

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 216**

(SENATE AUTHORS: EICHORN)

DATE  
01/12/2023

D-PG  
169 Introduction and first reading  
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; allowing resident nonpublic school pupils to participate in  
1.3 extracurricular activities; amending Minnesota Statutes 2022, section 123B.49,  
1.4 subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2022, section 123B.49, subdivision 4, is amended to read:

1.7 Subd. 4. **Board control of extracurricular activities.** (a) The board must take charge  
1.8 of and control all extracurricular activities of the teachers and children of the public schools  
1.9 in the district. Extracurricular activities means all direct and personal services for pupils for  
1.10 their enjoyment that are managed and operated under the guidance of an adult or staff  
1.11 member. The board ~~shall~~ must allow all resident pupils receiving instruction in a home  
1.12 school ~~as defined in section 123B.36, subdivision 1, paragraph (a), in compliance with~~  
1.13 sections 120A.22 and 120A.24 and all resident pupils receiving instruction in a nonpublic  
1.14 school other than a home school to be eligible to fully participate in extracurricular activities  
1.15 on the same basis as public school students.

1.16 (b) Extracurricular activities have all of the following characteristics:

1.17 (1) they are not offered for school credit nor required for graduation;

1.18 (2) they are generally conducted outside school hours, or if partly during school hours,  
1.19 at times agreed by the participants, and approved by school authorities;

1.20 (3) the content of the activities is determined primarily by the pupil participants under  
1.21 the guidance of a staff member or other adult.

2.1 (c) Any or all costs of these activities may be provided from school revenues and all  
2.2 revenues and expenditures for these activities shall be recorded in the same manner as other  
2.3 revenues and expenditures of the district.

2.4 (d) The teachers or pupils in the district must not participate in such activity, nor shall  
2.5 the school name or any allied name be used in connection therewith, except by consent and  
2.6 direction of the board.

2.7 (e) A school district must reserve revenue raised for extracurricular activities and spend  
2.8 the revenue only for extracurricular activities.