SNAPSHOTS on Minnesota Youth
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Minnesota and the *UN Convention on the Rights of the Child: A Comparison*
Youth Development Rights: Part II

Introduction

This issue of the 2010-2011 *Snapshots on Minnesota Youth* series continues with the exploration of how Minnesota fares with the rights and protections afforded all children under the *United Nation's Convention for the Rights of the Child*.[1] In 1989, world leaders convened in acknowledgement that youth under age 18 have rights and need special care and protection that adults do not. The Convention resulted in 54 Articles and two optional Protocols[2] that assert children everywhere have: the right to **survival;** to **develop** to the fullest; to **protection** from harmful influences, abuse and exploitation; and to **participate** fully in family, cultural and social life.

The *2010-11 Snapshot Series* will mirror the aforementioned survival, development, protection and participation priority areas, with this third edition dedicated to development rights. Each *Snapshot* issue will explore:

- the key articles of the *UN Rights of the Child* that fall within that category;
- state-level data to illustrate the relevance of the issue to Minnesota youth; and
- how Minnesota law or policy guarantees or fails to provide each right or protection to children.

While the United States was an active participant in the drafting of the *UN Rights of the Child* and the Convention itself, we remain one of only two UN nations, the U.S. and Somalia, which have yet to ratify the treaty. Through ratification, nations commit themselves to protecting and ensuring children's rights and they agree to hold themselves accountable for this commitment before the international community. Parties to the Convention are obliged to develop and undertake all actions and policies in the light of the best interests of the child.

In this issue…

Introduction

Youth Development Rights: Part II

Article 28: Child's right to education
Education system fit for children; Education rights to be achieved progressively; Definition of education. Education on the basis of equal opportunity including girls, rural children, minority groups, children with disabilities and children with, or affected by, HIV/AIDS and children in forms of detention; Compulsory and free primary education; Development of different forms of secondary education available to all

Higher education available to all on basis of capacity; Vocational information available to all
Measures to reduce education drop-out rates; School discipline; Bullying; Promotion of international cooperation; Homeless and refugee education;

Article 29: The aims of education
Developing child to his or her fullest potential; Developing respect for human rights and freedoms; Developing respect for the child's parents; Developing respect for all cultural and national values; Preparing the child for responsible life in a free society; Developing tolerance and friendship among peoples; Equality of sexes; Peace; Respect for the natural environment; Freedom to establish private schools which conform to the Convention.

Article 30: Children of minorities or of indigenous people
Minority cultures and human rights; Child's right to enjoy his or her culture; Child's right to practise his or her religion; Child's right to use his or her language

Article 31: Child's right to leisure, play and culture
Child's right to rest and leisure; Child's right to play and recreation; Child's right to participate in cultural and artistic life; State's duty to promote children's opportunities; Equal opportunities

Conclusion
Minnesota's Strengths, Minnesota's Limitations; In Our Next Issue

Contact Us

References

Youth Development Rights: Part II

This *Snapshot* issue focuses on children's rights to **Development.** Rights in this series include: The right to an education; the right to play, rest and leisure; and the right of minority cultures to practice their language, religion and culture. In Minnesota, children's rights to these developmental tasks are predominantly overseen by the Minnesota Department of Education (MDE) and community based activities and services.

The initial intent of these articles was to assist developing countries establish more robust and child-centered education systems and to outline the obligations of first world countries to assist in the development. In the review of these rights, it can be seen that many first world countries are still working to implement all of the rights enumerated in Articles 28 through 31.

In Minnesota, a child's right to educational development is largely governed by federal and state laws, rules and procedures. Specifically, education standards have been identified through the Elementary and Secondary Schools Act, No Child Left Behind Act of 2001 and Minnesota Statutes Chapters 120 through 129.

The latter establishes the Minnesota Education Code that includes academic standards and policies schools must adopt. Both the United States and the Minnesota Constitutions also identify specific protections pertaining to education. Specifically, the U.S. Constitution establishes equal protection and access to the educational system and the Minnesota Constitution establishes the right for all youth to a free public education and outlines the state's responsibilities.

A Note about the Data

Due to the large number of rights drafted by the UN Convention's General Committee, only select articles will be chosen for exploration in this series. The full text for each of the 54 articles is available through the *Office of the United Nations High Commissioner of Human Rights*.[1] In addition, some articles contain subdivisions such that a portion of an article may be presented in one *Snapshot* issue and the remaining portion may appear in another.

It should be noted that each UN article is cited using specific UN language. Nations which have ratified the treaty are referred to in the articles as *States Parties*. This term is not referring to state subdivisions within a country, which is the common usage of the term in the United States.

The information in this *Snapshot Series* is compiled from the most recently available publicly disseminated data at the state and federal level. Many topics covered in this issue relate to parental rights, out-of-home child placement, education, and the application of state statute. Some of these topics are extremely complex such that only an overview can be provided in this format. The authors have aspired to accurately portray program services and requirements but acknowledge that nuances of application are not fully represented. Please contact the relevant state agency cited for further information.

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Article 28: Child's Right to Education

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

> ***(a) Make primary education compulsory and available free to all;***
> ***(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;***
> ***(c) Make higher education accessible to all on the basis of capacity by every appropriate means;***
> ***(d) Make educational and vocational information and guidance available and accessible to all children;***
> ***(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.***

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

States wishing to implement article 28 are asked to evaluate their education system to ensure that all children have equal educational opportunities. This is to ensure the inclusion of girls, minority and indigenous youth, rural youth, children with disabilities, children in institutions, and immigrant, refugee and migrant children. Primary education is to be compulsory and free (including materials). Secondary education is to be available based on the child's capacity and, if not free, have a method of financial assistance. Educational and vocational information and guidance should be available to all children. Laws of youth employment are not to conflict with compulsory education laws, and the state should take measures to encourage school attendance and prevent school drop-out. Furthermore, it is advised that schools prohibit corporal punishment, degrading punishment, and be free of mental or physical violence or abuse, including bullying.

Role of the Federal Government

To understand the educational system in Minnesota, it is important to understand the role of the federal government. Overall, the role of the federal government in education is relatively limited. The U.S. Constitution delegates the primary responsibility for both elementary and secondary education with the states. The U.S. Congress is responsible for passing legislation and appropriating funds for education including but not limited to special education, education of disadvantaged children, English Language Learners, and Indian education. It also requires state and school districts to comply with federal laws and mandates to receive federal funds.

The U.S. Department of Education administers the programs established by congress and interprets laws and policies. The role of this federal agency is to promote student achievement, prepare for global competiveness by fostering educational excellence and ensuring equal access while complementing and

supplementing the efforts of the states, local schools and communities.[3] Specifically, the federal department is responsible for:

- Establishing policies on federal financial aid for education distributing and monitoring those funds.
- Collecting data on America's schools and disseminating research.
- Focusing national attention on key educational issues.
- Prohibiting discrimination and ensuring equal access to education.

Minnesota

In Minnesota, federal funds make up six percent of the annual education budget, establishing a larger role for the state of Minnesota in a child's right to education. On average, federal funding accounts for approximately ten percent of a state's education revenue.[4] The role of the state begins with the Minnesota State Constitution by guaranteeing that all children in the state are provided free public education. Specifically, Article XIII, Section 1 states:

> *The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.*[5]

Similar to the federal government, the state legislature is responsible for passing legislation and mandates, and appropriating funds for education; MDE is responsible for interpreting legislation, implementing programs and mandates, and providing guidance to local school districts.

MDE provides leadership, guidance and funding to over 500 public school districts serving approximately 825,000 students.[6] In Minnesota, school districts operate under local control meaning that local school boards and districts have the primary responsibility to authorize local levies on property taxes for specific purposes; negotiate with teachers and other employees; and to determine staffing levels, curriculum, student assessments, student services and activities, school calendars, school facilities, and transportation. The Minnesota Education Code details the provisions of public education for both local school districts and the state department.[7]

Compulsory Education and Attendance Laws

In Minnesota education is compulsory for both primary and secondary grades. All children between ages seven and 16 are required to receive instruction.[8] Children under seven who are enrolled in any form of kindergarten shall also receive instruction. Once a child has been enrolled in kindergarten or higher grade, the student is subject to all compulsory attendance laws.[9] It is the responsibility of the local school districts to establish a school calendar and the number of instructional days that students must attend school.[10] Under certain circumstances, such as illness, death or family emergencies, a school-age child may be excused from mandatory attendance requirements.[11] Students who are 16 or 17 years of age must continue to attend school unless the student formally withdraws from school.[12]

Prior to enrolling in kindergarten or first grade in a public school, all children must receive a developmental screening.[13] Parents or guardians of a student also must have a statement on file with a school administrator that shows the student has had immunizations or is legally exempt from one of more of the required immunizations[14] by either a statement of a medical exemption signed by a provider, a notarized statement of a conscientious exemption or a provider-documented laboratory evidence of immunity to the disease.[15] School districts are required to enforce the school immunization

law and can refuse enrollment or discontinue enrollment of a student until proper immunization records are submitted to school officials without being in conflict with the compulsory attendance laws.

