



MINNESOTA Regulation of Private Schools

Accreditation/Registration/Licensing/Approval

- Accreditation is optional.
 - The Nonpublic Education Council may recognize educational accrediting agencies (Minn. Stat. § 123B.445).
- No requirements for registration.
- No requirements for licensing.
- No requirements for approval.
 - Minnesota defines nonpublic school as any school, church or religious organization, or home school where a student can fulfill compulsory education requirements, that is located in the state, and that meets the requirements of Title VI of the Civil Rights Act of 1964 (Minn. Stat. § 123B.41, Subd. 9).

Teacher Certification

- Teacher certification is optional. An instructor in Minnesota must do one of the following:
 - Hold a valid Minnesota teaching license for the grade level.
 - Be directly supervised by an individual with a valid Minnesota teaching license.
 - Successfully complete a teacher competency examination.
 - Provide instruction in a school that is accredited by an accrediting agency recognized by the commissioner or in Minnesota Statutes, section 123B.445.
 - Hold a baccalaureate degree.
 - Be a parent of a child whose performance is assessed each year in accordance with Minnesota Statutes, section 120A.22, Subd.11 and Minnesota Statutes, section 120A.22, Subd. 10.

Length of School Year/Days

- The state does not regulate the length of school year for students attending nonpublic schools.

Curriculum

- Minnesota's compulsory education law requires instruction in the following:
 - 1) Basic communication skills including reading and writing, literature, and fine arts.
 - 2) Mathematics and science.
 - 3) Social studies including history, geography, and government.
 - 4) Health and physical education (Minn. Stat. § 120A.22, Subd. 9).
- Instruction, textbooks, and materials must be offered in the English language (Minn. Stat. § 120A.22). Another language may be used for students with limited English proficiency (Minn. Stat. §§ 124D.59-124D.61 et seq).
- School districts may provide nonpublic school students of limited English proficiency opportunity to participate in specially designed programs for such students attending public school (Minn. Stat. § 124D.65, Subd. 6).
- Nonprofit, nonpublic, nonsectarian schools may contract with local school districts to provide educational services to at-risk children under the state's High School Graduation Incentives Program (Minn. Stat. § 124D.68).
- Nonpublic schools may contract with local school districts to provide American Indian language and culture education programs to American Indian children (Minn. Stat. § 124D.74).
- The Department of Education may provide assistance to nonpublic schools participating in a local school district's violence prevention education program at neutral sites (Minn. Stat. § 120B.22).

Recordkeeping/Reports

- Nonpublic schools must complete and submit the Minnesota Compulsory Instruction Report which requires the name, age, and address of each child receiving instruction to the local superintendent by October 1 of each school year. In addition, schools not accredited by the Minnesota Department of Education or an accrediting organization recognized by the Minnesota Nonpublic Education Council must also report the name of each instructor with evidence of qualifications; and make available documentation that the requisite subjects are being taught, including class schedules, materials for instruction, and descriptions of methods used to assess student achievement (Minn. Stat. § 120A.24).
- Nonpublic school administrators are responsible for issuing age certificates for students in attendance who wish to obtain employment (Minn. Stat. § 181A.06).
- Any minor 14 or 15 years of age who wishes to work on school days during school hours shall first secure an employment certificate. The certificate shall be issued only by the school district superintendent, the superintendent's agent, or some other person designated by the Board of Education. The employment

certificate shall be issued only for a specific position with a designated employer and shall be issued only in the following circumstances:

- 1) If a minor is to be employed in an occupation not prohibited by rules promulgated under section 181A.09 and as evidence thereof presents a signed statement from the prospective employer.
- 2) If the parent or guardian of the minor consents to the employment.
- 3) If the issuing officer believes the minor is physically capable of handling the job in question and further believes the best interests of the minor will be served by permitting the minor to work.

Health and Safety Requirements

- Immunizations are mandatory for students attending any elementary or secondary school in Minnesota unless contraindicated for medical reasons or contrary to conscientiously held beliefs of the parent/guardian or emancipated student (Minn. Stat. § 121A.15).
- The Department of Education may assist nonpublic schools participating in a local school district's AIDS prevention or AIDS risk reduction program at a neutral site (Minn. Stat. § 121A.23).
- Private schools not subject to crisis management policy requirements in accordance with Minnesota Statutes, section 121A.035 are required to have at least five school lock-down drills, five school fire drills consistent with Minnesota Statutes, section 299F.30, and one tornado drill (2006 Omnibus Education Policy Act, Chapter 263 Article 1 Section 7).
- Nonpublic schools are required to have at least nine fire drills each school year and to keep all doors and exits unlocked from the inside during school hours. Records of drills must be posted for review by the state fire marshal (Minn. Stat. § 299F.30).
- All schools must be operated in compliance with the uniform fire code (Minn. Stat. § 299F.391).
- Nonpublic schools may develop a voluntary fingerprinting program for pupils in conjunction with law enforcement agencies having jurisdiction where the nonpublic school is located (Minn. Stat. § 123B.07).
- Nonpublic schools may participate in school district chemical abuse programs. Teachers at participating schools have a duty to report incidences of chemical abuse on school property or at school-related activities (Minn. Stat. §§ 121A.26; 121A.29).
- Local authorities may establish the speed limit within a school zone of a nonpublic school based on an engineering and traffic investigation (Minn. Stat. § 169.14, Subd. 5a).
- The Commissioner of Public Safety distributes a missing children's bulletin to nonpublic schools on a quarterly basis (Minn. Stat. § 299C.54).

