

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Rules as Adopted

Chapter Thirty-Seven: Instructional Materials for Pupils attending Nonpublic Schools

§1.0741 Instructional Materials Available to Pupils Attending Nonpublic, Nonsectarian Schools.

A. The term shall be limited to "textbooks," "school library and audio-visual materials," and "instructional supplies" as those terms or their equivalent are described or designated in the manual of instructions for uniform accounting for Minnesota school districts.

1. Textbooks include elementary and secondary textbooks furnished free to public school pupils including supplementary textbooks, and dictionaries. Textbooks are primarily for use in certain classes or grades rather than for general school use.

2. School library and audiovisual materials include materials such as school library books and pamphlets available for individual use by students; maps and globes for individual use; periodicals and newspapers for individual use; audiovisual materials used in the instructional program such as films, filmstrips, recordings, exhibits, models, and television and radio teaching materials exclusive of equipment.

3. Instructional supplies are consumable items such as tests, chalk, paper, test tubes, ink, pencils, paint, paint brushes, crayons, chemicals, shop supplies for vocational education, oils, cleaners, instructional farming supplies, supplies for the operation of equipment used in the teaching-learning process, workbooks, physical education supplies, printing of individual materials, and magazines or periodicals for individual use.

B. Instructional materials must be secular, neutral, and nonideological such as the materials normally provided for pupils in public schools.

C. Items such as unabridged dictionaries, encyclopedias, and other major reference works are classified as equipment and are therefore ineligible instructional materials.

§1.0742 Instructional Materials Available to Pupils attending Nonpublic, Sectarian Schools

A. The term shall be limited to any book or book substitute which a pupil uses as a text or text substitute in a particular class or program in the school he regularly attends, which book or book substitute shall be limited to books, workbooks, or manuals, whether bound or in looseleaf form, intended for a given class or group of students, a copy of which is expected to be available for individual use of each pupil in such class or group. In addition, pupils attending nonpublic schools may be supplied with such standardized tests as are in use in the public schools of the state.

B. Instructional materials must be secular, neutral, and nonideological such that material contained therein is not regarded as religious, spiritual, or sacred, and presents events, facts and theories that relate or pertain to religion or religious doctrine in an impartial manner.

§1.0743 General administration.

A. The department of education shall administer funds allocated for the purchase of instructional materials to be loaned or provided to nonpublic school pupils.

B. The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of instructional materials to be loaned or provided to nonpublic school pupils.

C. The department of education's administrative costs shall not exceed two percent of the state allocation for instructional materials to be loaned or provided to nonpublic school pupils.

§1.0744 Local administration.

A. An application for instructional materials to be loaned or provided shall be made by or on behalf of each participating nonpublic school pupil through the nonpublic school to the public school district in which the nonpublic school is located. For the 1975-76 year the application shall be made within 30 days of the effective date of these regulations. For the following school year it shall be made on or before September 15. The applications shall be on a form prescribed by the commissioner. Application forms shall be available in the office of the public school superintendent on the effective date of these regulations.

B. The department of education shall determine the allocations of aid for pupils attending nonpublic, nonsectarian schools and pupils attending nonpublic, sectarian schools.

C. The local school district shall purchase and transmit the instructional materials to the nonpublic schools in the district for distribution to the pupil applicants.

D. Instructional materials loaned to pupils in nonpublic schools shall be maintained on inventory by the local school district except in cases of consumable or nonreusable instructional materials.

E. The local school district may declare loaned school books unusable after five years and remove them from the inventory.

F. The nonpublic school shall maintain on file all applications for instructional materials loaned or provided to nonpublic school pupils. The applications shall be available for inspection by the department of education.

G. Upon completion of the distribution of the instructional materials each local school district may claim from the department of education (1) the cost of the instructional materials and (2) a sum for the actual cost of administration which shall not exceed five percent of the cost of the instructional materials distributed. The administrative costs shall be in addition to the allocation for the nonpublic school. Handling and shipping charges by the supplier shall be included in the allocation for each nonpublic school.

H. Nonpublic schools requesting recognition as being nonsectarian must be prepared to demonstrate to the local school district that they are not church related, controlled by a church or devoted to promoting a particular religious faith.

I. Prior to authorizing reimbursement to the local school districts, the department of education shall require a certificate of compliance from the local school district that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in §1.0741 and §1.0742.

J. The department of education, prior to authorizing reimbursement, shall receive from the local school district a list of the materials actually purchased, which list will indicate the publisher of those materials.

§1.0745 Availability of funds.

A. The allocation for instructional materials shall be the total expenditure for instructional materials by all public school districts in the state divided by the total number of pupil units based on an unduplicated count of pupils enrolled in the districts during the same fiscal year.

B. Kindergarten pupils shall be counted as one-half unit: elementary pupils (grades 1-6) shall be counted as one pupil unit and secondary pupils (grades 7-12) shall be counted as 1.4 units notwithstanding the local nonpublic school organization.