Citizenship is not a legal requirement for public school enrollment. According to federal court case *Plyer v. Doe (1982)*, undocumented children who are not legal residents are entitled to attend public schools through grade 12.[16]

While the state has the responsibility for providing a free public education system, it is the parent's responsibility to ensure a child's education. Minnesota Statutes acknowledge that primary responsibility for assuring that the child acquires knowledge and skills that are "*essential for effective citizenship"* lies with the parent or guardians.[17] In fact, parents or guardians are liable for providing education and in certain situations can be prosecuted for failure to ensure education or educational neglect. Educational neglect occurs when the person responsible for a child's care has not ensured that the child is enrolled and attending school.[18] For a parent or guardian to be charged with educational neglect, a child must be under 12 years old, the school must have taken adequate measures to encourage attendance, and the absence is presumed to be a due to a failure to comply with compulsory attendance laws.[19]

Free Public Education

As stated in the Minnesota State Constitution, the public education system is to be free to all students. Minnesota school boards are prohibited from charging any fees for necessary goods and services such as instructional materials and supplies, required library books, required school activities, lockers, graduation, and bus fees to students who live more than two miles from school. A fee may be charged for transportation costs that are not authorized by state aid if guidelines are established by the school board to ensure that no one is denied education based on this cost alone.[20]

Fees for certain school related costs such as school uniforms, extracurricular activities, security deposits, personal athletic equipment, supplementary field trips, musical instruments, driver education and personal stationery supplies have been authorized under state law. School boards may also charge fees for lost or damaged text books. Districts are required to have a public hearing before imposing any student fees that are not authorized or prohibited by state law.[21] A school cannot withhold grades or a diploma for a student's failure to pay student fees.[22]

Secondary Education: Information, Access and Aid

During the 2009-2010 school year, approximately 500 secondary schools served over 395,000 secondary students (grades 7-12).[23] The Minnesota State Constitution guarantees both primary and secondary education as part of the free and public education system. In Minnesota, secondary education is multifaceted in that there are several options for receiving public education including concurrent enrollment, shared time enrollment and online learning.

Program	Summary
Concurrent Enrollment	Eleventh and twelfth grade students may enroll in a nonsectarian course taught by a secondary teacher or a postsecondary faculty member that is offered at a secondary school or another location as part of an agreement between the school board and a postsecondary institution.[24]
Shared Time Enrollment	Compulsory attendance requirements can be met by students in regular and special education programs by attending public school programs for part of the regular school day and nonpublic school programs for the remainder of the school day.[25]
Online Learning	Public school and some nonpublic school students may enroll in various online courses for academic credit. The courses must be rigorous, align with state academic standards, be equivalent to other courses and provide student-teacher communication. [26]

Higher Education

Minnesota has over 200 public and private postsecondary institutions.[27] Approximately 70 percent of Minnesota high school graduates enroll in a higher education institution the following fall.[28]

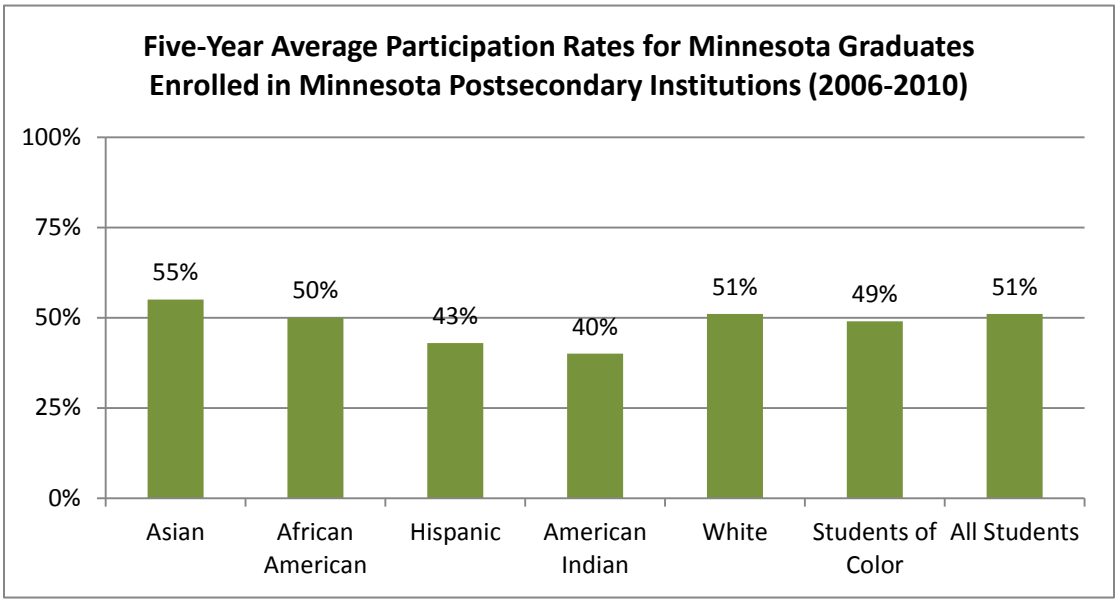
The Minnesota Office of Higher Education is a cabinet-level state agency responsible for providing students with financial aid programs and information to help them gain access to postsecondary education. The office serves as a clearinghouse for data, research and analysis on postsecondary enrollment, financial aid, finance and trends.

The office also administers the Minnesota State Grant Program; and provides oversight to other state scholarship programs, tuition reciprocity programs, a student loan program, Minnesota's 529 College Savings Plan, licensing, and an early college awareness program and initiatives for youth.[29]

In Fall 2010, over half of the state's graduating high school students enrolled in a Minnesota postsecondary institution (51%) and one-fifth attended postsecondary institutions out-of-state (20%). Of those students attending institutions outside of Minnesota, the majority attend institutions in North Dakota, South Dakota, Iowa or Wisconsin.[30]

Of the students who did enroll in a Minnesota institution, 38 percent went to a community or technical college, 20 percent went to a state university, 19 percent went to a private four-year institution, 9 percent went to the University of Minnesota and 4 percent went to a private career school.[31]

Students of color, specifically American Indian, Hispanic and Black students have the lowest participation rates in postsecondary education. The five-year average for enrollment in a Minnesota postsecondary institution is less than one-half of American Indian and Hispanic students.[32] It is important to note the students of color also have the lowest graduation rates, therefore larger numbers of students of color are not eligible to enroll in a postsecondary institution.



To encourage and prepare Minnesota students to participate in higher education, Minnesota offers secondary students with opportunities for increased academic rigor and a wider variety of academic options, including earning postsecondary credit through Advance Placement Exams, International Baccalaureate programs, College-Level Exam Program, and the postsecondary enrollment option.

Program	Description
Advanced Placement (AP) Exams	A score of three or higher on an Advanced Placement (AP) Exam can earn a student postsecondary credit.[33]
International Baccalaureate Programs	A score of four or higher on an International Baccalaureate (IB) exam can earn a student postsecondary credit.[34]
College-Level Exam Program (CLEP)	A satisfactory score on a College-Level Exam Program (CLEP) exam can earn a student postsecondary credit. [35]
Postsecondary Enrollment Option (PSEO)	Public, nonpublic, and homeschooled 11th or 12th grade students pursuing additional rigorous academic pursuits or a wider variety of academic options may apply to enroll in a postsecondary institution's course or program and earn either secondary or postsecondary credit upon successful completion.[36]

In addition to the opportunity to earn postsecondary credit, the Center for Postsecondary Success provides assistance to Minnesota schools to ensure that all Minnesota students are college and career ready. Through the Center, schools and educators are provided resources to address the opportunities and new challenges facing students, including global competition and changing technologies, and resources that help to implement the various programs to prepare for postsecondary training or education.[37]

Vocational Education Programs
Minnesota schools also offer vocational education opportunities through the Career and Technical Education (CTE) programs. MDE oversees the Carl D. Perkins and Tech Prep federal programs, the state transition-disabled program, and local career and technical education levies which are used to implement CTE programs in Minnesota schools.

These monies are used to provide students with academic and technical skills related to a variety of occupations and to explore college or career paths. The CTE curriculum aligns with current academic standards including the areas of agricultural education, business and marketing, family and consumer sciences, health science education and trades and industry technology.[38]

Service Learning
In addition to the Career and Technical Education programs, MDE promotes service-learning as a form of experiential learning whereby students apply content knowledge, critical thinking and good judgment to address genuine community needs. Currently MDE administers several service learning programs including Learn and Serve America, W.K. Kellogg Learning That Lasts, and local service learning initiatives. The programs are designed to increase the number of service learning opportunities available to students throughout the state.[39]

Equal Access to Education
In most cases the primary authority for equal access in education rests with the federal government. The state Department of Education receives federal grant monies to provide oversight, technical assistance and funds to local districts to ensure that all students have access to public education.

