

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2126

02/08/2012 Authored by Mariani

The bill was read for the first time and referred to the Committee on Education Reform

02/09/2012 By motion, recalled and re-referred to the Committee on Higher Education Policy and Finance

1.1 A bill for an act
1.2 relating to higher education; providing an exemption from state regulation of
1.3 certain schools; amending Minnesota Statutes 2010, section 141.35.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2010, section 141.35, is amended to read:

1.6 **141.35 EXEMPTIONS.**

1.7 Sections 141.21 to 141.32 shall not apply to the following:

1.8 (1) public postsecondary institutions;

1.9 (2) postsecondary institutions registered under sections 136A.61 to 136A.71;

1.10 (3) schools of nursing accredited by the state Board of Nursing or an equivalent
1.11 public board of another state or foreign country;

1.12 (4) private schools complying with the requirements of section 120A.22, subdivision
1.13 4;

1.14 (5) courses taught to students in a valid apprenticeship program taught by or
1.15 required by a trade union;

1.16 (6) schools exclusively engaged in training physically or mentally disabled persons
1.17 for the state of Minnesota;

1.18 (7) schools licensed by boards authorized under Minnesota law to issue licenses
1.19 except schools required to obtain a private career school license due to the use of
1.20 "academy," "institute," "college," or "university" in their names;

1.21 (8) schools and educational programs, or training programs, contracted for by
1.22 persons, firms, corporations, government agencies, or associations, for the training of their
1.23 own employees, for which no fee is charged the employee;

(9) schools engaged exclusively in the teaching of purely avocational, recreational, or remedial subjects as determined by the office except schools required to obtain a private career school license due to the use of "academy," "institute," "college," or "university" in their names unless the school used "academy" or "institute" in its name prior to August 1, 2008;

(10) classes, courses, or programs conducted by a bona fide trade, professional, or fraternal organization, solely for that organization's membership;

(11) programs in the fine arts provided by organizations exempt from taxation under section 290.05 and registered with the attorney general under chapter 309. For the purposes of this clause, "fine arts" means activities resulting in artistic creation or artistic performance of works of the imagination which are engaged in for the primary purpose of creative expression rather than commercial sale or employment. In making this determination the office may seek the advice and recommendation of the Minnesota Board of the Arts;

(12) classes, courses, or programs intended to fulfill the continuing education requirements for licensure or certification in a profession, that have been approved by a legislatively or judicially established board or agency responsible for regulating the practice of the profession, and that are offered exclusively to an individual practicing the profession;

(13) classes, courses, or programs intended to prepare students to sit for undergraduate, graduate, postgraduate, or occupational licensing and occupational entrance examinations;

(14) classes, courses, or programs providing 16 or fewer clock hours of instruction that are not part of the curriculum for an occupation or entry level employment except schools required to obtain a private career school license due to the use of "academy," "institute," "college," or "university" in their names;

(15) classes, courses, or programs providing instruction in personal development, modeling, or acting;

(16) training or instructional programs, in which one instructor teaches an individual student, that are not part of the curriculum for an occupation or are not intended to prepare a person for entry level employment; and

(17) schools with no physical presence in Minnesota, as determined by the office, engaged exclusively in offering distance instruction that are located in and regulated by other states or jurisdictions.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2008.