C. For the 1975-76 school year, the allocation shall not exceed $45.43 per nonpublic pupil unit. Future allocations will be based upon the most recent data available.

STATE OF MINNESOTA

In the Matter of the Proposed Adoption of Temporary Rules of the State Board of Education Relating to Instructional Materials for Pupils Attending Nonpublic Schools

ORDER ADOPTING RULES

The above-entitled proposed temporary rules were published in the State Register January 23, 1978, pursuant to Order of the United States District Court for the District of Minnesota October 31, 1977, and the authority vested in us by Minn. Stat. § 123.933 (1976).

After affording all interested persons an opportunity to submit data and views on the proposed temporary rule in writing as required by Minn. Stat. § 15.0412 subd. 5 (Supp. 1977), having considered all of the data and views adduced and applicable statutory standards and criteria and having confirmed the need for the above-captioned rules and the reasonableness thereof;

NOW THEREFORE, it is ordered that these rules identified as 5 MCAR § 1.0741-1.0745 attached hereto as Exhibit A are adopted this 13th day of March, 1978 pursuant to authority vested in us by Order of the United States District Court for the District of Minnesota and Minn. Stat. § 123.933 (1976).

STATE OF MINNESOTA
STATE BOARD OF EDUCATION

Henry G. Tweten

HENRY G. TWETEN
President
State Board of Education

CERTIFICATE OF THE BOARD'S
ADOPTION OF RULES AND RESOLUTION

I, Howard B. Casmey, do hereby certify that I am secretary and executive officer of the State Board of Education, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Education duly and properly called and held on the 13th day of March, 1978; that a quorum was present as said meeting, that a majority of those present voted for the resolution, that said resolution is set forth in the minutes of said meeting, and has not been rescinded or modified.

> RESOLVED, that the temporary rules relating to instructional materials for pupils attending non-public schools, be and they hereby are approved and adopted as proposed and published in the State Register, January 23, 1978 pursuant to order of the United States District Court for the District of Minnesota, October 31, 1977, and the authority vested it by Minn. Stat. § 123.933 (1976) and that Henry G. Tweten, president of the State Board of Education be and hereby is authorized to sign an order adopting those rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of March, 1978.

Howard B. Casmey
Secretary and Executive Officer
State Board of Education

HENRY G. TWETEN
President
State Board of Education

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Gregory P. Huwe do hereby declare that I have examined the proposed temporary rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures and applicable statutory requirements have been followed. Any exceptions are noted below.

Gregory P. Huwe

GREGORY P. HUWE
Special Assistant Attorney General

Dated: March 13, 1978

Rules as Proposed

Chapter Thirty-Seven: Instructional Materials for

Pupils attending Nonpublic Schools

§1.0741 [EDU 741] Instructional Materials Available to Pupils Attending Non-Public, Nonsectarian Schools.

A. [Eligible instructional materials.]

[1.] The term shall be limited to "textbooks," "school library and audio-visual materials," and "instructional supplies" as those terms or their equivalent are described or designated in the manual of instructions for uniform accounting for Minnesota school districts.

1. [a.] Textbooks include elementary and secondary textbooks furnished free to public school pupils including supplementary textbooks, and dictionaries. Textbooks are primarily for use in certain classes or grades rather than for general school use.

2. [b.] School library and audiovisual materials[,] include materials such as [include] school library books and pamphlets available for [use by] individual use by students; maps and globes for individual use; periodicals and newspapers for individual use; audiovisual materials used in the instructional program such as films, filmstrips, recordings, exhibits, models, and television and radio teaching materials exclusive of equipment.

3. [c.] Instructional supplies are consumable items such as tests, chalk, paper, test tubes, ink, pencils, paint, paint brushes, crayons, chemicals, shop supplies for vocational education, oils, cleaners, instructional farming supplies, supplies for the operation of equipment used in the teaching-learning process, workbooks, physical education supplies, printing of individual materials, and magazines or periodicals for [classroom] individual use.

B. [2.] Instructional materials must be secular, neutral, and nonideological such as the materials normally provided for pupils in public schools.

C. [B. Ineligible instructional materials.]

Items such as unabridged dictionaires, encyclopedias, and other major reference works are classified as equipment and are therefore ineligible instructional materials.

§1.0742 Instructional Materials Available to Pupils attending Non-public, Sectarian Schools

A. The term shall be limited to any book or book substitute which a pupil uses as a text or text substitute in a particular class or program in the school he regularly attends. Which book or book substitute shall be limited to books, workbooks, or manuals, whether bound or in looseleaf form, intended for a

given class or group of students, a copy of which is expected to be available for individual use of each pupil in such class or group. In addition, pupils attending nonpublic schools may be supplied with such standardized tests as are in use in the public schools of the state.