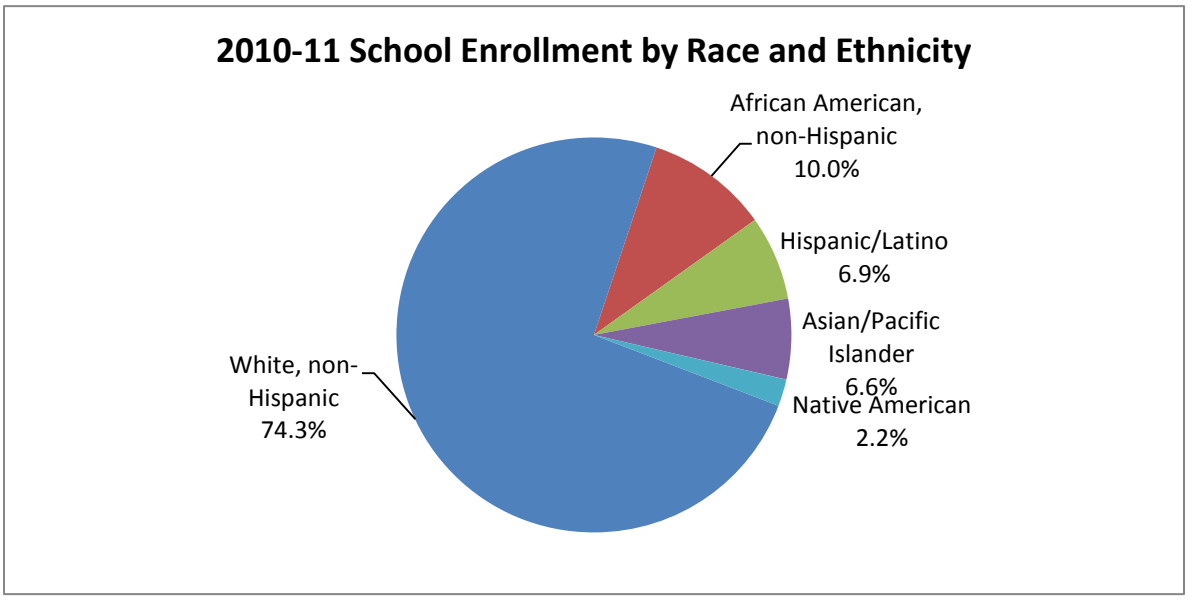
Minority Groups: Race and Ethnicity
Title VI of the 1964 Civil Rights Act states the any educational institution receiving federal funds for academic, athletic or extracurricular activities cannot discriminate based on race, sex, national origin or disability. Both the U.S. Department of Education, Office of Civil Rights and MDE Office of Compliance and Assistance use this law to identify district policies and practices that result in a "disparate outcome" among groups of students. Specifically, Title VI has been has been used to apply pressure on districts to close the academic achievement gap,[40] address bullying and harassment[41] and address the needs of English Language Learners.[42]

The U.S. Supreme Court has made several rulings impacting school desegregation and integration based on race. *Brown v. Board of Education,* 347 U.S. 483, 74 S. Ct. 686 (1954) states that racial segregation or other race-based discrimination in public schools and other educational institutions deny minority students the "equal protection" of the laws and is prohibited under the U.S. Constitution's 14th Amendment.

Parents Involved in Community Schools v. Seattle Sch. Dist. No. 1, 551 U.S. 701 (2007) found that educational diversity is a compelling interest of the government, which school boards can pursue through careful race-conscious policies, including site selection, magnet programs, targeted recruiting and attendance zones.

In Minnesota, students of color represent approximately one-quarter of the student population.[43] In 2010-11, the largest minority student populations are Black or African American students, followed by Hispanic, Asian-Pacific Islander and Native American students, respectively.[44] Based on current

population projections, Minnesota and Minnesota schools will become increasingly more diverse with the most rapid growth projected for Asian, Hispanic and African American populations.[45]



Students of color have equal access to education, but across many sectors of education students of color experience disparities. In Minnesota, students of color have lower graduation rates, lower scores on statewide assessments and higher rates of disciplinary incidents than their white peers. While this is reflective of a national trend, Minnesota's disparities are often among the greatest in the nation.

Overall, less than 5 percent of Minnesota students drop-out of school. In 2010-11, American Indian students dropped out at rates five times higher than their white peers. Hispanic students had rates four times higher and African American rates were three time higher than their white peers.[46]

Students of color also face disparities in statewide assessment performance. During the 2010-11 school year, slightly more than half of Minnesota students were proficient in math (56%), almost three-quarters were proficient in reading (74%), and slight less than half were proficient in science (48%). Less than one-third of American Indian (32%), Hispanic (32%) and African American students (29%) were proficient in math; [47] slightly more than one-half of the same students were proficient in reading; [48] and less than one-quarter of the same students were proficient in science.[49]

Students of color also experience disparity in school disciplinary rates. According to an analysis of the 2007-2008 reported disciplinary incidents completed by the MDE Safe and Healthy Learners Unit, African American, Hispanic and American Indian students have reported disciplinary incident rates that are two to five times higher than their white student peers.[50]

English Language Learners

The Equal Education Opportunities Act of 1974 and Title VI provide specific guidance pertaining to English Language Learners (ELL). The Equal Education Opportunities Act requires that school officials should consider whether programs for ELL students are based on sound educational philosophy; whether there are sufficient resources to ensure programs can be properly implemented; and whether the programs actually enable students to overcome language barriers impeding their educational

progress. Title VI requires that ELL students are include in school and district assessments programs unless an educational or psychometric reason justifies the exclusion.

MDE is provided federal funding to implement the English Language Learners Program. This program is designed to ensure that English Language Learners receive high-quality education that will assist them in reaching their highest potential. MDE provides technical assistance to schools to implement and evaluate research-based language instruction education programs and serve the approximately 8 percent of Minnesota students identified as having limited English proficiency.[51]

Migrant Education

Under federal law, all youth must receive educational services regardless of their immigration status. The U.S. Department of Education established the Migrant Education Program (MEP), a national program, that provides educational and support services to eligible migrant children between the ages of 3 and 21 each year.[52] The purpose is to assist all migrant students in meeting the challenging academic standards and achieving graduation (or a GED program) with an education that prepares them for responsible citizenship, further learning and productive employment. In Minnesota, the state department of education is responsible for the oversight and distribution of MEP funds. Annually, the Minnesota program serves approximately 2,000 youth ages 3to 21. The majority of migrant youth and families are located in the western, central and southern parts of the state.

Equality of the Sexes

The Title IX, Education Amendments of 1972 strictly prohibits any sex discrimination including exclusion from participation in, denial of the benefits of, or subjection to discrimination under any education program or activity receiving Federal financial assistance.[53] Modifications to Title IX regulations allow public and private coeducation schools to offer more single-sex classes and extracurricular activities. School districts may offer non-vocational single-sex schools if enrollment is voluntary and if the education is substantially related to an "important governmental or educational objective."

Special Education Services

Slightly more than one out of 10 students in Minnesota receives special education services. In 2010-11, approximately 13 percent of Minnesota students qualified for special education services. Both the federal and state departments of education are responsible for providing oversight and guidance to local school districts for serving students with disabilities. The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 establish procedural safeguards to ensure appropriate education services and that there is not discrimination based on disability in federally funded programs. MDE ensures the rights of students with disabilities and their families through oversight of school districts in the implementation of the standards and procedures required by IDEA and its regulations, state statutes and rules, as well as a system of dispute resolution.

The purpose of special education is *to ensure that all children with disabilities have a free appropriate public education and are provided special education and related services designed to meet their unique needs to prepare them for further education, employment, and independent living.* Under IDEA, the rights of children with disabilities and their parents are protected and there is an opportunity for parent involvement throughout the process.[54]

Once a student is found to meet one of the thirteen eligibility criteria and is determined in need of special education and related services, the school must identify a team including the child's parents and appropriately licensed and trained school personnel to develop an Individualized Education Program

(IEP) of specially designed instruction that includes annual educational goals and objectives for that child. [55] Some examples of special education disabilities include autism spectrum disorders, specific learning disabilities, speech and language impairments, developmental cognitive disabilities, and deaf and hard of hearing.

