

# Directory of Programs and Policies Affecting Nonpublic Schools

9-3-2025

**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

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**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. You can view a 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 state and federal 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. For [AP exams](#), the state of Minnesota will pay the College Board directly, based on the number of Standard-Fee Exams and Fee-Reduced Exams actually administered, as determined by each school and indicated by the applicable school’s AP coordinator in the AP Registration and Ordering system. For IB exams, the state will fully reimburse schools per exam for students who receive educational benefits like free and reduced-price lunches. Exams for students who do not qualify for educational benefits will be partially reimbursed (for these students, schools may collect unreimbursed exam fees). Schools [Back to Top](#)

are responsible for paying the entire cost of exam fees to the International Baccalaureate Organization (IBO). To receive exam reimbursement, IB schools must follow the [procedures and deadlines outlined by MDE](#).

**State Contact:** Jacqui McKenzie, MDE (651) 582-8852 e: [jacqui.mckenzie@state.mn.us](mailto:jacqui.mckenzie@state.mn.us)

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

**State Contact:** Shantel Shorter (651) 582-8604, email [shantel.shorter@state.mn.us](mailto:shantel.shorter@state.mn.us), or [mde.contactus@state.mn.us](mailto:mde.contactus@state.mn.us)

**Background Checks on School Employees** (Minnesota Statutes, Sections [123B.03](#) and [122A.18, subd. 8](#)). A nonpublic school hiring authority (except a home school) as well as each public school authority: “... *shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals who are offered employment in a school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to a school, regardless of whether any compensation is paid...A school hiring authority, at its discretion, may decide not to request a criminal history background check on an individual who holds an initial entrance license issued by the Professional Educator Licensing and Standards Board or the commissioner of education within the 12 months preceding an offer of employment*” ([123B.03](#)).

The law permits a school hiring authority to use results of a criminal background check conducted at the request of another school hiring authority under certain circumstances. Also, a school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee.

**These statutes are extensive;** therefore, open the links for a full understanding of the many provisions ([123B.03](#) and [122A.18, subd. 8](#)) <https://dps.mn.gov/divisions/bca/pages/background-checks.aspx>

**State Contacts:**

- [Background Checks](#) or [Background Checks](#) at the [Bureau of Criminal Apprehension](#). Email: [BCA.CHA@state.mn.us](mailto:BCA.CHA@state.mn.us). Or at 651-793-2400.

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- [Minnesota Professional Educator Licensing and Standards Board](#) 651-539-4200 or e-mail [pelsb@state.mn.us](mailto:pelsb@state.mn.us). For purposes of implementing the requirement regarding complaints, the state has developed the [Teacher Discipline Inquiry System \(TDIS\)](#), an online search application system to be used by schools. It can be accessed from a link on the board’s website – [Minnesota Professional Educator Licensing and Standards Board](#) (formerly known as the Board of Teaching).
- For school administrators, contact the [Minnesota Board of School Administrators \(BOSA\)](#). Karen Schaub, Executive Director, [Schaub@state.mn.us](mailto:Schaub@state.mn.us) or 651-582-8236.

**Bleacher Safety** (Minnesota Statutes, Section [326B.112](#), and Minnesota Rules, [Part 1303.2100](#)). State law and rules require entities “...owning places of public accommodation with bleachers that are subject to the safety requirements in subdivision 3 [see [326B.112](#)] shall provide a signed certification of compliance to the commissioner [of Labor and Industry].” According to the statute, “For bleachers owned by a school district or **nonpublic school**, the person the district or nonpublic school designates to be responsible for buildings and grounds may make the certification.” **Periodic Inspections.** “Bleacher footboards and guardrails must be reinspected at least every five years and a structural inspection must be made at least every ten years. Inspections may be completed in the same manner as provided in subdivision 4.” Note: the reference to “subdivision 4” means that the nonpublic school may have the person it designates to be responsible for buildings and grounds perform these inspections and “reinspections.” Exceptions: The certificate of compliance is not required for bleachers 55 inches above grade and lower without guardrails. Also, this statute does not preclude a municipal authority from establishing additional reinspections under the State Building Code. “The current standard for ‘new bleachers’ is [ICC-300](#)” according to the [Bleacher Safety Fact Sheet](#). **State Contact:** Scott Wheeler, Code Services Supervisor, MN Department of Labor and Industry—[scott.wheeler@state.mn.us](mailto:scott.wheeler@state.mn.us) or 651-284-5876.

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

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

**Children, Youth, and Families (DCYF) Department.** This new state agency was established in a 2023 law with programs to be fully transferred from other departments by **July 2025**. MN Session Laws—2023, Regular Session, Chapter [70](#) established a new Department of Children, Youth, and Families, effective July 1, 2024. Article 12, Section 30, includes provisions transferring numerous specified “responsibilities and related elements” from the Department of Education, Department of Human Services, and Department of Public Safety to the new Department of Children, Youth, and Families. **Those to be transferred from the Department of Education:** Head Start and Early Head Start; Early Childhood Screening; Early Learning Scholarships; Interagency Early Childhood Intervention; Voluntary Prekindergarten and School Readiness Plus; Early Childhood Family Education; School Readiness; After-School Community Learning. In addition, the **Department of Human Services** will transfer 26 “responsibilities and related elements” to the new agency, which include some related to child care programs and licensing, Parent Aware rating, and certain child abuse reporting requirements. The **Department of Public Safety** is to transfer three programs (a juvenile justice program, grants to youth intervention activities, and the Office of Restorative Practices). Transfers must occur by July 1, 2025. In addition to Chapter [70](#), see the [House Research Summary](#), Chapter 12 (pp. 128-135).