- An assault against a private school teacher performing official duties that results in demonstrable bodily harm is a gross misdemeanor (Minn. Stat. § 609.2231 Subd. 5).
- Nonpublic school instructional or supervisory staff may use reasonable force to restrain a student from self-injury or injury to another or to property (Minn. Stat. § 609.379).

Transportation

- A school district eligible to receive state aid for transportation must provide equal transportation within the district for all school children to any school when transportation is necessary because of distance or traffic condition. Transportation may be provided under limited circumstances to out-of-district schools. Transportation is also authorized for nonpublic school students receiving pupil support services at public schools or neutral sites (Minn. Stat. § 123B.86).
- Nonpublic school students transported by a public school district must act in accordance with the student bus conduct and discipline policies of the transporting public school district (2006 Omnibus Education Policy Act, Chapter 263 Article 1, Section 10).
- Public transportation of private school students attending parochial schools does not violate the Minnesota constitutional provision prohibiting the use of public funds to support sectarian schools (*Americans United Inc. as Protestants and Other Americans United For Separation of Church and State v. Ind. School Dist. No. 622*, Ramsey County, 179 N.W.2d 146, Minnesota Supreme Court (1970)).

Textbooks

- Local school districts must provide or loan “textbooks, individualized instruction or cooperative learning materials, and standardized tests” to student enrolled in nonpublic schools upon formal request on designated forms. Textbooks include only secular, neutral and non-ideological textbooks available to public school students (Minn. Stat. § 123B.42).
- If the state appropriation for services is not sufficient, the Department of Education must notify the school districts of the need to prorate the appropriation (Minn. Stat. § 123B.47).

Testing

- Local school districts must provide standardized testing services to student enrolled in nonpublic schools upon formal request (Minn. Stat. § 123B.42).
- Students attending nonpublic schools that are not accredited by a state-recognized accrediting agency must be assessed annually using a nationally norm-referenced standardized achievement examination. Students attending

nonpublic schools accredited by a state recognized accrediting agency are exempt from the testing requirement (Minn. Stat. § 120A.22, Subd. 11).

- Minnesota may pay all or part of the fee for advanced placement examinations for needy students attending nonpublic schools (Minn. Stat. § 120B.13).

Special Education

- Disabled students attending nonpublic schools that fulfill the compulsory instruction requirements and comply with Title VI of the Civil Rights Act of 1964 may not be denied special instruction and services on a shared time basis through the public school. Transportation to and from the nonpublic school may be provided by the school district (Minn. Stat. § 125A.18).
- Educational institutions are prohibited from discriminating on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability or failing to ensure physical and program access for disabled persons. Religious corporations, associations, and societies are exempt with respect to qualifications based on religion or sexual orientation, when these are bona fide occupational qualifications. Religious or denominational institutions may limit or give preference to applicants of the same religion. Single-sex private schools are also permitted (Minn. Stat. §§ 363.02 Subd. 1, 3; 363.03 Subd. 5).

Nursing and Health

- Local school districts must provide equivalent health services and guidance/counseling services “as are provided to public school pupils by the district where the nonpublic schools is located” to students attending nonpublic schools upon formal request. Health and guidance/counseling services may be provided on the nonpublic school grounds (Minn. Stat. § 123B.44).
- Nonpublic school students may participate in the state's milk program that ensures all students have access to milk on a daily basis (Minn. Stat. § 124D.118).
- If a nonpublic school participates in the school lunch aid program or school breakfast program, the school must make lactose-reduced milk available to students (Minn. Stat. § 124D.114).
- If a nonpublic school participates in the school lunch aid program or school breakfast program, state aid is provided on a per-meal basis in addition to the federal reimbursements (Minn. Stat. §§ 124.D.111 and 124D.1158).

Technology

- Minnesota traditional nonpublic schools may purchase computers through the Minnesota Computers for Schools Program. Computers for Schools is a program

of the Minnesota Correctional Facility, where inmates refurbish computers donated by corporations.

- Minnesota traditional nonpublic schools are covered under the Telecommunications-Internet Access Equity Aid (Minn. Stat. § 125B.26).
- Minnesota nonpublic schools may participate in the federal e-rate program.

Professional Development

- Nonpublic school administrative units are eligible for nonvoting associate memberships in the Educational Cooperative Service Units. The ECSU performs educational planning on a regional basis and provides educational programs and services (Minn. Stat. § 123A.21, Subd. 3).
- The Minnesota Academic Excellence Foundation was established to promote academic excellence in Minnesota public and nonpublic schools. Through the foundation, students and teachers are recognized for academic excellence and an academic league provides competition for public and nonpublic students in elementary and secondary schools (Minn. Stat. § 124D.94, Subd. 2).