For students with disabilities, specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction including addressing the unique needs of the child that result from the child's disability and ensuring access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.[56] Thus, as part of designing the instruction to fit the needs of a specific child, adaptations may be made in the content, methodology, or delivery of instruction. [57]

Minnesota requires that all school districts provide appropriate nondiscriminatory instruction and services for children with disabilities from birth to age 21 or the completion of secondary school, whichever comes first.[58] The U.S. Supreme Court has found that schools must provide education services to all children regardless of the severity of their disability.[59] Upon completion of secondary school or its equivalent, schools must also award students with disabilities a diploma.[60] Both Section 504 of the Rehabilitation Act and the civil rights statute broaden the definition of disabilities included in special education services provided by schools. All districts are required by IDEA to identify, locate and evaluate children with disabilities including private and public school students, highly mobile children, migrant children, homeless children, and children who are wards of the state. [61] Students who are at academic or behavioral risk may receive academic and behavioral interventions in general education to prevent inappropriate referrals to special education.[62]

IDEA requires that students with disabilities are able to participate in a regular education program to the maximum extent appropriate. To determine whether or not a regular education program is the least restrictive environment, school districts must consider the potential benefits to the child, potential disruptions to the classroom and the cost of aids and services.[63] In Minnesota, a majority of students with disabilities are served in general education classrooms for a majority of the school day. Children with disabilities are required to participate in state- and district-wide assessment programs. For these assessments, children with disabilities must be provided appropriate accommodations including variations in the setting, timing, response, and scheduling that take into account the child's disability.[64] IEPs are reviewed annually to determine progress made on goals and objectives and to plan special education and related services for the next school year. School staff has a key role in transitioning students with disabilities to adult services, employment and higher education.

Education for Youth and Children in Residential Facilities and Other At-Risk Youth

The U.S. Department of Education administers several programs that ensure the education of children and youth at-risk, including youth in juvenile or adult correctional facilities and youth who are experiencing homelessness to have continuity in their education and are held to the same educational standards as other youth in the state.

Neglected and Delinquent

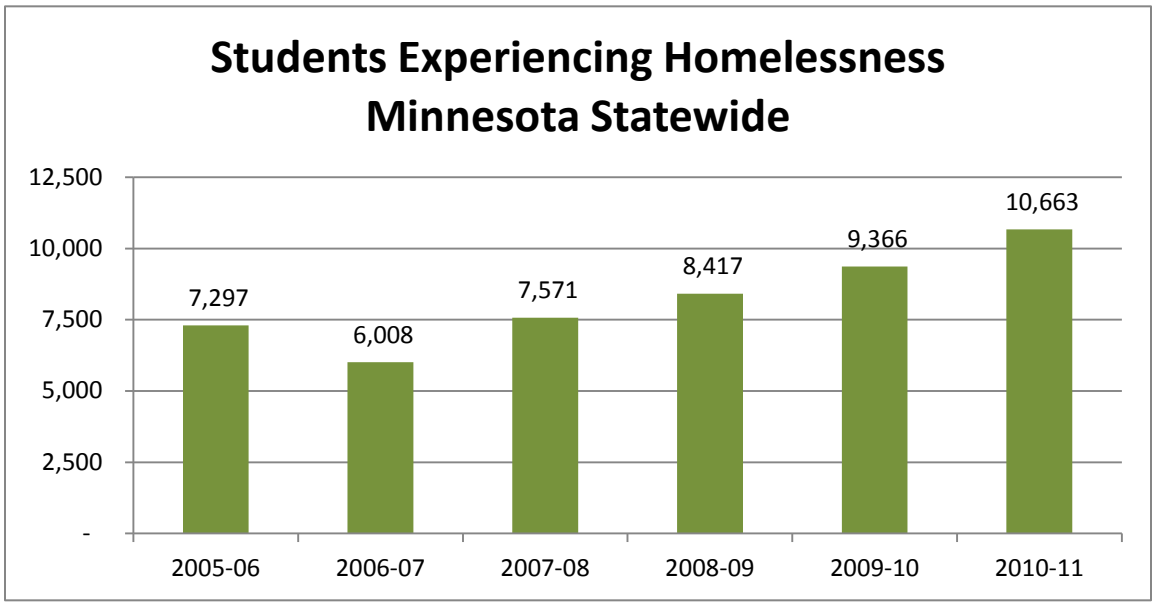
The Title I, Part D Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent or At-Risk Program through the U.S. Department of Education provides guidance and funding for the education of youth in residential facilities. MDE is responsible for administering this program at a state level, ensuring that children and youth who are in local or state-run institutions for juveniles and in adult correctional facilities are provided supplementary education services to assist in providing

education continuity and successful transitions to school or employment once they are released. To be eligible for funding, juvenile institutions must provide at least 20 hours of instruction from non-federal funds and adult institutions must provide 15 hours. The programming provided in the institutions includes supplemental instruction in core subject areas, such as reading and mathematics, as well as tutoring, counseling and transition services.[65, 66] In 2010-2011 school year, approximately 1,700 youth were provided supplementary education services while residing in a Minnesota residential facility.[67]

McKinney-Vento Homeless Education

The U.S. Department of Education also ensures that homeless children, including preschoolers, have equal access to free and appropriate public education. This federal law requires states to review and revise laws and practices that impede such equal access and to have an approved plan for addressing problems associated with the enrollment, attendance, and success of homeless children in school. It also provides funding for competitive grants to local school districts to facilitate enrollment, attendance, and success in school of homeless children and youths, including addressing problems due to transportation needs, immunization and residency requirements, lack of birth certificates and school records, and guardianship issues.[68] Minnesota has specific statutes regarding the education of children and youth who are experiencing homelessness that include provisions for the funding of transportation between school districts and continuum of care programs.[69, 70]

As the case is across the United States, Minnesota has seen a recent increase in the number of youth who have been identified as homeless. Currently, the McKinney-Vento Homeless Education Program provides seven school districts with a significant proportion of homeless youth additional funding for services. In 2009, three additional schools received funding through the federal stimulus funding.[71]



Promoting Regular Attendance

To be in compliance with the compulsory attendance laws, all schools must monitor student attendance. Students who fail to meet the compulsory attendance laws may be considered truant and parents or guardians guilty of educational neglect. A child is considered a "continuing truant" if the child is in elementary school and absent three school days without a valid excuse or if the child is in middle, junior high, or high school and absent three or more class periods on three school days without a valid

excuse.[72] School officials must notify the parent or guardian that their child is identified as a "continuing truant."[73]

If a child continues to accumulate unexcused absences, he or she may be considered a "habitual truant." A child under age 16 is considered a "habitual truant" if the child is in elementary school and absent seven school days without a lawful excuse or if the child is in middle, junior high, or high school and absent one or more class periods on seven school days without a lawful excuse. A child who is 16 or 17 is considered a habitual truant if the child is absent one or more class periods on seven school days without a lawful excuse and has not formally withdrawn from school.[74]

School districts, county attorneys, and law enforcement may establish programs and coordinate with other community-based truancy services in order to provide the necessary and most effective intervention for children and their families. This continuum of intervention and services involves progressively intrusive intervention, beginning with strong service-oriented efforts at the school and community level and involving the court's authority only when necessary.[75]

Reducing Drop-Out Rates

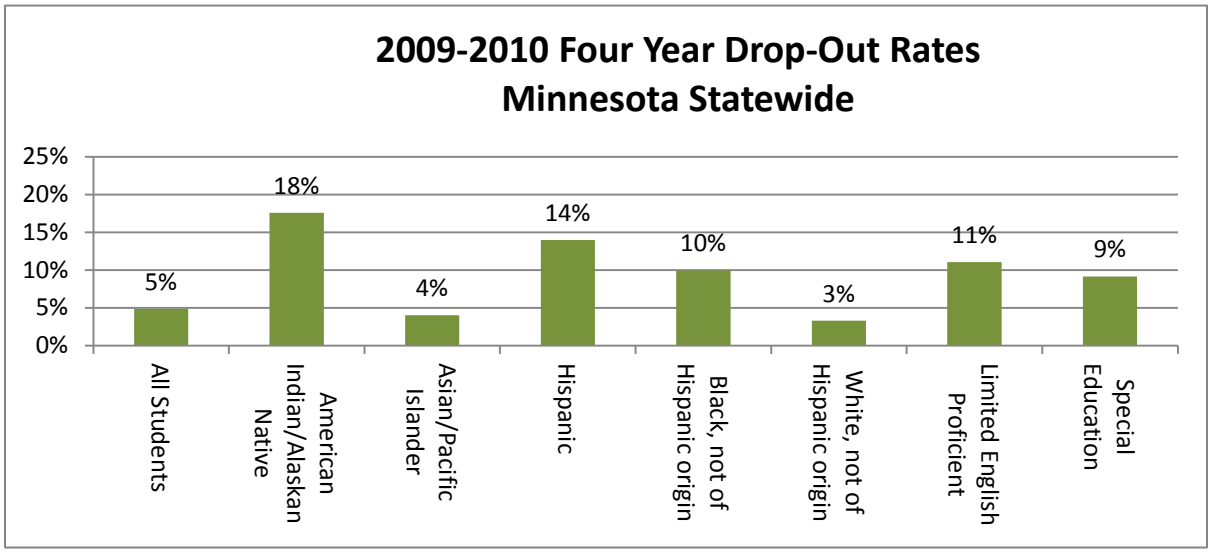
Students are required to attend school until the age of 16 years in Minnesota. Once reaching the age of 16, students may withdraw from school or drop-out. Students between the ages of 16 and 18 years old who would like to drop-out of school must attend a meeting with a parent or guardian and with school personnel to discuss the educational opportunities available, including alternative education opportunities and the student's parent or guarding must sign a written election to allow the student to withdraw from the school.[76]

