

## Procedure 16

### Minnesota Residents Who Attend School at a Nonpublic School

<b>Data Elements:</b>	State Aid Category (SAC)
	Status End Date
	Student Resident District
	Student Resident District Type

Some Minnesota students who attend a nonpublic school within Minnesota may be claimed for Minnesota general education revenue by the district via inclusion on its Minnesota Automated Reporting Student System (MARSS) files. The local district is responsible for assuring that eligible students are reported via MARSS, even if students were enrolled in another Minnesota district just prior to the nonpublic or out-of-state enrollment. For purposes of this procedure, a residential care and treatment or day treatment program that employs its own teachers, as opposed to the local school district's teachers, is considered a nonpublic school.

#### Outside Minnesota

Minnesota residents who attend a Minnesota nonpublic school via an Individualized Education Program (IEP) or Individual Family Service Plan (IFSP) or residential care and treatment program (Minn. Stat. §§ 125A.15 or 125A.51) are eligible to generate state aid and should be reported by the resident district in one of its schools using SAC 28. Refer to *Procedure 16A*.

#### Reporting Responsibilities

It is the local district's responsibility to report students who are placed in a Minnesota nonpublic school via an IEP/IFSP or residential care and treatment program. However, the Student Resident District Number reported must be the actual resident district of the students. A separate site number should be established to report students who receive instruction at the residential care and treatment program that uses privately employed teachers. Refer to *Procedure 27* for reporting students who are placed in a day program.

If the Status Start or Status End Dates fall outside the normal school year, they must be adjusted to fit the reporting school's calendar.

#### Example:

If the nonpublic school starts a week before Labor Day and ends a week earlier than the reporting district's school year, report the Status Start Date as the reporting school's first day of school, and the Status End Date as the last day of school at the reporting school.

Summer membership should not be included on MARSS. The SAC 28 enrollment status record **“cannot”** in any instance overlap the Status Start Date and Status End Date with another enrollment status record for this student. If the student's reported membership days equals the number of instructional days, the student will generate 1.0 Average Daily Membership (ADM.)

For students beginning the school year enrolled in the resident school and then placed in the nonpublic school, the first enrollment status record must be closed using **Change** Status End code 03 or 20. A second enrollment status record must be initiated using SAC 28 and Last Location of Attendance (LLA) 24. Use LLA 14 if the prior district and the treatment program are not in the same district. For students remaining at the nonpublic or out-of-state school through the end of the school year, close out their record with Status End code 40.

For students withdrawing from the nonpublic school and returning to the resident district during the school year:

1. The SAC 28 enrollment status record should be closed with a Status End code of 20; and
2. A third enrollment record must be initiated using LLA 24 and SAC 00.

If the students' resident district changes during the school year but the students remain enrolled in the nonpublic school, the reporting district closes the enrollment status record with a Status End code of 04 and creates a second enrollment record with the new resident district and **Change** LLA of 24.

## Private Care and Treatment

Minnesota has a few private care and treatment programs that have non public school teachers employed to provide the educational programs. The teachers are licensed and the programs are approved by Minnesota Department of Education (MDE) prior to the license renewal process by the Department of Human Services (DHS), Department of Corrections (DOC) or in one case, Department of Health with Human Services and Corrections. These facilities are approved by MDE under Minnesota Statutes, section 125A.515. The students generate general education revenue but are not included in Tuition Billing. The local school districts have supervision of the special education programs and do the MARSS reporting on behalf of the private program. The students are reported as SAC 28 – Private Care and Treatment. The invoices are sent to the resident districts who receive the general education revenue (because of the MARSS reporting by the district in which the program is located). If the student has an IEP, the district may enter the expenditure on Special Education Data Reporting Application (SEDRA) as a contracted student placement for reimbursement, with state special education aids and excess cost aid over and above the general education revenue.

For reference, the appropriate statutes are:

### **Minnesota Statutes, section 125A.515 PLACEMENT OF STUDENTS; APPROVAL OF EDUCATION PROGRAM.**

*Subdivision 1. Approval of education programs. The commissioner shall approve education programs for placement of children and youth in residential facilities including detention centers, before being licensed by the Department of Human Services or the Department of Corrections. Education programs in these facilities shall conform to state and federal education laws including the Individuals with Disabilities Education Act (IDEA). This section applies only to placements in facilities licensed by the Department of Human Services or the Department of Corrections.*

*Subd. 3. Responsibilities for providing education. (a) The district in which the residential facility is located must provide education services, including special education if eligible, to all students placed in a facility.*

**Minnesota Statutes, section 125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

- a. The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian, or the district designated by the commissioner if neither parent nor guardian is living within the state.
- b. A privately owned and operated residential facility may enter into a contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility, an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph (c) applies.
- c. The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs must be paid by the district responsible for providing the transportation, and the state must pay transportation aid to that district.

**Minnesota Statutes, section 125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION AND TRANSPORTATION.**

The responsibility for providing instruction and transportation for a pupil without a disability who has a short-term or temporary physical or emotional illness or temporary disability, as determined by the standards of the commissioner, and who is temporarily placed for care and treatment for that illness or disability, must be determined as provided in this section.

- a. The school district of residence of the pupil is the district in which the pupil's parent or guardian resides.
- b. When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.
- c. The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in Minnesota Statutes, section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation, and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.

## Other Students Who Attend a Nonpublic School

1. Students who primarily attend a nonpublic, sectarian or home school by parents' choice but also enroll part-time in a public school are called shared-time students. Shared-time students may generate shared-time aid by including the shared-time student on the enrolling district's MARSS files using SAC 16 or 17. Refer to *Procedure 17*.
2. Students attending a nonpublic schools who have contracted with a public school district to provide nonsectarian educational services and are eligible under Graduation Incentives criteria (Minn. Stat. §

124D.68) generate contract alternative aid for the contracted alternative schools. These students must be reported by the contracting district using SAC 26. Refer to *Procedure 8*.

However, students who attend any other type of nonpublic, sectarian or home school exclusively should not be included on any district's MARSS file since they are ineligible to generate general education revenue, shared-time aid or contract alternative aid.

## Summary

1. Eligible students placed in a residential care and treatment program that uses privately employed teachers must be reported by the district in which the treatment program is located. If the students were enrolled in a nonresident district just prior to the placement, the nonresident district must withdraw the students and notify the resident district that the students have been placed elsewhere.
2. Students must then be reported under a separate school at the district; this cannot be an existing school in which other students are enrolled. The Status End code on the just prior enrollment status record should reflect that students have entered a nonpublic school by reporting Status End code 03.
3. The Status End code on the SAC 28 record should reflect where the students went after leaving the treatment program.

**Example:** Use Status End code 20 for a student who returned to a school in Minnesota. Use a dropout Status End code if the student did not transfer to another school anywhere and did not graduate while enrolled in the program.

4. Summer membership cannot be included on MARSS. This membership is ineligible to generate general education revenue. The resident district is responsible for the students' tuition for summer residential care and treatment for students who are not performing at grade level, as stated in Minnesota Statutes, section 125A.515 (e).
5. SAC 28 is not valid at State-Approved Alternative Programs.