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A “plain-language explanation of the new law” can be found in the [DCYF Statutory Explainer document](#). You can receive updates on the transition by [signing up for their newsletter](#).

**Contacts:** DCYF [website](#) Phone: (651) 539-7700. Implementation process: “To learn more about the Implementation Office and stay updated on progress, [please visit this website](#).”

## Child Care Related Programs

**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 **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.

**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 to obtain a Parent Aware rating.” To learn more about Parent Aware, you can visit [Parent Aware – Earn A Rating](#) or <http://parentaware.org/programs/earn-a-rating/>

**State Contact:** Sandy Myers, MDE: 651-582-8301 or [Sandra.Myers@state.mn.us](mailto:Sandra.Myers@state.mn.us). Also, see this link at MDE: [Early Learning Scholarships](#).  
<https://education.mn.gov/MDE/dse/early/elprog/sch/index.htm>

**Preschool Licensing Exclusion for Nonpublic Schools.** A 2009 law made permanent what had been a temporary moratorium for nonpublic schools. See Minnesota Statutes, [Section 142B.05, subdivision 2, paragraph \(a\), clause \(16\), and subdivision 6](#). **Exclusion from Licensure:** “16) 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:

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(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. 6 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 Contact:** Minnesota Department of Children, Youth, and Families, Licensing - Peggy Cunningham, DCYF Licensing Division Unit Manager, at 651-431-6030, extension 4003 or [Peggy.Cunningham@state.mn.us](mailto:Peggy.Cunningham@state.mn.us)

#### Licensed Child Care Center Statutes and Rules:

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

[Minnesota Statutes, Chapter 142B \(Children, Youth, and Families Licensing\)](#)

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

[Minnesota Statutes, chapter 260E](#) (Maltreatment of Minors Act)

#### Certified Child Care Center Statutes:

[Minnesota Statutes, Chapter 142C \(Certified License-Exempt Child Care Centers\)](#)

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

[Minnesota Statutes, chapter 260E](#) (Maltreatment of Minors Act)

**Early Childhood Health and Developmental Screening.** Note: Program administration has been transferred from MDE to the new [MN Department of Children, Youth, and Families](#) (DCYF).

Minnesota Statutes, Sections:

[142D.09](#) Early Childhood Health and Developmental Screening; Purpose

[142.091](#) School Board Responsibilities

[142D.092](#) Data Use; and

[142D.093](#) Developmental Screening Aid.

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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 is available. State aid per child “for each child or student screened shall be: (1) \$98 for a child screened at age three; (2) \$65 for a child screened at age four; (3) \$52 for a child screened at age five or six prior to kindergarten; and (4) \$39 for a student screened within 30 days after first enrolling in a public school kindergarten if the student has not previously been screened according to the requirements of section [142D.091](#).” Aid amounts from MN Statutes, section 142D.093.

**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.

Extensive information can be found on DCYF’s website at [Early Childhood Screening, Information for Districts and Programs](#). For example, [Information for families regarding screening](#).

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

- [Help Me Grow](#). “Provides resources for families to understand developmental milestones and learn if there are concerns. This helps families take the lead in seeking additional support or referring their child for a comprehensive, confidential screening or evaluation at no cost.” The Help Me Grow phone number is 1.866.693.4769.
- [Early Childhood Family Education](#) (ECFE) link at MDE’s website. Also, see the [ECFE link at DCYF](#), which includes this description: “ECFE programs provide comprehensive educational and supportive services for expectant parents and caregivers with children from birth through kindergarten entry. They are a key part of Minnesota’s early learning infrastructure. For program administrators and staff, understanding ECFE program design and delivery is important to maximize impact.”
- [High Quality Early Learning](#). By concentrating on quality, gaps in school and life outcomes will close for children from differing backgrounds.
- [Help Me Connect](#). A navigator connecting expectant families, families with young children (birth to 8 years old) and those working with families to connect to services in their local communities that support healthy child development and family well-being.

For information from the new MN Department of Children, Youth, and Families, see [Early Childhood Screening, Information for Districts and Programs](#).  
<https://dcyf.mn.gov/partners-and-providers/child-care-and-early-learning/districts-schools-and-head-start/screening>

**State Contact:** Margo Chresand, (651) 539-7729 e: [margaret.chresand@state.mn.us](mailto:margaret.chresand@state.mn.us)

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**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 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.

More information: <https://clep.collegeboard.org> or email to: [mde.postsecondary@state.mn.us](mailto:mde.postsecondary@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. Based on a 2013 session law (Chapter [116](#), Article 3, Section 1), the age for compulsory instruction was raised to 17 beginning in the 2014-2015 school term. “Every child between seven and 17 years of age must receive instruction unless the child has graduated.” A 2023 session law (Chapter [55](#), Article 2, Section 1) modifies requirements in the state’s compulsory instruction law ([120A.22](#), subd. [10](#)) by eliminating the option to “successfully complete a teacher competency-examination.”

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 “Accrediting Agencies” link below and Accreditation, above).

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

- [Compulsory Instruction Compliance Data Reporting](#)
- [Nonpublic Reporting Requirements](#). Includes information regarding reporting requirements for both “accredited” and “unaccredited” nonpublic schools, including homeschools, as well as other important information links.
- [Accrediting Agencies Whose Schools Have Reduced Reporting Requirements](#)  
Nonpublic schools, including homeschools, that are directly accredited by one of the accrediting organizations on this list have reduced reporting requirements to their students' local school superintendents under Minnesota's Compulsory Instruction Statute.