To assist students who are at-risk of dropping-out, Minnesota has established alternative learning opportunities and incentive programs. The Graduation Incentives Program allows eligible at-risk students who have experienced or are experiencing difficulty in the traditional education system to enroll in a state approved alternative education program.[77]

The alternative learning centers or programs provide academic instruction leading to a high school diploma for eligible students.[78] Students over the age of 16 who are not enrolled in school or dropped out are also eligible to enroll in a day or evening adult basic education program to earn a high school diploma or equivalency certificate.[79]

In 2005, MDE initiated the Dropout Prevention, Retention and Graduation Initiative to develop a comprehensive dropout prevention model for middle and high schools. The goal was to increase successful school completion for students at greater risk of leaving school before earning a diploma. The project was piloted in seven schools districts across the state. Through these pilots, effective dropout prevention strategies and approaches that meet unique community needs and strengthen the quality of school-community collaborations are being researched, identified, disseminated and implemented.[80]

In 2009-10, approximately five percent of students dropped out of school.[81] While the overall drop-out rate in Minnesota is relatively low, the rates among certain populations are not. Students of color, those with limited English proficiency or those with a disability have significantly higher rates of dropping out than the state average or their white student peers.



To address a history of high drop-out rates in the American Indian community and to promote academic success, graduation and higher education of American Indian students, MDE administers state funded grant and scholarship programs. The Success for the Future Grant promotes graduation and academic achievement of American Indian students in tribal and public schools through culturally based academic and learning opportunities.[82] The Ethel Curry Scholarship is available to American Indian students who are attending a Minnesota Institution of Higher Education at the junior, senior or graduate level.[83] The Minnesota Indian Education Teacher Training Program provides scholarships and loans to American Indian students who enroll in a teacher training program at Augsburg University, Bemidji State University, Minnesota State University, Moorhead or the University of Minnesota, Duluth and have a demonstrated financial need.[84]

School Discipline

Both federal and state laws require public schools to report disciplinary actions.[85,86] The level of reporting varies based on the type of incident, the special education status of the student, and the disciplinary action taken. Minnesota law requires that schools electronically report specific disciplinary actions through the Disciplinary Incident Reporting System (DIRS). DIRS enables both MDE and school districts to comply with state and federal reporting requirements for suspensions, expulsions, special education and dangerous weapons.

Federal law dictates how the information required for special education students[87] and incidences involving harm, violence, drugs or weapons are reported.[88] In Minnesota, additional information is required regarding type of disciplinary incident; time of incident; location of incident; whether a weapon was involved in the incident; the number of victims involved in the incident; the estimated property cost of an incident; the gender, race/ethnicity, grade, school status, special education status, and disability status of the offender; disciplinary action taken and number of days suspended or out of school.

Schools must also comply with the Pupil Fair Dismissal Act (PFDA). The PFDA refers to the state and federal laws regarding school discipline and the removal of a student from a school building and explains a student's and parents' due process rights when a student is dismissed from school. Whenever a student is dismissed from school for disciplinary reasons, the school must provide both the parents and the students a copy of the PFDA brochure outlining the state and federal laws related to student discipline, harassment and violence as well as a frequently asked questions section.[89] The PFDA is

limited to the disciplinary actions of out-of-school suspensions, expulsions and exclusions. Therefore, therefore individual district policies regarding other disciplinary actions, such as administrative transfers, may vary.

School disciplinary policies are established at the local level. While the actions taken by schools are regulated by state and federal laws, the reason (or type of incident) leading to those disciplinary actions can vary from school district to school district. In Minnesota, approximately 65,000 disciplinary incidents are reported annually. In 2009-10, 52,652 incidents resulted in out-of-school suspensions. An additional 290 incidents resulted in either an expulsion or exclusion. The majority of these incidents are for disruptive, disorderly conduct or insubordination, fighting, assault, threats/intimidation, and verbal abuse.[90] In 2009, MDE's Safe and Healthy Learners Unit reviewed the disciplinary incident data reported to the state by local districts by race and ethnicity. The analysis shows that African American, American Indian and Hispanic students are involved in a reported disciplinary incident at rates two to five times greater than their white peers. Incidents resulting in out-of-school suspensions or expulsions involving African American, American Indian and Hispanic students are at rates two to six times higher than their white peers.[91]

Federal statutes allow school districts to use corporal punishment to discipline a child. Minnesota has outlawed corporal punishment as a disciplinary option,[92] but has authorized school officials to use reasonable force to discipline a child.[93]

Alternative to Suspension Grant Program

To reduce the need for suspensions MDE began the Alternative to Suspensions grant program. This pilot program has awarded grant funds to five school districts to build the capacity of schools to develop alternatives-to-suspension programs. Each of the districts has a work plan to implement scientifically research-based interventions that reduce the need for suspension and includes goals that impact system change in the areas of planning, administration, program development and evaluation in regards to disciplinary actions.[94]

Bullying Prevention and Interventions

In recent years, bullying has been part of a national conversation regarding youth behaviors. In Minnesota, bullying has also been of great concern and MDE has dedicated resources through federal funding[95] to assist school districts in addressing the issue of bullying.[96] Minnesota also requires that all schools have adopted a written policy regarding bullying that includes acts of cyber-bullying.[97] In additional to the required policy, school boards must adopt a written sexual, religious, and racial harassment and violence policy and develop a process for discussing the policy with students and school employees.[98] Sexual harassment is prohibited by both state and federal law.[99]

Recently, Minnesota's bullying statute has received much criticism. The current statute is considered to be one of the least prescriptive in the nation. Minnesota is one of 10 states requiring local districts to develop and adopt school bullying policies, without specifying policy components. Minnesota is also one of two states that set minimum requirements for districts to develop policy documents without legal requirements for content. Of the 16 key components in state bullying legislation outlined by the U.S. Department of Education, Minnesota's statute contains two. Minnesota's legislation lacks a statement of scope, a description of prohibited bullying behaviors, enumerated groups, district policy review, definitions, reporting, investigation, written records, consequences, mental health, communication, training and prevention, transparency and monitoring, and legal remedies.[100] In response, both the

Minnesota Governor and the Attorney General made proclamations regarding the current statute and need for revisions.[101, 102]

Victims of bullying and harassment have remedies under U.S. Supreme Court decisions. Private individuals have been found to have the right to file lawsuit for sexual harassment and to seek monetary damages is some cases.[103] In certain cases, school districts are also liable for protecting students from bullying, including verbal, physical, and sexual harassment.[104]

According to the 2010Minnesota Student Survey, 13 percent of 6th, 9th and 12th grade students state they were victims of bullying at least weekly; 9 percent of student bullied others at least weekly; and 3 percent were students who both bullied others and were victimized by bullying at least weekly. A special analysis of the 2010 Minnesota Student Survey data finds that students who are regularly involved in a bullying incident regardless of being a victim, bully or bully/victim report higher rates of victimization in schools and the community, participate in more at-risk behaviors, such as alcohol and drug use, and have poorer academic outcomes than their peers who report they have never experienced or participated in bullying behaviors.[105]

To effectively reduce bullying, research indicates that the entire school must be involved: adults, students and family members. Curriculum alone is not as effective in reducing bullying as a comprehensive year round program.[106] Following this research, MDE promotes whole school approaches including social and emotional learning, school-wide positive behaviors, interventions and supports and restorative measures.

Article 29: The Aims of Education

1. States Parties agree that the education of the child shall be directed to:

> ***(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;***
> ***(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;***
> ***(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;***
> ***(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;***
> ***(e) The development of respect for the natural environment.***

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

States enacting Article 29 are asked to assess if all forms of education develop children's personalities, talents, mental abilities and physical abilities to their fullest potential; whether children are taught about human rights principles; and whether the goal of education is to develop children's skills, learning and other capacities including human dignity, self-esteem and self-confidence. Is education child-

centered, child-friendly and child-empowering? Education should also seek to be balanced and respect diverse values and differences.

Aims of Education

MDE has established statewide academic standards. School districts are required to embed these standards into the curriculum to ensure that all students receive instruction related to all standards. MDE does not have a required curriculum, but has outlined both state and national standards for agricultural education, arts, business and marketing , family and consumer sciences and service occupations ,health science education, health and physical education, language arts , mathematics, reading, science, social studies, trade and industry technology and world languages.[107] Currently, revisions are being made to the standards to include technology and information literacy skills, college and work readiness skills, and the contributions of American Indian tribes and communities as they relate to the standards for each subject.

