)](#).”

(e) “Unblockable suction outlet or drain” means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard and meets ASME/ANSI standards.

Subd. 5. Exemptions. (a) A public swimming pond in existence before January 1, 2008, is not a public pool for purposes of this section and section [157.16](#), and is exempt from the requirements for public swimming pools under Minnesota Rules, chapter 4717.”

See Section [144.1222 for more details](#)

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](#). Of Interest: [Recent Minnesota Pool Code Rule Revision](#). **State Contact:** 651-201-4503. or health.swimmingpools@state.mn.us

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

[Back to top](#)

established by the commissioner). However, see “Record Transfers Required” and “Weapons Reporting” below.

State Contact: 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) A district, a charter school, or a nonpublic school that receives services or aid under sections [123B.40](#) to [123B.48](#) [Nonpublic Pupil Aids] 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...*

(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections [123B.40](#) to [123B.48](#) that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action under sections [121A.40](#) to [121A.56](#). The district, the charter school, or the nonpublic school that receives services or aid under sections [123B.40](#) to [123B.48](#) [Nonpublic Pupil Aids] must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g)....” See link to this law for more: [120A.22](#) subdivision 7.

[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 or (651) 582-8689 or 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 requirements. In Minnesota, the essence (though not the exact phrase) is part of a long list of legitimate exemptions from compulsory instruction requirements. See Minnesota Statute, Section [120A.22, Subd. 12](#), Minnesota 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*

[Back to top](#)

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, 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](#). Participants are only required to disclose the school district in which they actually reside, not their specific or full address. **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 711. E-mail: 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](#). **State contact for nonpublic or homeschool inquiries:** Cindy Jackson, mde.school-choice@state.mn.us or (651) 582-8572.

Also, see Compulsory Instruction above.

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 Also, see Cybersecurity and Infrastructure Security Agency (CISA), which recently released its “[Partnering to Safeguard K-12 Organizations from Cybersecurity Threats](#)” report with a supporting [toolkit](#).

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. The MnSSC staff maintains a collaborative working relationship with MDE through the School Safety Technical Assistance Center and the school climate, restorative justice program. See this link: [Minnesota School Safety Center Fact Sheet](#)

Contacts: MnSSC team. “The MnSSC is comprised of five individuals who each bring a diverse skill set to the team. All members are cross trained to provide a robust resource for all of their partners. Reach out to any MnSSC representative to discuss working with the team.

- Randy W. Johnson, Director. randy.johnson@state.mn.us or 651-201-7094
- Connie Forster, Safe School Assessment Coordinator. connie.forster@state.mn.us or 651-201-7093

[Back to top](#)

- Kasey Cable, School Communications Coordinator. kasey.cable@state.mn.us or kasey.cable@state.mn.us or 651-201-7492 C. 612-263-1872
- Jenny Larrive, School Resource Officer Coordinator. jennifer.larrive@state.mn.us or 651-201-7092
- Jonathan Jorgensen, School Emergency Technology Coordinator. jonathan.jorgensen@state.mn.us or 651-201-7409

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 link to [Healthy Schools](#), which includes several other links, including [School Health Services](#) and [Healthy Eating](#).

State Contacts: E-mail – Healthy Schools, mde.healthyyouth@state.mn.us or phone at (651) 582-8200

School Health Services, mde.HealthyYouth@state.mn.us or phone at (651) 582-8352

Healthy Eating, mde.fns@state.mn.us or phone at (651) 582-8526 or 800) 366-8922 (toll free MN only).

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 2021 year-end numbers, **5,645 nonpublic students** participated in shared time.

State Contact: Kelly Wosika, 651-582-8855 or 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 the total enrollment of nonpublic students receiving special education services for 2021-22 is 2,639. 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

[Back to top](#)

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.

Revised IDEA Equitable Services Guidance (February 2022). The U.S. Department of Education announced release of its [revised IDEA equitable services guidance](#) under the Individuals with Disabilities Education Act (IDEA). This includes “*Questions and Answers on Serving Children with Disabilities Placed By Their Parents in Private Schools.*” The Q&A document updates and supersedes the Department’s April 2011 guidance and includes additional questions and answers that address topics that have arisen as the field continues to implement the applicable provisions of IDEA and its implementing regulations.

New Topics. According to the USDOE, this revised guidance covers new questions reflecting recent policy letters and others addressing common questions the Office of Special Education and Rehabilitation Services (OSERS) has received. New topics include:

- “Equitable Services Providers—addressing personnel qualification requirements that apply to equitable services providers under IDEA.
- Preschool Children with Disabilities—addressing the use of IDEA Part B funds for equitable services for preschool children with disabilities for whom FAPE has been made available.
- Children Who Reside Out-of-State or Whose Parents Live in Other Countries—clarifying the requirements that apply to parentally-placed private school children with disabilities from other States and other countries who attend private schools in the United States.
- State-funded School Voucher and Scholarship Programs—clarifying that children with disabilities who use State vouchers and scholarships to attend private schools are considered parentally-placed private school children with disabilities under IDEA and eligible for equitable services.
- Extended Public School Closures—addressing the responsibilities of LEAs to provide equitable services to parentally-placed private school children with disabilities just as they have a responsibility to serve children with disabilities in public schools, as appropriate, during an extended public school closure.”