**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 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

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

Contact: [Minnesota State High School League](#) or <https://www.mshsl.org>. Email: [info@mshsl.org](mailto:info@mshsl.org)  
Phone: (763) 560-2262

**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. 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 a 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.

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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.

#### State Contacts:

- [MN Data Practices Office](#), Minnesota Department of Administration: (651) 296-6733. Email: [info.dpo@state.mn.us](mailto:info.dpo@state.mn.us)
- **MDE: General Data Practices Information.** Adam Hewitt, email: [adam.heuette@state.mn.us](mailto:adam.heuette@state.mn.us) or (651) 582-8267. He advises that, while MDE does not administer data practices law, he may be able to offer advice about the best contacts based on a specific question. For background, requirements **for public schools**: [Q&A: Record Retention and Record Retention Schedules](#); [Q&A: Cumulative Records](#); and [School District General Records Retention Schedule](#).

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

<https://mn.gov/admin/data-practices/>

**Discrimination Laws** (Federal and State). \*[NEW 2023 State Law Banning Discrimination Based on Natural Hair Texture or Style](#). Also, see **Employment** below. Major sources of information regarding federal and state requirements include the [U.S. Equal Employment Opportunity Commission \(EEOC\)](#), the U.S. Office of Civil Rights (OCR), and the [Minnesota Department of Human Rights](#) or <https://mn.gov/mdhr/>

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. [OCR](#) or

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

1. [Title IX of the Education Amendments of 1972](#)
  2. [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):

- \*NEW 2023 State Law Banning Discrimination Based on Natural Hair Texture or Style. MN 2023 Laws, Chapter 3—**Banning discrimination based on a person's natural hair texture or style.** Amends Minnesota's Human Rights Act (MHRA) ([MN Stat. § 363A](#)) by adding a subdivision: "Subd. 36a. Race. 'Race' is inclusive of traits associated with race, including but not limited to hair texture and hairstyles such as braids, locs, and twists." See this fact sheet from the MN Department of Human Rights regarding the new law, [Preventing Hair Discrimination](#). Note the applicability for schools. **This new law and MHRA generally are applicable to all schools, including nonpublic,** according to a contact at the agency. However, unrelated to this new law, there are a few long-standing exemptions in MHRA.  
**State Contact:** Minnesota Human Rights Department. [Preventing Hair Discrimination Fact Sheet](#). Agency website—<https://mn.gov/mdhr/> Email—[info.mdhr@state.mn.us](mailto:info.mdhr@state.mn.us). Phone—651-539-1100.
- **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,

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creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age. Contact information: the [Minnesota Department of Human Rights](#) or <https://mn.gov/mdhr/> Telephone: 1-800-657-3704 or (651) 296-5663.

- **Athletic Equal Opportunity** (Minnesota Statutes, [121A.04](#)). “The purpose of this section is to provide an equal opportunity for members of each sex and members of all races and ethnicities to participate in athletic programs.” See, also, [state Employment law](#) requirements below

**Note: Public** schools must submit to MDE an annual “assurance of compliance” with state and federal laws prohibiting discrimination. For **general information**, see these MDE links: [Discrimination](#) and [Parental Rights Statutes](#) (prepared by MDE)

**Driver Education** (Minnesota Statutes, [Section 171.05](#) and Minnesota Rules, [Chapter 7411, Driver Education](#)). The Department of Public Safety administers state laws 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 comparable 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. The 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’s License Law](#)
- [“Teen Driver Laws.”](#)
- [Child-Passenger Safety](#)
- [Home School Driver Education Materials.](#)

**State Contact:** Dan Kerwin, Driver Education Coordinator. Minnesota Department of Public Safety – Phone: 651-201-7625. Email: [driver.education@state.mn.us](mailto:driver.education@state.mn.us) General questions can also be sent to: [drivers.licenses@state.mn.us](mailto:drivers.licenses@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.

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, Part A](#)
- [Affirmation of Consultation Title II, Part A](#)
- [Affirmation of Consultation Title III, Part A](#)
- [Affirmation of Consultation Title IV, Part A](#)

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

- [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](mailto:mde.esea@state.mn.us) with any questions.
- [Complaint Procedures for Federal ESEA 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](mailto: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, 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.

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

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***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 specialists in each area of ESEA/ESSA, and [Nonpublic Participation](#). **Contact:** [mde.esea@state.mn.us](mailto: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](mailto: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](mailto: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).

- [English Language Acquisition State Grants, Title III, Part A](#).
- [Non-Regulatory Guidance on Implementation of Title III State Formula Grant Program](#).

**Contact:** [mde.el@state.mn.us](mailto: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](mailto:mde.esea@state.mn.us) or 651-582-8579.

***Title IV, Part B – Nita M. Lowey 21<sup>st</sup> Century Community Learning Centers.*** Information and resources are available on the Minnesota Department of Education website, [21<sup>st</sup> Century Community Learning Centers](#). **Contact:** [mde.21cclc@state.mn.us](mailto:mde.21cclc@state.mn.us) Or 651-582-8495.

**ESEA/ESSA Updates.** Stay informed about what's going on with ESSA in Minnesota 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 specialists in each area of ESEA/ESSA.

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

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**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 [School Safety Planning](#).
- 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 is 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 website [Ready.gov](#) ([www.ready.gov](http://www.ready.gov)) that contains disaster preparedness information for families and communities.

**Employment** \*Note the New State Family Medical Leave and Earned Sick and Safe Time Benefits summarized [below](#). Also, see [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](#)); 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.”