B. Instructional materials must be secular, neutral, and nonideological such that material contained therein is not regarded as religious, spiritual, or sacred, and presents events, facts and theories that relate to pertain to religion or religious doctrine in an impartial manner.

§1.0743 [EDU 742] General administration.

A. The department of education shall administer funds allocated for the purchase of instructional materials to be loaned or provided to nonpublic school pupils.

B. The department of education, in cooperation with the state auditor's office, shall establish proper accounting methods for fiscal control, fund accounting, and the maintenance of records for the acquisition of instructional materials to be loaned or provided to nonpublic school pupils.

C. The department of education's administrative costs shall not exceed two percent of the state allocation for instructional materials to be loaned or provided to nonpublic school pupils.

§1.0744 [EDU 743] Local administration.

A. An application for instructional materials to be loaned or provided shall be made by or on behalf of each participating nonpublic school pupil through the nonpublic school to the public school district in which the nonpublic school is located. For the 1975-76 year the application shall be made within 30 days of the effective date of these regulations. For the following school year it shall be made on or before September 15. The applications shall be on a form prescribed by the commissioner. Application forms shall be available in the office of the public school superintendent on the effective date of these regulations.

B. The department of education shall determine the allocations of aid for [instructional materials] pupils attending nonpublic, non-sectarian schools and pupils attending nonpublic, sectarian schools.

C. The local school district shall purchase and transmit the instructional materials to the nonpublic schools in the district for distribution to the pupil applicants.

D. Instructional materials loaned to pupils in nonpublic schools shall be maintained on inventory by the local school district except in cases of consumable or nonreusable instructional materials.

E. The local school district may declare loaned school books unusable after five years and remove them from the inventory.

F. The nonpublic school shall maintain on file all applications for instructional materials loaned or provided to nonpublic school pupils. The applications shall be available for inspection by the department of education.

G. Upon completion of the distribution of the instructional materials each local school district may claim from the department of education (1) the cost of the instructional materials and (2) a sum for the actual cost of administration which shall not exceed five percent of the cost of the instructional materials distributed. The administrative costs shall be in addition to the allocation for the nonpublic school. Handling and shipping charges by the supplier shall be included in the allocation for each nonpublic school.

H. Nonpublic schools requesting recognition as being nonsectarian must be prepared to demonstrate to the local school district that they are not church related, controlled by a church or devoted to promoting a particular religious faith.

I. Prior to authorizing reimbursement to the local school districts, the department of education shall require a certificate of compliance from the local school district that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in §1.0741 and §1.0742.

J. The department of education, prior to authorizing reimbursement, shall receive from the local school district a list of the materials actually purchased, which list will indicate the publisher of those materials.

§1.0745 [EDU 744] Availability of funds.

A. The allocation for instructional materials shall be the total expenditure for instructional materials by all public school districts in the state divided by the total number of pupil units based on an unduplicated count of pupils enrolled in the districts during the same fiscal year.

B. Kindergarten pupils shall be counted as one-half unit: elementary pupils (grades 1-6) shall be counted as one pupil unit and secondary pupils (grades 7-12) shall be counted as 1.4 units notwithstanding the local nonpublic school organization.

C. For the 1975-76 school year, the allocation shall not exceed $45.43 per nonpublic pupil unit. Future allocations will be based upon the most recent data available.

Minnesota State Department of Education
Capitol Square ☐ 550 Cedar Street ☐ St. Paul, Minnesota 55101

March 21, 1978

Mr. Michael B. Miller
Attorney General's Office
G19K Administration Building
St. Paul, Minnesota 55155

Dear Mr. Miller:

Please process the enclosed temporary rules as adopted by the State Board of Education relating to instructional materials for pupils attending non-public schools.

Also find enclosed the Order Adopting Rules, Certificate of the Board's Adoption of Rules and Resolution, Statement of Compliance with Manual of Rule Making Procedure and a letter from LeRoy Brown. Note the letter from Mr. Brown represents the only material submitted by interested persons for entry into the record.

If you have any questions, please contact me at 296-8130.

Sincerely,

David P. Noennig

David Noennig, Consultant
Nonpublic Pupil Aid

DN:cld

Encs.

RECEIVED
MAR 21 1978
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Minnesota State Department of Education
Capitol Square ☐ 550 Cedar Street ☐ St. Paul, Minnesota 55101

Phone: (612) 296-8130

March 30, 1978

Mr. Michael B. Miller
Attorney General's Office
G19K Administration Building
St. Paul, Minnesota 55155

Dear Mr. Miller:

Please find enclosed the temporary rules as adopted relating to instructional materials for pupils attending non-public schools. Please note that this copy contains the revisions as you discussed in your telephone conversation with Greg Huwe.

Sincerely,

David Noennig

David Noennig, Consultant
State Aids

DN:jm

RECEIVED
MAR 31 1978
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

AN EQUAL OPPORTUNITY EMPLOYER