Statutorily, Minnesota schools must provide students with instruction in basic communication skills including reading, writing, literature, and fine arts; math and science; social studies, including history, geography, and government; and health and physical education.[108] Districts are also required to adopt procedures for parents and adult students to review instructional materials given to students and allow for reasonable arrangements for alternative instruction if a parent or adult student objects to the content of the material. Parents are not allowed to recoup the cost from the school district for alternative instruction and students cannot be penalized for receiving alternative instruction.[109]

In addition, schools in Minnesota are also required to have a program targeted to adolescents to prevent and reduce the risk of sexually transmitted infections and diseases.[110] School districts are also encouraged to integrate violence prevention programs into their existing K-12 curricula and the state department is directed to assist districts requesting the implementation and development of such programs.[111]

To earn a diploma in Minnesota, all public school students must complete four language arts credits, three math credits including algebra I and II credits or their equivalents, three science credits including at least one biology credit and a chemistry or physics credit, three and one-half social studies credits, one arts credit, at least seven elective course credits, and physical education. Students are allowed to substitute a career and technical education course to fulfill a science, math, or arts credit requirement, and an agriculture science course to fulfill a science credit requirement.[112] Local school boards can add additional credit requirements and are responsible for deciding whether students meet course credit requirements by successfully completing an academic year of study or by demonstrating mastery of applicable subject matters.[113]

Testing and Assessments

No Child Left Behind of 2001 established national standards for testing and assessment. To meet these standards, Minnesota has instituted reading and math testing and assessment programs for students.[114] Testing data is used to determine schools' and districts' improvement towards making adequate yearly progress toward performing proficiently in English and math. Additional statewide assessments for fifth through eighth grade students are conducted in science and again once in high school after students have completed their life sciences curriculum.[115] Additional requirements can be set at a local level regarding the remaining subject areas. In 2010-11, slightly less than half (47%) of all Minnesota schools were found not to have made adequate yearly progress (1056 schools out of 2255 total schools). The

majority of these schools were determined to be not making adequate yearly progress because of proficiency and not test participation or graduation rates.[116]

To receive a high school diploma, students must also take and pass either the Minnesota Comprehensive Assessments or the Graduation-Required Assessments for Diploma (GRAD) in 10th grade reading and 11th grade math.[117] A student who does not pass the GRAD test must receive remediation before retaking the test. Students graduating between 2010 through 2014 who do not pass the math GRAD test may still graduate if they meet all other specified graduation requirements.

Respect for Human Rights and Fundamental Freedoms

MDE has also established standards for social studies and specifies particular knowledge and skills in U.S. History, World History, Geography, Economics and Civics as required by Minnesota statutes. These disciplines have been included in Minnesota academic standards to help meet the purpose of public education as outline in the state constitution to protect and maintain freedoms. While human rights and fundamental freedoms are not explicitly outlined in the standards, the stated purpose and intent of each discipline imply a foundational understanding of both.[118]

The Minnesota Department of Human Rights has also established specific youth initiatives aimed at involving and education young people about human rights and the history of human rights in Minnesota. The Department of Human Rights is a is a neutral state agency that enforces Minnesota's anti-discrimination laws by investigating charges of illegal discrimination, ensuring that businesses seeking state contracts are in compliance with equal opportunity requirements, and striving to eliminate discrimination by educating Minnesotans about their rights and responsibilities under the state Human Rights Act.[119] Its website includes a section designed for youth to learn through fun facts, the history of human rights, and other recommended website links.[120]

Developing the child to his or her fullest potential; preparing the child for responsible life in a free society;

MDE has adopted several initiatives for children and youth to develop to their fullest potential and prepare them for a responsible life in a free society. As part of those initiatives and in alignment with state law, MDE promotes the use of violence prevention education that includes school climate.[121] The climate of a school includes the expectation of respect from all students and staff, caring connections between all students and adults in the building and the expectation that students will share concerns about school safety, and that adults will take those concerns seriously. Positive school climate intersects with attendance, transition and academic concerns as well as violence prevention and school safety. Violence prevention education includes the teaching of pro-social skills such as giving and receiving compliments, identification and expression of feelings, appropriate expression of anger, problem-solving and conflict resolution and making amends. Providing students with the opportunity to express and discuss feelings and concerns regarding their world and the impact of violent current events will help prevent harmful behavior that rises out of anxiety and fear. Other departmental initiatives assisting in the development of a positive school climate include social and emotional learning, school-wide positive behaviors interventions and supports, and restorative measures.

Social and Emotional Learning

MDE has incorporated social and emotional learning into its academic standards. Social and emotional learning teaches the skills necessary to manage self, relationships and work, both effectively and ethically.[122] Successful implementation in schools has been found to reduce negative behaviors such as alcohol and drug use, bullying and truancy; increase academic success; and, prepare youth for success in

adulthood by teaching effective communication, leadership and empathy skills. The impact social and emotional learning has had on academic performance has been significant. Research has also shown that social and emotional learning is associated with significant improvement in students' academic performance with students scoring an average of 11 percentile points higher on standardized achievement test compared to students who did not receive such instruction.[123]

School-Wide Positive Behavior Interventions and Supports

Minnesota School-Wide Positive Behavioral Interventions and Supports (MN SW-PBIS) provides schools and districts with the training and technical support to improve in student behavior across the entire school, especially for students with challenging social behaviors. Schools establish clearly defined rules related to students' academic and social behavior, identify systems that support staff efforts, implement practices that support student success, and use data to guide decision-making. The MN SW-PBIS approach uses research-based interventions that tailor approaches to all students, some students or a few students, depending on need. Participating schools have experienced improved academics and decreases in discipline referrals and out-of-school suspensions.[124]

Restorative Measures

MDE has been a leader in promoting restorative measures in schools as a way to resolve conflict and promote pro-social behaviors, such as tolerance, friendship and peace. Restorative measures are discipline interventions which hold students accountable for harm and address the needs of students or staff harmed and the needs of the school community. MDE estimates that approximately 40 school districts in the state regularly use restorative measures as an alternative to traditional disciplinary options and to resolve conflicts with staff, students and the community. Imbedded in the process is the opportunity for discussion and dialogue. Because this process has been so successful to resolve conflicts, schools have expanded the practice for uses such as morning meetings, creative writing projects, planning class trips and conversing in foreign languages.[125]

Respect for the Natural Environment

The Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency both have youth initiatives designed to teach youth respect for the natural environment. The Conservation Corps, Minnesota Department of Natural Resources, provides youth and young adults opportunities for hands-on environmental stewardship and service-learning while undertaking conservation, natural resource management and emergency response work. The programs use scientific inquiry and experiential learning to teach the youth critical thinking about the world around them and the impact of their personal choices on the environment. Approximately 20 percent of the program time is dedicated to technical-skills training, career-building skills such as resume writing and interviewing, and educational activities focused on environmental science and technology.[126]

The Minnesota Pollution Control Agency began sponsoring the Minnesota GreenCorps in 2009. It is a statewide initiative to help preserve and protect Minnesota's environment while training a new generation of environmental professionals. The program places AmeriCorps members with local governments, educational institutions, and non-profit organizations focused on environmental projects.[127, 128]

Developing Respect for All Cultural and National Values

Youth today are members of a global community and Minnesota recognizes the fact that youth need to develop a respect for all cultural and national values in order to participate in this global community. To meet today's need; Minnesota has several initiatives to ensure exposure to and develop a respect for

other cultures, including the Integration Revenue Program, school desegregation plans, and visiting teacher programs.