**New State Paid Family and Medical Leave and Earned Sick and Safe Time Benefits.** Two separate state acts of significance for employers and employees:

**Paid Family and Medical Leave.** Minnesota Statutes, Chapter [268B](#), which was enacted in MN 2023 Regular Session Laws, Chapter [59](#), establishing a new program for Minnesotans in 2026. It provides paid time off when a serious health condition prevents someone from working when

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time off is needed to care for a family member or a new child, for certain military-related events, or for certain personal safety issues. More details from [MN Employment and Economic Development, Paid Leave](#). Here's what to know: [Minnesota's paid family and medical leave program kicks off in 2026](#), from MPR summary (9-19-2025).

**State Contact:** [Minnesota Department of Employment and Economic Development \(DEED\)](#). See especially this page on their website regarding the new law: [Paid Family and Medical Leave](#). Also, refer to the agency's additional information [For Employers](#) and [For Individuals and Families](#). **Note:** There are also these long-standing requirements in both federal and state laws: [Federal Family and Medical Leave Act and Minnesota's Parental Leave Act](#).

**Earned Sick and Safe Time (ESST).** Effective January 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. Amendments were made to Minnesota Statutes, sections [181.9445](#) (Definitions); [181.9446](#) (Accrual of Earned Sick and Safe Time); [181.9447](#) (Use of Earned Sick and Safe Time); [181.9448](#) (Effect on Other Law or Policy); and [181.944](#) (Remedies for Violation of Law). These sections were added by MN 2023 Regular Session Laws, Chapter [53](#). For a summary from the Department of Labor and Industry: [New Workplace Protections, Programs Make Minnesota Best State for Workers \(May 25, 2023\)](#). [Minnesota's current sick and safe leave law](#) remains in effect until Dec. 31, 2023, and will be replaced by the **new earned sick and safe time law on Jan. 1, 2024...** From [earned sick and safe time](#) (MN Department of Labor and Industry):

**What is sick and safe time?**

Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse, sexual assault or stalking.

**Who is eligible for sick and safe time?** n employee is eligible for sick and safe time if they are anticipated to work at least 80 hours in a year for an employer in Minnesota and are not an independent contractor.

[See our FAQ for limited eligibility exceptions.](#)

**2025 Amendments.** From the [MN Dept. of Labor and Industry's 2025 legislative session summary](#) (scroll down to Article 5 for changes in the Earned Sick and Safe Time law). Also, see [Earned Sick and Safe Time \(ESST\)](#). The Department of Labor and Industry has [posted fast facts and additional FAQs](#) related to the earned sick and safe time (ESST) law to help employers determine if their sick and safe leave policies meet the requirements of the law. Also, see this "ESST" employee notice, poster, and other resources at [dli.mn.gov/sick-leave](#).

**Minimum Wage in Minnesota.** General background: With limited exemptions, "Minnesota law requires an employer to pay an employee a minimum hourly wage and overtime after 48 hours of work each week. (Minn. Stat. §§ [177.24-.25](#).) Some cities, including Minneapolis and Saint Paul, have enacted local minimum wage ordinances that require some employers to pay an hourly wage that is higher than the state minimum wage."

Also, refer to

- [Summary of Minimum Wage Laws in MN, Department of Labor and Industry](#) and
- [Minimum Wage, Overtime Exemptions\\* in MN. Department of Labor and Industry.](#)

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- [MN Department of Labor and Industry](mailto:dli.laborstandards@state.mn.us). [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or (651) 284-5070
- [Common Employment Issues and Where to Go for Help](#). Office of MN Attorney General.

\*Exemptions include “clergy working in schools, hospitals, or nonprofits operated by a church or religious order”

**Contact.** Labor Standards Division 651-284-5075 or 800-342-5354. General phone numbers for the [MN Department of Labor and Industry](#) 651-284-5005 or 800-342-5354. Email: [esst.dli@state.mn.us](mailto:esst.dli@state.mn.us) Also, refer to [Common Employment Issues and Where to Go for Help](#). Office of the MN Attorney General.

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. **State Contact:** Shantel Shorter (651) 582-8604, email [shantel.shorter@state.mn.us](mailto:shantel.shorter@state.mn.us), or [mde.contactus@state.mn.us](mailto:mde.contactus@state.mn.us)

See also, [Home Schools](#) \_Minnesota State High School League – (763) 560-2262) or [www.mshsl.org](http://www.mshsl.org).

**Federal Office of Non-Public Education (ONPE)**, U.S. Department of Education. From their website: “The Office of Non-Public Education is the liaison office to the nonpublic school community, including private, independent, faith-based, and home schools, for the U.S. Department of Education.” See the [ONPE](#) link for more. **Contact:** 202-401-1365 or email to [onpe@ed.gov](mailto:onpe@ed.gov)

**Flu – Seasonal and Novel Influenza** (*See, also, “Emergency Planning,” “Crisis Management,” “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, and 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 Statutes, Section [121A.037 \(School Safety Drills\)](#), requires 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*

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*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.*

Helpful guidance: [Schools | Minnesota Department of Public Safety](#) and [SFM-fire-lockdown-tornado-drill-recording-form.pdf](#)

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

**Gambling, Charitable.** Nonpublic school leaders and other nonprofit organizations may find the following helpful 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](mailto:jack.mansun@state.mn.us) or [lawfulgambling.taxes@state.mn.us](mailto:lawfulgambling.taxes@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 offered free of charge to schools in Minnesota. The program brings K-12 students, teachers, and international volunteers together for a series of cross-cultural lessons. It provides global perspectives, introduces positive role models, and promotes understanding and respect. It also supports many Minnesota education standards and can be adapted for a multitude of learning objectives. Volunteers receive basic training before placement, and transportation to the schools is provided. *Academic WorldQuest* is the only international knowledge team competition of its kind in the state! This fun event challenges high school students to explore critical issues across ten categories affecting the U.S. and the world. Teams of four compete for the top prize: a fully funded trip to Washington, D.C., where the winners will represent their school and the state of Minnesota at the national competition. An engaging online study guide is provided to help students prepare. The following link to Global Minnesota's website includes additional information: [Global Minnesota, Education Page](#).