Reimbursement for performing state and/or local functions

- There is no state policy at this time.

Tax Exemption

- A nonprofit nonpublic school may complete the Minnesota Department of Revenue's Application for Nonprofit Exempt Status—Sales Tax (Minn. Stat. § 297A.70).

Public Aid for Private Education

- Constitutional Provision: "In no case shall any public money or property be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught" (Minn. Const. art. XIII, § 2).
- The K-12 Education Credit and Subtraction Program provides financial assistance to parents of qualifying students through Minnesota tax credits for qualified educational expenses. Students qualify if they attend a public, private, or home school. Qualified educational expenses include:
 - Tutoring by a qualified instructor.
 - Fees for qualified after-school programs.
 - Tuition for qualified summer camps.
 - Music lessons.
 - Qualified nonreligious books and materials.

- Purchase or rental of musical instruments for use in regular school music classes.
- Qualified transportation costs.
- Up to \$200 in computer related expense.

The K-12 Education Credit and Subtraction Program was enacted in 1955 and expanded in 1997. It allows parents of qualifying students to receive subtractions from their taxable income for qualified expenses that were covered by the tax credit as well as tuition for private school and college courses that satisfy high school graduation requirements. The same expense cannot be claimed as both a credit and subtraction. The amount of the credit is 75 percent of the amount expended with income restrictions on the maximum credit amount. The maximum subtraction amount is \$1,625 for students in grades K–6 and \$2,500 for students in grades 7–12 (Minn. Stat. § 290.0674 and Minn. Stat. § 290.01).

Home Schooling

- Program Definition
 - “The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship” (Minn. Stat. § 120A.22).
 - The local superintendent is responsible for ensuring compliance with Minnesota’s compulsory instruction law (Minn. Stat. § 120A.26).
- Initial and Renewal Applications
 - A parent conducting a home school must complete and submit annual reporting requirements to the local superintendent by October 1 of the first school year “the child receives instruction after reaching the age of seven” (Minn. Stat. § 120A.24).
 - Homeschool instructors either submit to the local superintendent a full report or a Letter of Intent to Continue Homeschooling (Minn. Stat. § 120A.24, § 120A.22, § 121A.15).
- Curriculum and Instruction
 - Home schools are required to provide instruction in the following:
 - 1) Basic communication skills including reading and writing, literature, and fine arts.
 - 2) Mathematics and science.
 - 3) Social studies including history, geography, and government.
 - 4) Health and physical education (Minn. Stat. § 120A.22).
 - Instruction, textbooks, and materials must be in the English language. It is permissible to use another language according (Minn. Stat. § 124D.59-124D.61).
 - Home school students may take non-elective core courses in the local public school at the discretion of the local school district. Local school districts receive pro-rated funding from the state for the portion of time used to educate nonpublic school students (Minn. Stat. § 126C.19).

- Home school students are eligible to participate in co-curricular activities in their resident local school district (Minn. Stat. § 123B.49).
- Teacher certification is not required. However, if the home school is not accredited by a Minnesota state recognized accrediting agency, then the parent is required to submit instructor qualifications in accordance with the Compulsory Instruction Law (Minn. Stat. § 120A.22, Subd.10(6)).
- Assessment and Diplomas
 - A home school student is required each year to be “assessed using a nationally norm-referenced standardized achievement examination.” Both the parent and the superintendent must agree on the specific examination, the administration, and location of the examination (Minn. Stat. § 120A.22, Subd.11).
- Health
 - Home schools must submit immunization to the local school district where the school resides the first year of the child’s homeschooling in Minnesota and the grade 7 year (Minn. Stat. § 121A.15).
- Public School Activities Participation
 - School districts “shall allow all resident pupils receiving instruction in a home school...to be eligible to fully participate in extracurricular [but not co-curricular] activities on the same basis as public school students” (Minn. Stat. § 123B.49, Subd.4(a)).

Web Resources

For more information, visit the following websites:

Minnesota Department of Education: School and Enrollment Choices:

<http://education.state.mn.us/MDE/JustParent/SchChoice/index.html>

Minnesota Department of Education: Non-public Education Council:

<http://education.state.mn.us/MDE/Welcome/AdvBCT/NonPubEdCoun/index.html>

Minnesota Department of Revenue: Education Credit and Subtraction:

http://taxes.state.mn.us/individ/pages/credits_subtractions_additions_education_credits_subtractions_educ_credit_sub.aspx

2011 Minnesota Statutes Chapters 120 – 129B, Education Code: Prekindergarten – Grade 12:

<https://www.revisor.leg.state.mn.us/statutes/?view=part&start=120&close=129B>

2011 Minnesota Statutes Index (topics) – NONPUBLIC SCHOOLS:

<https://www.revisor.leg.state.mn.us/topics/?type=statute&year=2011&id=S3950364>

2011 Minnesota Statutes Index (topics) – HOME SCHOOLS:

<https://www.revisor.leg.state.mn.us/topics/?type=statute&year=2011&id=HOME%20SCHOOLS>

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