Desegregation-Integration

To assist schools that are in racially isolated districts or racially identifiable schools that are not the result of intentional segregation, the Minnesota Legislature has established the Integration Revenue program.[129] This program provides funding to eligible districts to increase and sustain interracial contacts and improve educational opportunities and outcomes designed to close the academic achievement gap between white students and protected students through classroom experiences, staff initiatives, and other educationally related programs. Participating schools are required to develop a desegregation plan in collaboration with their community that increases interracial contact through classroom experiences, magnet programs, or other education-based initiatives and includes research-based programs designed to improve the performance of protected-class students on state or local assessments. Districts can provide additional programming such as classroom partnerships or summer programs.[130]

Currently, 139 school districts receive funding from this program. Eligibility is determined by the number of protected-class students relative to the number of protected-class students in adjoining districts or schools as reported in districts' October 1st child count.[131]

Visiting Teacher Program

In addition to the language initiative, MDE promotes Chinese language opportunities through the Visiting Teacher Program. This program allows Minnesota schools to hire of teachers from China to teach Chinese as a foreign language in Minnesota classrooms when licensing requirements have been met. MDE has a partnership with Hanban in Beijing, China to develop procedures to screen, hire and support visiting teachers and assists school districts in hiring visiting teachers by facilitating the selection of candidates, sponsoring visiting teachers (J1 Visas) and providing assistance as necessary to place Chinese teachers in Minnesota classrooms.[132]

World Languages

Currently, the state has no required standards for world languages. Districts in Minnesota are responsible for establishing world language standards. Assistance is provided to districts through the World Languages Quality Teaching Network developed Minnesota World Languages: A Model for Use in Setting Local Standards based on national standards.[133]

Pledge of Allegiance

To assist in developing national values, all public schools offer the opportunity to recite the pledge of allegiance at least weekly. Students may decline to participate without penalty. [134]

Freedom to establish private schools which conform to the Convention

Minnesota provides students with several private school options including traditional private schools, tutors, private online learning, and homeschools. The Minnesota Nonpublic Education Council was established to inform MDE's commissioner on issues affecting nonpublic education and nonpublic schools.[135] The Minnesota Nonpublic Education Council grants state recognition to accrediting organizations of nonpublic schools, including homeschools, for purposes of Minnesota's Compulsory Instruction Law.[136]

Public schools are required to provide students not attending public schools with educational materials including textbooks, individualized instructional or cooperative learning materials, and standardized tests. All material must be secular in nature and cannot be used for religious instruction or worship. [137] Public school teachers may also provide additional instructional services to eligible nonpublic school students on nonpublic school premises if the program takes precautions to prevent violating the First Amendment ban on establishing a state religion.[138]

Public schools are also required to provide the same health services and student support services to nonpublic school students that are offered to public school students such as guidance and counseling services.[139]

Currently, 485 nonpublic schools are in operation serving approximately 75,000 students in kindergarten through grade 12.[140]

Homeschooling

In Minnesota, parents may choose to educate their children themselves through homeschooling.[141] Homeschools are responsible for planning what students learn, keeping all records, managing costs and assuring the quality and scope of their student's education for college recruiters and employers. Students graduate with homeschool diplomas and transcripts, as they would from other private schools.[142] Homeschools have no minimum number of required instruction days and parent educators are required to provide instruction in reading, writing, literature, fine arts, math, science, history, geography, government, health, and physical education.

When establishing a homeschool, parent instructors are to submit to the local superintendent the name, birthdate and address of each student ages 7-16; the name of primary instructor and secondary instructor (if any) and evidence of compliance with statutory instructor requirements;[143] immunization records or a notarized conscientious objection statement; and testing information including the test, administration and location.[144] Each following year, the homeschool must submit a Letter of Intent to Continue Homeschooling that updates the superintendent of changes, if any, to what was previously reported.[145] Homeschools are also required to maintain documentation regarding the subjects taught and proof of tests administered. This documentation must include class schedules, copies of instructional materials and descriptions of the methods used to assess student achievement.[146]

Public School Choice Options

In additional to nonpublic, private school and homeschooling options, Minnesota also allows several options for public school enrollment. Approximately one-third of Minnesota students access some form of public school choice such as open enrollment, charter schools, magnet schools, online learning or state-approved alterative programs. Minnesota statutes also offer Minneapolis students with additional opportunities through the Choice is Yours Program, which provides transportation for qualifying students to Minneapolis public school choice options or several suburban districts.

Open Enrollment

All public school students in kindergarten through 12th grade may opt to attend a school or program in a nonresident school district. School districts may limit the number of nonresident enrollment and school boards must adopt specific standards for accepting and rejecting applications for enrollment; the standards may not include a student’s previous academic achievement, athletic or other extracurricular ability, disabling conditions, English proficiency, previous disciplinary proceedings, or district of

residence.[147] Students may participate in open enrollment at no cost to the student, but families generally provide transportation. Annually, over 30,000 students participate in open enrollment.[148]

Charter Schools

Students have the option of attending charter schools. Charter schools are public schools that are independently operated and designed in collaboration by teachers, parents and community members.[149] Currently, approximately 150 charter schools are in operation serving approximately 37,250 youth.[150]

Magnet Schools

Magnet schools offer students an opportunity to participate in a program with a particular emphasis or theme.[151] Magnet schools are public schools designed to assist in desegregation efforts in Minnesota and are not confined to school district boundaries.[152] Many programs are offered by a consortium of districts through a collaborative effort. Currently, Minnesota has more than 100 magnet schools in 22 school districts. Students apply for enrollment based on interest in the theme or curricular offering. Some of the themes offered have included environmental studies, STEM (Science, Technology, Engineering and Math), Career and Technical Education, fine arts, world cultures, Montessori, International Baccalaureate and language immersion.[153]

Online Learning

Online learning allows students to participate in educational opportunities for which they otherwise might not have access. Students can either enroll in a full-time online program or take supplemental courses. The courses provided must be rigorous, aligned with state academic standards or equivalent to other courses; provide student-to-teacher communication; transfer to other public school districts; and apply towards high school graduation.[154] Currently more than a 20 school districts offer online learning programs and more than 30 percent of schools offer students the opportunity to take online courses.[155]

State Approved Alternative Programs (ALCs, ALPs)

In 1988, the Minnesota Legislature authorized the first State-Approved Alternative Programs. The purpose of these programs was to provide viable educational options for students who are experiencing difficulty in the traditional system.[156] Today, Area Learning Centers (ALC), Alternative Learning Programs (ALP) or Contracted Alternatives continue to meet that purpose and provide students in kindergarten through 21 years old who are at risk of educational failure and meet one of the statutory defined criteria.[157] Characteristics of an alternative program included year-round programing, hands-on experiential approach, resources for social emotional issues, vocational or career emphasis, independent study options for students over the age of 16 and both day or evening courses.[158] Minnesota school districts provide students with over 220 alternative learning centers or programs throughout the state, primarily serving middle and high school students.[159]

Article 30: Children of Minorities or Indigenous People

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

States seeking to implement Article 30 are asked to assess if there are measures in place to ensure that children are not denied the right to enjoy and practice their culture, religion and language in community with members of their group; do these include the right to do so in school, in media, in legal proceedings

and when separated from their parents or community? Do children who learn a native language also have the opportunity to learn the majority language? Do those not fluent in their minority language have the opportunity to learn it? Are children's rights against the interference in their culture, religion and language protected and enforceable by law?

State Protection of the Practice of Minority Cultures, Religions and Languages

Statutorily, Minnesota has established provisions to provide additional support to American Indian youth and students who have limited English proficiency. In regards to religion, the First Amendment under the U.S. Constitution establishes the right to the free exercise of religion and bans the establishment of a state religion.

Indian Education

MDE, Office of Indian Education provides information, resources and support to public school staff, parents and students in the areas of Indian Education. The office promotes the use of culturally-relevant curriculum frameworks, strategies for teachers and training on curriculum development. Minnesota school districts with 10 or more American Indian students are required to have an American Indian Parent Committee. The committee serves in an advisory role to the school district on issues regarding Indian Education.[160]

Limited English Proficiency

Federal law requires that supplemental resources are available to local school districts to ensure that English language learners and immigrant students attain English proficiency in order to fully access the curriculum taught in English and improve academic achievement in the core academic subjects.[161] MDE supports public schools with funds to provide high-quality language instruction educational programs for English language learners and immigrant students and high-quality professional development activities to English as a Second Language and Bilingual Education staff, as well as mainstream staff using evidenced-based programming.[162] The Limited English Proficient Students Act under Minnesota statutes include additional provisions for the identification, instruction and funding for students with Limited English Proficiency.[163]

Right to enjoy One's culture and to practice One's religion

The U.S. Constitution's First Amendment establishes the right to free exercise of religion and prohibits the establishment of any state religion. Minnesota statutes allow for a moment of silence to be observed in schools,[164] requires school districts to make reasonable efforts to accommodate a student who wishes to be absent from school for a religious observance,[165] and allow for students upon parental request to be released from school for up to three hours per week for purposes of receiving religious instruction.[166]

The majority of federal provisions regarding religion and schools arise from case law which includes the prohibition of prayer in schools, the observation of religious holidays and science course requirements. Several U.S. Supreme Court rulings ruled that prayer in schools is unconstitutional whether it is nondenominational,[167] voluntary or silent[168] and prohibits invocations and benedictions at public school graduation ceremonies.[169] The Court also has determined that placing restrictions on the teaching of evolution without also teaching "creation science" violated the constitutional ban on the state establishment of religion.[170] Lower courts have rule against student-led, student-initiated prayers at both graduation ceremonies and school sponsored athletic events.[171]

The courts have ruled that it is not a violation of the First Amendment's ban on establishing a state religion for schools to observe holidays that have both a religious and a secular basis. They have also found it permissible for music, arts and drama programs to have religious themes and for the temporary display of religious symbols associated with religious holidays.[172]

Equal Access to School Facilities for Religious and other Purposes

Under both the Equal Access Act and case law, schools that receive federal funds are prohibited from excluding non-curricular student groups from meeting at school if the school has a general policy of allowing student meetings, regardless of the nature of the group.[173]

Article 31: Child's Right to Leisure, Play and Culture

1. ***States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.***

2. ***States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.***

States enacting article 31 are asked to evaluate if necessary measures are taken to secure rest and leisure for children including prohibitions against working at night and throughout all school holidays; whether the school day and homework regimes have allowance for rest and leisure; whether environmental planning takes into account play needs of children; whether resources for sports and arts are fairly divided between adults and children; whether recreational opportunities are available for all genders, youth ages, disabilities, and child residential institutions; and whether opportunities are available without discrimination.