**Contact:** Sylvia Oxenham [soxenham@globalminnesota.org](mailto:soxenham@globalminnesota.org)

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**Home Schools** – 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, 2013, 2017, and 2023 legislative sessions. These 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:** Shantel Shorter (651) 582-8604, email [shantel.shorter@state.mn.us](mailto:shantel.shorter@state.mn.us), or [mde.contactus@state.mn.us](mailto:mde.contactus@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 August 2024 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](#). 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 K-12 schools in Minnesota, public and **nonpublic** (including home schools) that are required to complete the AISR.” Use the [Are Your Kids Ready? Child Care and Early Childhood Programs Immunization Law](#) for child care needs and the [Are Your Kids Ready? Minnesota K-12 Immunization Law](#) for K-12 school needs.

**Immunization in Child Care Facilities.** Certain childcare 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](#), 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 [Back to Top](#)

addressed differently. 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 on this Department of Health website: [Immunizations: Schools and Child Care](#) and [Vaccines for Infants, Children, and Adolescents](#).

**Immunization State Contact:** Lisa Harris, School & Childcare Reporting Outreach & Coordination | Education & Partnership Unit, Minnesota Department of Health. Phone: 651-201-3523. Fax: 651-201-5501 e-mail: [lisa.harris@state.mn.us](mailto:lisa.harris@state.mn.us)

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

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

**Literacy Resources for Families.** Check out MDE's [READ Act Literacy Toolkit for Families](#).

**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. 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. Individuals engaged in the field of education (i.e., public and non-public school employees) are considered mandated reporters and must report.

**Minnesota Department of Education (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 that occurs in nonpublic schools- Reports of alleged maltreatment of a child by a family member should be reported to law enforcement or the local county social service agency.

To file a report with the Student Maltreatment Program of MDE, please contact the Student Maltreatment Program at (651) 582-8546 or email at [mde.student-maltreatment@state.mn.us](mailto:mde.student-maltreatment@state.mn.us).

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Also, see the [Student Maltreatment link at MDE](#). State Contact at MDE - Jennifer Alexander, Email: [Jennifer.Alexander@state.mn.us](mailto:Jennifer.Alexander@state.mn.us). Or [mde.student-maltreatment@state.mn.us](mailto:mde.student-maltreatment@state.mn.us)

**Maltreatment and Department of Human Services (DHS) – [Mandated Reporter Resources from DHS](#).**

[Summary of Maltreatment of Minors Law from House Research \(2022\)](#). Note: This summary does not yet include changes made in the 2023, 2024, or 2025 Minnesota legislative sessions. Also, see “actions for damages due to sexual abuse” in [Minnesota Statutes, section 541.073](#). <https://www.revisor.mn.gov/laws/2025/1/10/laws.8.2.0#laws.8.2.0>

**Medication – Possession and Use of “Epinephrine Delivery Systems”** (Minnesota Statutes, Section [121A.2205](#)). Note that this statute was amended in 2013 and 2025. Changes are reflected in the updated statute link. The [2025 amendment](#) changed the definition of an "epinephrine delivery system" to mean a “medication product approved by the United States Food and Drug Administration that automatically delivers a single, premeasured dose of epinephrine to prevent or treat a life-threatening allergic reaction.” Also, the phrase “auto injectors” is replaced with “delivery systems” throughout the statute.

Essential features of the statute:

**“Plan for use of epinephrine delivery systems.** (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 delivery systems that enables the student to:

- (1) possess epinephrine delivery systems; or
- (2) if the parent and prescribing medical professional determine the student is unable to possess the epinephrine, have immediate access to epinephrine delivery systems 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 delivery systems 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 delivery systems, 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:

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

After December 31, 2009, a school shall not:

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

This section does not apply to thermostats for heating, ventilating, and air conditioning in the school. A **“school” is defined** to have the meaning given in Minnesota Statutes, Section [120A.22, 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 can be reached at [651-282-6143](tel:651-282-6143) or [800-657-3938](tel:800-657-3938). Note this [Mercury information link](#) at MPCA, along with their [school waste reduction](#) information.

Emails: [annika.bergen@state.mn.us](mailto:annika.bergen@state.mn.us) or [john.gilkeson@state.mn.us](mailto:john.gilkeson@state.mn.us). General [info.pca@state.mn.us](mailto:info.pca@state.mn.us)

**[Minnesota Department of Education](#)** (651) 582-8200 or see agency website: <https://education.mn.gov/mde/index.html>. Address: 400 Stinson Blvd. NE Minneapolis, MN 55413.

