

CHAPTER 3540
DEPARTMENT OF EDUCATION
NONPUBLIC SCHOOLS

3540.0200 DEFINITIONS.

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3540.0500 TERMINATION OF ELIGIBILITY.

3540.0200 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Education.

Subp. 3. **Department.** "Department" means the Department of Education.

Subp. 4. **Eligible materials.** "Eligible materials" means textbooks, individualized instructional materials, and standardized tests. All textbooks and individualized instructional materials must be:

A. designed primarily for use by individual students at their desks or in small groups, in a particular class or program in the school the student regularly attends;

B. used by the student to reach certain educational objectives within a particular subject or course of study;

C. secular, neutral, nonideological, and not capable of diversion for religious use;

D. available and of benefit to Minnesota public school students; and

E. not specifically excluded from eligibility by subpart 7.

Subp. 5. **Health services.** "Health services" means physician, dental, nursing, or optometric services, and health supplies as defined in Minnesota Statutes, section 123B.41, subdivision 15.

Subp. 6. **Individualized instructional materials.** "Individualized instructional materials" means educational materials as defined in Minnesota Statutes, section 123B.41, subdivision 5.

Subp. 7. **Ineligible materials.** "Ineligible materials" means, in addition to educational materials excluded from eligibility by subpart 4, the following materials: chemicals, wall maps, wall charts, pencils, pens or crayons, notebooks, blackboards, chalk and erasers, duplicating fluids, paper, 16mm films, unexposed films, blank tapes, cassettes or videotape, instructional equipment, reference materials, and teachers' aids.

Subp. 8. **Secular, neutral, and nonideological.** "Secular, neutral, and nonideological" materials are materials which are not regarded as religious, spiritual, or sacred, and present events, facts, and theories that pertain to religion or religious doctrine in an impartial manner.

Subp. 9. **Standardized tests.** "Standardized tests" means tests and scoring services as defined in Minnesota Statutes, section 123B.41, subdivision 3.

Subp. 10. **Textbook.** "Textbook" means any book, workbook, manual, or book substitute as defined in Minnesota Statutes, section 123B.41, subdivision 2.

Statutory Authority: *MS s 14.388; 123.933*

History: *26 SR 1716; L 2003 c 130 s 12*

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3540.0300 POLICY.

In order to promote equal educational opportunity for every student in Minnesota and to assure all students and their parents freedom of choice in education, textbooks, individualized instructional materials, standardized tests, health services, and guidance and counseling services must be made available to students in nonpublic schools according to Minnesota Statutes, section 123B.40 to 123B.48.

Statutory Authority: *MS s 14.388; 123.933*

History: *26 SR 1716*

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3540.0400 STATE ADMINISTRATION OF FUNDS.

Subpart 1. **Administration.** The department must administer funds allocated for the provision of eligible materials, health services, and guidance and counseling services to nonpublic school students. The department, in cooperation with the state auditor's office, must establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the provision of these materials and services.

Subp. 2. **Computation of student allocation.** By February 1 the department must determine the allocation available per nonpublic school student for eligible materials, health services, and guidance and counseling services to be used for the following school year. The allocation for eligible materials must be determined according to Minnesota Statutes, section 123B.42, subdivision 3. The allocation for health services and guidance and counseling services must be determined according to Minnesota Statutes, section 123B.44, subdivisions 4 to 6.

Subp. 3. **Payment.** Payment of nonpublic aids must be made according to Minnesota Statutes, section 127A.45, subdivision 14.

Statutory Authority: *MS s 14.388; 123.933*

History: *L 1995 1Sp3 art 16 s 13; 26 SR 1716*

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3540.0500 TERMINATION OF ELIGIBILITY.

Whenever the department receives information regarding improper use of eligible materials loaned under the program, it must provide prompt written notification to the student, the student's parents or guardians, and the nonpublic school administrator of the alleged program abuse, and allow 30 calendar days from the date of mailing for written or oral response.

Following receipt of responses during the 30-day period, if it appears that materials may have been used contrary to law, the department must institute Minnesota Statutes, chapter 14, contested case procedures. After due consideration of all evidence presented pursuant to those procedures, if the department determines that the materials have been used contrary to law, the department must notify the student, the student's parents or guardians, nonpublic school administrator, and the public school district or

intermediary service area that the eligibility of the student for all materials during the current school year is terminated, and the allocation for the current year for the nonpublic school must be reduced accordingly.

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