

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

**S.F. No. 1428**

(SENATE AUTHORS: WESTLIN)

DATE  
02/08/2023

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Introduction and first reading  
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; including elementary counseling services for nonpublic  
1.3 pupils in nonpublic pupil aid; appropriating money; amending Minnesota Statutes  
1.4 2022, section 123B.44, subdivisions 1, 5, 6.

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

1.6 Section 1. Minnesota Statutes 2022, section 123B.44, subdivision 1, is amended to read:

1.7 Subdivision 1. **Provided services.** The commissioner of education shall promulgate  
1.8 rules under the provisions of chapter 14 requiring each district or other intermediary service  
1.9 area: (a) to provide each year upon formal request by a specific date by or on behalf of a  
1.10 nonpublic school pupil enrolled in a nonpublic school located in that district or area, the  
1.11 same specific health services as are provided for public school pupils by the district where  
1.12 the nonpublic school is located; and (b) to provide each year upon formal request by a  
1.13 specific date by or on behalf of a nonpublic school elementary or secondary pupil enrolled  
1.14 in a nonpublic school located in that district or area, ~~the same specific~~ guidance and  
1.15 counseling services ~~as are provided for public school secondary pupils by the district where~~  
1.16 ~~the nonpublic school is located.~~ The district where the nonpublic school is located must  
1.17 provide the necessary transportation within the district boundaries between the nonpublic  
1.18 school and a public school or neutral site for nonpublic school pupils who are provided  
1.19 pupil support services under this section if the district elects to provide pupil support services  
1.20 at a site other than the nonpublic school. Each request for pupil support services must set  
1.21 forth the guidance and counseling or health services requested by or on behalf of all eligible  
1.22 nonpublic school pupils enrolled in a given nonpublic school. No district or intermediary  
1.23 service area must not expend an amount for these pupil support services which exceeds the  
1.24 amount allotted to it under this section.

2.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

2.2 Sec. 2. Minnesota Statutes 2022, section 123B.44, subdivision 5, is amended to read:

2.3 Subd. 5. **Guidance and counseling services; allotment.** (a) Each school year the  
2.4 commissioner shall allot to the school districts or intermediary service areas for the provision  
2.5 of guidance and counseling services pursuant to this section the actual cost of the services  
2.6 provided for the pupils in each respective nonpublic school for that school year.

2.7 (b) The allotment for guidance and counseling services for the elementary pupils in each  
2.8 nonpublic school must not exceed the average expenditure per public school elementary  
2.9 pupil for these services by those Minnesota public schools that provide these services to  
2.10 their elementary pupils, multiplied by the number of elementary pupils in that particular  
2.11 nonpublic school who request these services and who are enrolled as of September 15 of  
2.12 the current school year.

2.13 (c) The allotment for guidance and counseling services for the secondary pupils in each  
2.14 nonpublic school must not exceed the average expenditure per public school secondary  
2.15 pupil for these services by those Minnesota public schools ~~which~~ that provide these services  
2.16 to their secondary pupils, multiplied by the number of secondary pupils in that particular  
2.17 nonpublic school who request these services and who are enrolled as of September 15 of  
2.18 the current school year.

2.19 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

2.20 Sec. 3. Minnesota Statutes 2022, section 123B.44, subdivision 6, is amended to read:

2.21 Subd. 6. **Computation of maximum allotments.** For purposes of computing maximum  
2.22 allotments for each school year pursuant to this section, the average public school expenditure  
2.23 per pupil for health services and the average public school expenditure per elementary and  
2.24 secondary pupil for guidance and counseling services shall be computed and established  
2.25 by the department by February 1 of the preceding school year from the most recent public  
2.26 school year data then available.

2.27 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

2.28 Sec. 4. **APPROPRIATION; NONPUBLIC PUPIL AID.**

2.29 Subdivision 1. **Department of Education.** The sums indicated in this section are  
2.30 appropriated from the general fund to the Department of Education in the fiscal years  
2.31 designated.

3.1 Subd. 2. **Nonpublic pupil aid.** For nonpublic pupil aid under Minnesota Statutes, sections  
 3.2 123B.40 to 123B.43 and 123B.87:

3.3 \$ ..... ..... 2024

3.4 \$ ..... ..... 2025