**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:** Shantel Shorter (651) 582-8604, email [shantel.shorter@state.mn.us](mailto:shantel.shorter@state.mn.us), or [mde.contactus@state.mn.us](mailto:mde.contactus@state.mn.us)

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

- [Nonpublic Education Council](#), MDE link
- [Nonpublic Education Council Members](#)
- [Guidelines for Recognizing Accrediting Agencies](#)
- [Minnesota Nonpublic Education Council Checklist for Recognition Criteria](#)
- [Nonpublic and Homeschools 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

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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 \(https://www.mshsl.org\)](https://www.mshsl.org) – (763) 560-2262 or Email: [info@mshsl.org](mailto:info@mshsl.org)

Or see this link to specific contacts: <https://www.mshsl.org/contact> Email: [info@mshsl.org](mailto:info@mshsl.org)

**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. MTFSS 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](http://www.techforsuccess.org). If you need assistance, please contact Tom Tieman at [ttieman@techforsuccess.org](mailto:ttenham@techforsuccess.org) Phone: 612-383-2391

**Nonpublic Fall Report and Application for Educational Benefits 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. If your school does not provide a meal program, please use the [Application for Educational Benefits](#) to solicit this information. (Note: The alternative application used in years prior is no longer available.) You may also use your [direct certification report](#) to determine eligibility (if you are on a nutrition program). Direct certification is a process for determining student eligibility for free meal benefits based on documentation obtained directly from the appropriate state or local agency, or other authorized individual.

**State Contacts:**

[Michelle Carey \(mde.funding@state.mn.us\)](mailto:mde.funding@state.mn.us) 651-582-8287 (Nonpublic Fall Report)

[Tara Chapa \(tara.chapa@state.mn.us\)](mailto:tara.chapa@state.mn.us) 651-582-8439 (Application for Educational Benefits)

**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.

**Nonpublic Pupil Aid; Rates and Related Reporting Procedures.** Based on this MDE [FY26 Nonpublic Pupil Aids Rate Memorandum](#). “The authorized rates of entitlement per eligible pupil  
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to be used in computing district allotments for nonpublic pupil aids for school year 2025-26 are as follows:

- Textbooks, Standardized Tests, and Individualized Instructional Materials \$132.98
- Pupil Health Services \$85.48
- Secondary Pupil Guidance and Counseling Services \$358.75

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

Check out other key details in this MDE [FY26 Nonpublic Pupil Aids Rate Memorandum](#), including reporting procedures, parent request forms, and deadlines.

**MDE Nonpublic Pupil Aids contact for assistance:** [Michelle Carey](#) ([michelle.carey@state.mn.us](mailto:michelle.carey@state.mn.us)) 651-582-8287. Or School Finance at [mde.funding@state.mn.us](mailto:mde.funding@state.mn.us) Phone: (651) 582-8779.

Also, note these resources from MDE

- [Minnesota Nonpublic Pupil Aid Complaint Submission Form](#)
- [Guidance for Nonpublic Health Funding](#)
- [Nonpublic Pupil Aid Funds – Software and Other Educational Technology](#) (11/18/2022 Memo)
- [Nonpublic Reporting Requirements](#). Includes information regarding reporting requirements for both “accredited” and “unaccredited” nonpublic schools, including homeschools, as well as other important information links.

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

**Free School Lunch and Breakfast.** MN Session Laws of 2023, [Chapter 18](#) provides free school lunch and breakfast for students in public and **nonpublic schools**. The act requires that the Minnesota Department of Education “must provide **to every Minnesota school participating in the free school meals program** state funding for each school lunch and breakfast served to a student, with a maximum of one breakfast and one lunch per student per school day.” [Frequently Asked Questions \(FAQs\) on the MN-FSM webpage](#).” If Questions are not answered at these links, email [mde.fns@state.mn.us](mailto:mde.fns@state.mn.us).

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

**Online Learning Option/Online Instruction Act.** A 2025 Session law (First Special Session, [Chapter 10, Article 1, Section 15](#)) amends the [Online Instruction Act \(124D.094\)](#), specifying, through a change in references related to “enrolling district,” that this phrase applies to school districts and charter schools and does **not apply to nonpublic schools** (section 15). 2025 Amendment: “(d) ‘Enrolling district’ means the school district or charter school in which a

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student is enrolled under section ~~120A.22, subdivision 4~~ 120A.05, subdivision 8, or chapter 124E.” The stricken reference (~~120A.22, subd. 4~~) is to the definition of a “school” in Minnesota, which includes public and nonpublic schools.

**State Contacts:** Jeff Plaman, MDE (651) 582-8457 or e: [jeff.plaman@state.mn.us](mailto:jeff.plaman@state.mn.us). Or [mde.onlinelearning@state.mn.us](mailto:mde.onlinelearning@state.mn.us)

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

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

The law sets forth the timing of notification distribution, requires that notices be included in school handbooks or policy statements, requires that notices be available for at least six years and that individual notification be provided to parents upon request. Model notices are available from the Department of Health (MDH). See the links below:

Model notices and related information are available on the MDH website:

- [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

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requirements outlined in the residency guidelines section of the [Postsecondary Enrollment Options \(PSEO\) Reference Guide](#) (see especially pages 9-10) 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. 10<sup>th</sup> 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 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](#). For questions regarding the PSEO Mileage Reimbursement Program, contact [Kelly Garvey](mailto:kelly.garvey@mde.state.mn.us) ([pupiltransportation.mde@state.mn.us](mailto:pupiltransportation.mde@state.mn.us)).

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

- PSEO Program, [mde.postsecondary@state.mn.us](mailto:mde.postsecondary@state.mn.us)
- PSEO School Finance, [mde.pseofunding@state.mn.us](mailto:mde.pseofunding@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*

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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 its 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](mailto: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 established by the commissioner). However, see "Record Transfers Required" and "Weapons Reporting" below.