Additional Information. For more information about the equitable services provisions of IDEA, visit the federal Office of Non-Public Education, [ONPE’s website](#). This federal U.S. Department of Education office website includes general information about IDEA, including these equitable services requirements. Telephone: (202) 401-1365. An example of information on the ONPE site is: [IDEA 2004 – Parentally Placed Students](#) (Law).

Also, see the [Parent Advocacy Coalition of Educational Rights \(PACER\)](#). Founded in 1977, PACER is staffed primarily by parents of children with disabilities and works in coalition with 18 disability organizations. Directed toward parents and social service professionals, this website includes resources and publications related to special education and disabilities. Telephone: 952-838-9000.

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

[Back to top](#)

K-12 Education Subtraction and Credit. Updated for 2022 tax preparation. The following is from the Minnesota Department of Revenue.

The Minnesota Department of Revenue has two tax relief programs for families with children in kindergarten through 12th grade: the K-12 Education Subtraction and the K-12 Education Credit. Both programs help lower taxes and may provide a larger refund when you file [Form M1, Individual Income Tax](#).

To qualify for either program, you must:

- Have a qualifying child attending kindergarten through 12th grade at a public, private, or qualified home school. For details, see [Qualifying Child for K-12 Education Subtraction and Credit](#).
- Have paid “qualified education expenses” during the year for that child’s education. For details, see [Qualifying Expenses for the K-12 Education Subtraction and Credit](#).

Note: You may not use the same qualified education expenses to claim both the subtraction and the credit.

Open the following, which will take you to the website for important specific information:

[Qualify for the K-12 Education Credit \[+\]](#)

[Qualify for the K-12 Education Subtraction \[+\]](#)

[Claim the Credit or Subtraction \[+\]](#)

For more details, see:

- [Minnesota Individual Income Tax Instructions \(Form M1\)](#)
- [K-12 Education Subtraction and Credit \(Income Tax Fact Sheet 8\)](#)
- [Qualifying Home School Expenses \(Income Tax Fact Sheet 8a\)](#)
- [Minnesota Statutes, section 290.0674 \(Minnesota Education Credit\)](#)

State Contact: MN Department of Revenue

- Website: [K-12 Education Subtraction and Credit](#)
- Email: individual.incometax@state.mn.us
- Phone: 651-296-3781 or 1-800-652-9094

For a **general overview**, see the Minnesota House Research Summary: [The K-12 Education Deduction and Credit: An Overview](#) (October 2022).

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](#). **Contact:** Email to mde.testing@state.mn.us or call 651-582-8674 with questions about statewide assessments.

[Back to top](#)

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.

Note from MDE: “The proration percent will be about 53% for FY 2022.”

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

A message from Lonn: “**I recommend that non-public schools contact me**; there is a spreadsheet that we work through to determine the school’s Telecom aid.”

“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 for information: [E-rate](#). Links to specific contact methods:

- [Contact USAC](#)
- Schools and Libraries Help Line, phone contact, Phone: (888) 203-8100
- General USAC number, (888) 641-8722 (press 3 for schools and libraries)
- [General USAC website](#)

See also [Minnesota Tech for Success \(formerly “Computers for Schools”\)](#)

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 [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

[Back to top](#)

- 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 [1500](#).*
 3. **School Bus Safety. Minnesota Statutes, section [90](#)**, especially subd. 2(b), (c), (d), (e), (f), (g) and (h). 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 [90](#), subd. 2(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 [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.
 6. **Reasonable accommodation (Minnesota Statutes, section [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 [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 [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:

- [Transportation of Nonpublic School Students \(MDE\)](#) this is posted on the Transportation webpage, then look for the “By Student Type,” where the document is posted.
- [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

[Back to top](#)

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 24-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

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

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>

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](#)

[Back to top](#)

[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.

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

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, bike and roll to school, and in daily life.

Since 2006, MnDOT has awarded almost [\\$50 million in funding to Minnesota communities](#). In 2020, a [new statewide strategic plan](#), centering in equity, 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, the MnSRTS Resource Center and support for communities implementing SRTS strategies. [Nonpublic schools are eligible to apply for grants](#) from federal and state appropriations for SRTS.

State Contact: Please reach out to Dave.Cowan@state.mn.us with any questions or technical assistance needs. Refer to the program website and sign up for e-mail updates on future solicitations and resources: [Safe Routes to School](#) or <http://www.dot.state.mn.us/saferoutes/index.html>

Weapons Reporting – Dangerous Weapons and Disciplinary Incidents (Minnesota Statutes, Section [121A.06](#)). This state statute requires a “school” to report dangerous weapons incidents occurring in “school zones.” Definitions of “school” and “school zones” in this statute appear to apply the requirements to nonpublic schools. For example, in [121A.06](#): (2) "school" has the meaning given it in section [120A.22, subdivision 4](#) [“School defined” includes both public and nonpublic schools]. **However, [121A.06](#), subd. 3** requires that “*By July 31 of each year, each public school shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner.*”

Selected Sources for Additional Information

- [Minnesota State Statutes, Rules, Constitution, and Court Rules; 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.](#)
- [MINNDEPENDENT](#)
- [Minnesota legislative activity](#) (including current bills and committee hearings).

[Back to top](#)

- 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.
- [Federal Office of Nonpublic Education](#), the U.S. Department of Education “liaison to the nonpublic school community.”
- The [Council for American Private Education \(CAPE\)](#), a coalition of national organizations and state affiliates serving private elementary and secondary schools.
- The [Home School Legal Defense Association](#), 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, [MINNDEPENDENT](#) consultant.