



March 25, 2022

Via E-Mail Delivery

Rep. Ruth Richardson, Chair  
House Education Policy Committee  
403 State Office Building  
Saint Paul, MN 55155

Rep. Sondra Erickson, Republican Lead  
House Education Policy Committee  
273 State Office Building  
Saint Paul, MN 55155

Dear Chair Richardson and Lead Erickson:

Thank you for the opportunity to provide feedback on the DE-amendment to HF 3401 (Richardson) as it relates to nonpublic schools in Minnesota.

We have concerns about two provisions in the DE-amendment that will have an adverse impact on nonpublic schools and the students they serve.

The first concern is related to including nonpublic schools as part of the definition of an “enrolling district” as part of the Online Learning Option under Minnesota Statute 124D.095 (see page three, section 4 of the DE-amendment). The Online Learning Option statute was first enacted during the 2003 Legislative Session, and the Minnesota Legislature never contemplated including nonpublic schools as “enrolling districts” when the statute was constructed and enacted into law.

By including nonpublic schools as an “enrolling district,” and not providing any sufficient definitions, it is unclear if nonpublic schools, as enrolling districts, would be forced to seek approval from MDE for any supplemental online programs. Given that the legislation gives MDE wide latitude for approval of providers, this may potentially lead to nonpublic schools, if they contract with supplemental online providers, having to comply with a number of mandates including graduation requirements, licensure of teachers, or requiring academic standards and curriculum for nonpublic schools.

Additionally, key stakeholders such as the Nonpublic Education Council were not consulted by MDE staff regarding this proposed change to the Online Learning Option statute. We urge the committee to remove nonpublic schools from this requirement in the DE-amendment.

The second concern is related to the change included in the DE-amendment regarding the compulsory education statute, Minnesota Statute 120A.22. The DE-amendment adds “ethnic studies” to the list of knowledge and skills areas required of public, nonpublic and homeschoolers (see page 22, section 3 of the DE-amendment). The DE-amendment provides no definition in this section of “ethnic studies” for public, nonpublic, and homeschoolers. We recommend removal of this new language included on page 22, section 3 of the DE-amendment.

Please let us know if you have questions. We can be reached at [jadkins@mncatholic.org](mailto:jadkins@mncatholic.org) or [tbenz@mindependent.org](mailto:tbenz@mindependent.org)

Sincerely,

Tim Benz, President  
MINNDEPENDENT

Jason Adkins, Executive Director  
MN Catholic Conference

C: Members of the House Education Policy Committee