In 2023, significant changes were made in the Pupil Fair Dismissal Act and related statutes by state legislative action. Here are two summaries of these 2023 changes:

- [Legislative Update on Student Discipline and the Pupil Fair Dismissal Act \(PFDA\) - 6/20/23](#).
- [View the legislative update pertaining to Restrictive Procedures, Prone Restraint, and Reasonable Force on the Minnesota Department of Education website](#).

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

or (651) 582-8689. MDE's website includes several excellent links to resources regarding this state statute as well as other related federal and state laws: [Student Discipline](#).

**Record Transfers Required** (Minnesota Statutes, Section [120A.22](#) subdivision 7) requires the following:

*"(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.*

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

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

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 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](#).”

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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](mailto:Safe.athome@state.mn.us)

**School Lunch** – see “[Nutrition Programs](#),” above

**School Safety** – [Homeland Security and Emergency Management \(HSEM\)](#). (See, also, *Emergency Planning...*, above, and *School Wellness*, below. HSEM is a division of the Minnesota Department of Public Safety. Contact: (651) 201-7400 or [dps.hsem@state.mn.us](mailto:dps.hsem@state.mn.us) Also, see the Cybersecurity and Infrastructure Security Agency (CISA), which recently released its “[Partnering to Safeguard K-12 Organizations from Cybersecurity Threats](#).” Also, see their [School Safety](#) page. <https://www.cisa.gov/topics/physical-security/school-safety> report with a supporting [toolkit](#) for K-12 organizations.

**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.

**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:

- Randy Johnson; [randy.johnson@state.mn.us](mailto:randy.johnson@state.mn.us); 651-201-7094
- Connie Forster; [connie.forster@state.mn.us](mailto:connie.forster@state.mn.us); 651-201-7093
- Jennifer Larrive; [jennifer.larrive@state.mn.us](mailto:jennifer.larrive@state.mn.us); 651-201-7092
- Kasey Cable; [kasey.cable@state.mn.us](mailto:kasey.cable@state.mn.us); 651-201-7492
- Jon Jorgensen; [jonathan.jorgensen@state.mn.us](mailto:jonathan.jorgensen@state.mn.us); 651-7409

**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](mailto:mde.healthyyouth@state.mn.us) or phone at (651) 582-8200

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

Healthy Eating, [mde.fns@state.mn.us](mailto: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

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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 2022 numbers, **5,784 nonpublic students** participated in shared time.

**State Contact:** Becky Wochnick at 651- 582-8781 or Email: [Becky.Wochnick@state.mn.us](mailto:Becky.Wochnick@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](mailto:christopher.reynolds@state.mn.us)

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

**Revised IDEA Equitable Services Guidance (February 2022).** The U.S. Department of Education announced the 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.

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- 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).

[Parent Advocacy Coalition of Educational Rights \(PACER\)](#). 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.**

[K-12 Education Subtraction and Credit](#). 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.

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 (see Qualifying Child accordion below) attending kindergarten through 12th grade at a public, private, or qualified home school.
- 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:

- [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](#)

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- Email: [individual.incometax@state.mn.us](mailto:individual.incometax@state.mn.us)
- Phone: 651-296-3781 or 1-800-652-9094

### **Child and Working Family Tax Credit.**

From the MN Department of Revenue: “The Working Family Credit and Child Tax Credits deliver tax relief to individuals whose income is below a certain level. Both credits are refundable, meaning you can receive a refund even if you do not owe tax. The Child Tax Credit is available to Minnesotans who have children under age 18. By filing a Minnesota tax return, you may qualify for \$1,750 per child with no limit on the number of children.

“The Working Family Credit is available to Minnesotans who earned income during the year. The maximum Working Family Credit is \$350 if your earned income is \$8,750 or more, and it can increase by: \$350 for no qualifying child; \$1,275 for one qualifying child age 18 or older; \$2,450 for two qualifying children age 18 or older; and \$2,850 for three or more qualifying children age 18 or older.”

For more information, visit the [Working Family Credit webpage](#) and [Child Tax Credit webpage](#) on the Minnesota Department of Revenue website.

**Statewide Testing.** State assessments required for public school students are **voluntary for nonpublic school students** (including those in home schools). The option to participate in the Minnesota statewide assessments at a cost is open to nonpublic schools. State tests that may be taken by nonpublic school students include the standards-based accountability assessments (Minnesota Comprehensive Assessments (MCA), Minnesota Test of Academic Skills (MTAS), and Alternate MCA) and English language proficiency accountability assessments (WIDA ACCESS and WIDA Alternate ACCESS)\*. Nonpublic school officials should refer to [Nonpublic School Participation in Statewide Assessments](#) (under the expandable "District Assessment Coordinator Resources" header), which provides information for nonpublic schools participating in Minnesota statewide assessments. For more details, see the links on MDE’s [Statewide Testing](#) webpage. **Contact:** Email [mde.testing@state.mn.us](mailto:mde.testing@state.mn.us) or call 651-582-8674 with questions about statewide assessments.

\*Students who receive English learner (EL) services from a public school and are identified as EL in student enrollment data submitted to MDE are required to participate in WIDA ACCESS or WIDA Alternate ACCESS. Refer to the document linked above for more information.

### **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

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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 percentage for FY 23 was about 55%.”

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

A message from Lon: “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
- [E-Rate, General USAC](https://www.usac.org/e-rate/)

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).

- **Amendment Added in 2023 (written plan for transportation):** Allows the **board of a school district and a nonpublic school to mutually agree to a written plan** for the **transportation of nonpublic students**. Includes a provision authorizing the nonpublic school to pay an additional amount to the school district for pupil transportation beyond the transportation required in statute. Requires the school district to report the number of nonpublic students transported, including the nonpublic students transported under a contract, to the Department of Education in the form and manner specified by the commissioner so that the district’s nonpublic pupil transportation aid remains unaffected by the nonpublic pupil transportation provided under the plan (MN Laws 2023, Chapter [55, Article 1, Section 4](#))
- **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 aid is provided to reimburse school districts for these costs. Also, equal treatment requirements are found in MDE Rules, Minnesota Rules [3520.1500](#).

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- **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](#).*
- **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)).
- **May provide Kindergarten Pupil Training Before the 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.
- **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.
- **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.
- **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.
- **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 \(pupiltransportation.mde@state.mn.us\)](mailto:pupiltransportation.mde@state.mn.us)

State websites for more information:

- [School Bus Safety](#) (Department of Public Safety); and
- [Summary of Student School Bus Safety](#) (MDE)

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

Various state and a few federal requirements govern other school transportation issues, including driver qualifications, drug and alcohol testing, vehicle requirements, traffic regulations relating to pupil transportation, and driver and student training. Most of the state statutory mandates are outside the “Education Code” and are administered by state agencies other than MDE. Perhaps the best single summary of all of these requirements as they affect schools in Minnesota is this “Information Brief” link from the Research Department of the Minnesota House of

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Representatives: [School Transportation Regulation](#), an information brief outlining state regulation of school buses and drivers.

Another excellent source of information for school leaders is the **Department of Public Safety's, Lt. Brian Reu**, Director of Pupil Transportation Safety – (651) 350-2007 or e-mail at [brian.reu@state.mn.us](mailto:brian.reu@state.mn.us)

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

**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 a “special event bus” provision if:

(1) the transportation is performed under an agreement with a tax-exempt entity under section 501(c) of the Internal Revenue Code, as defined in section 289A.02, subdivision 7, solely to transport participants in conjunction with a special event of up to two days organized or substantially sponsored by the tax-exempt entity; and

(2) the pupil transportation entity meets the requirements of a motor carrier of passengers under chapter 221, including but not limited to use of a temporary vehicle identification card under section 221.132 for the school bus.

A pupil transport entity that meets requirements established in this law for which it has paid a registration tax under 168.013, subd. 18, may provide non-pupil transportation without registration of the bus, issuance of new plates, or payment of additional taxes and fees under Chapter 168. Despite the usual requirements in section 169.448, subdivision 1, a school bus operated under this special events provision may: (1) be painted national school bus glossy yellow; and (2) be equipped with a stop-signal arm, prewarning flashing amber signals, and flashing red signals. According to Lt Brian Reu, “The **‘School Bus’s sign** must be removed or covered when the vehicle is being used as other than a school bus.” **State Contact:** Department of Public Safety, Lt. Brian Reu, Director of Pupil Transportation Safety – (651) 350-2007 or e-mail at [Brian.Reu@state.mn.us](mailto:Brian.Reu@state.mn.us)

**2) Type III Vehicle.** A 2013 law ([127](#), section 27) amends Minnesota Statutes, Section [169.011](#), subdivision 71, by **modifying the definition of a “type III vehicle”** to include passenger vehicles generally, and not just certain types of passenger autos (the terms “cars, “station wagons,” and vans” are removed from the law and replace by “vehicles.”). The new definition, with the change: “A ‘type III vehicle’ is restricted to passenger 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 the 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>

The 2023 Legislature amended the **age limit of a Type III vehicle** as specified in Minnesota Statutes, Section [169.454](#). Type III vehicles a restricted to model years 2008 or newer except those that were built to meet the structural requirements of federal motor vehicle safety standard 222, Code of Federal Regulations, title 49, part 571.

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

**State Contact:** Department of Public Safety, Lt. Brian Reu, Director of Pupil Transportation Safety – (651) 350-2007 or e-mail at [Brian.Reu@state.mn.us](mailto:Brian.Reu@state.mn.us).

**Safe Routes to School (SRTS) Program. Authorized by Minnesota Statutes, [Section 174.40](#),** 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, or roll to school, and in daily life. According to the statute, "School means a school, as defined in section [120A.22, subdivision 4](#), excluding a home school.” This **includes “nonpublic schools.”** The Safe Routes to School program provides [funding and resources to communities and schools](#) to support making it safer and easier for students to walk, bike, or roll to/from school, and in daily life through engineering, education, and encouragement strategies. [Nonpublic schools are eligible](#) to apply for grants from federal and state appropriations for SRTS. More information can be found at these sites:

- [Safe Routes to School](#)
- [MnSRTS Resource Center](#)
- [National Safe Routes Partnership](#)

**State Contact:** Kelly Corbin, Safe Routes to School Coordinator, MnDOT Office of Transit & Active Transportation  
[Kelly.corbin@state.mn.us](mailto:Kelly.corbin@state.mn.us)

**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 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.” **Amended in 2025 by [Chapter 35, Article 5, Section 4](#).** Changes include adding definitions of an "active shooter incident" and an "active shooter threat," as well as the specific content of each active shooter report to be sent by “a school district, charter school, or cooperative unit” to the [Minnesota Fusion Center](#).

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**Selected Sources for Additional Information**

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- [Minnesota State Statutes, Rules, Constitution, and Court Rules; Office of the Revisor of Statutes.](#)
- Federal laws, regulations, and related information can be found on 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).
- [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.”
- [Council for American Private Education \(CAPE\)](#), is a coalition of national organizations and state affiliates serving private elementary and secondary schools.
- [Home School Legal Defense Association](#). This is an advocacy organization that defends the rights of homeschool 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.