Prohibition against Excessive Work Outside of School Time

Both federal and state laws have provisions regarding youth employment.[174] The U.S. Department of Labor is responsible for monitoring and enforcing child labor laws under the Fair Labor Standards Act. The Fair Labor Standards Act was established to ensure the educational opportunities of youth and to prohibit their employment in jobs that are detrimental to their health and safety. The Act bars youth under the age of 16 from working and identifies hazardous occupations too dangerous for young workers to perform.[175]

The Minnesota Child Labor Standards Act outlines additional provisions for youth employment.[176] In Minnesota, no youth under the age of 14 may be employed, except when the youth is an actor, performer or model; is a newspaper carrier older than 11 years; youth between the ages of 11 and 14 years that are employed with a youth athletic program; or youth who are 12 year old or older working in agricultural operations.[177]

Several restrictions are also made to when and how long a youth under the age of 16 years can work. On school days during school hours, youth may not be employed accept with a valid employment certificate.[178] Only youth who are newspaper carriers can work any day before 7 am or after 9 pm.[179] They also cannot work more than 40 hours per week or more than eight hours in any 24 hour period without parental/guardian permission, unless they are working in agricultural operations.[180] High school students under the age of 18 are not allowed to work after 11 pm on a school night or before 5 am on a

school day. Only with parental or guardian permission may a student work either 30 minutes later or begin 30 minutes earlier.[181]

All minors are excluded from employment in any occupation that is ruled hazardous to their well-being.[182] Minors are also prohibited from employment in any rooms in which alcohol is served or consumed unless they are performing busing, dishwashing or hosting services, providing waiter or waitress services, or employed as musical entertainment in areas of restaurants, hotels, motels, or resorts where alcohol is incidental to food service or preparation.[183]

Minnesota statutes also identify exceptions to the child labor laws. Minors may be employed to do home chores or babysitting or be employed by their parents.[184] Both federal and state law provide exemptions for youth working particular hazardous agricultural work for their parents if they work on a farm that is owned or operated by the parent.[185]

Rest and Leisure in Schools

Minnesota statutes have established that elementary and secondary schools shall not start before Labor Day.[186] Exceptions are made for learning programs during the summer, flexible learning year programs, to accommodate a major construction or remodeling project of $400,000 or more, specific district agreements or if a district agrees to school schedule that aligns with a school district in an adjoining state. The length of a school year is determined by the local school boards. State legislation does require that the minimum number of days included in a school year established by the local district must equal the number of days that were formally adopted by that district for the 1996-1997 school year.[187] Currently, there is no statutory limit to the maximum length of the school day.[188]

Schools are not required to have nap or rest policies, but all child care centers must establish a nap and rest policy that is consistent with the developmental level of the children enrolled in the center.[189]

Access to Recreational and Cultural Opportunities

Recreational and cultural opportunities are provided to Minnesota youth in the community and in schools. Schools are required to set local standards for both physical education and the arts. Many youth also participate in school-sponsored extracurricular activities that include both sports and fine arts activities. Youth may also participate in club teams and/or receive private instruction as well as participating in school-sponsored activities.

Physical Education Standards

Currently, Minnesota is developing standards for school day recreational opportunities through the physical education standards. The Minnesota State Legislature recently directed MDE to adopt the National Standards for Physical Education developed by the National Association for Sports and Physical Education.[190] Minnesota had previously established standards in physical and health education through the Profiles of Learning. In 2003 when the Profiles were repealed, physical and health education became an elected, not a required course, for Minnesota students. In 2004, the legislature required that physical education and health become a required course, but standards and assessments were set locally.

Arts Education Standards

The Minnesota State Legislature has also directed schools to establish art standards in education. In 2008, Minnesota required that all school districts adopt the state arts standards or develop standards at

the local level.[191] The goal of the 2008 Minnesota K-12 Academic Standards in the Arts is to develop an interrelationship of artistic knowledge and define artistic literacy. The standards focus on student achievement in five distinct arts areas: dance, media arts, music, theater, and visual arts. The revised standards must be implemented by the 2010-11 school year for districts using the state standards.[192]

Extracurricular Activities

The vast majority of Minnesota schools offer interscholastic extracurricular activities, including both recreational and cultural opportunities. Minnesota State High School League[193] works with schools to offer a variety of competitive sports and fine arts activities for girls, boys and disabled youth.[194] Any student in grades seven through twelve who would like to participate in a high school league-sponsored activity must be under 20 years old, attend school regularly and be fully enrolled in the school according to Minnesota Department of Education criteria.[195] Local schools must establish the same eligibility criteria for all students participating in extracurricular activities.[196] Schools must also provide resident homeschool students with an equal opportunity to participate in the extracurricular activities of the district.[197] To be eligible for competition, transfer students can participate in extracurricular activities only if the student withdraws from the previous school in good standing; the student enrolls in 9th grade for the first time; the student's parents move to a different district; a court order changes the student's residence; a student of divorced parents sharing joint custody moves once to reside with the other parent; or a student's parents move to Minnesota for the first time.[198]

Students are not entitled to participation in extracurricular activities.[199] The courts have determined that extracurricular activity participation in not a constitutionally protected right and participation is not of equal importance with the right to an education. Therefore, the dismissal of a student from a team does not require due process.[200] Statutorily, athletic programs in Minnesota that do not offer credit are not included under the protection of the Pupil Fair Dismissal Act.[201]

Equal Access to Recreational Opportunities

Title IX expressly prohibits sex discrimination in federally assisted interscholastic athletic programs and specifics what educational institutions must do not to face the revocation of federal funds. Schools are providing equal access to athletic opportunities for both male and female students if the sports and levels of competition accommodate the interests and abilities of both sexes; equal access to equipment and supplies is provided; comparable game and practice time schedules are established; coaching and academic tutoring are made available; and locker rooms and other facilities are provided to both sexes.

Female students are also awarded specific protections against sexual discrimination in athletic programs under the Equal Protection Clause of the 14th Amendment. The 14th Amendment prohibits rules barring female athletes from male athletic teams or treating female teams differently from male teams. It permits female athletes to try out for male teams in contact and noncontact sports, although females do not have a right to participate on male teams when a separate female team is available.[202]

Statutorily, Minnesota also requires both public and private elementary and secondary schools to provide equal opportunity for both sexes to participate in athletic programs.[203] Schools are responsible for providing two teams in the same sport, separated by sex with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport and in all other respects shall be treated in a "substantially equal manner." [204] Schools that operate and maintain an ice arena must offer equal sport opportunities for both sexes to use the ice arena.[205]

Opportunities for Youth with Disabilities

The Minnesota Supreme Court ruled that school districts must provide supplementary aids and services to students with disabilities for extracurricular and nonacademic activities, regardless of whether the activity is required for the student's education.[206] The Minnesota State High School League sponsors five adapted athletic programs for youth with disabilities.[207]

Opportunities for Leisure, Play and Culture: Youth and Afterschool Programs

Minnesota youth have approximately 2,000 hours of discretionary time where they are not in school. School and community often provide opportunities to fill this void with structured activities that take place in school and community-based settings and are provided during the hours that school is not in session.

According to the 2010 Minnesota Student Survey, 6th, 9th and 12th grade students are most likely to report being involved in fine arts (51%, 43% and 35% respectively), club or community sports teams (48%, 41% and 34% respectively), religious activities (41%, 43% and 27% respectively) or school sports teams (29%, 51% and 43% respectively) at least weekly throughout the school year.[208] Sixth, 9th and 12th grade students report that they participate in school or community based activities to have fun (82%, 83% and 85%, respectively), to learn new skills (56%, 50% and 46% respectively), because their friends participate (38%, 49% and 46% respectively) and to help them get into college (21%, 40% and 39% respectively). Students report that they are not involved in activities because they are not interested (53%, 57% and 54% respectively) or because they are too busy with other things (38%, 43% and 52% respectively).[209]

To ensure that youth use of their discretionary time constructively, several state and federal initiatives support expanded learning opportunities, which support a child's right to leisure, play and culture. The types of opportunities and activities supported include targeting at-risk youth and specific types of activities (e.g. academic s, arts).

Program	Description
21st Century Community Learning Centers	Authorized under Title IV, Part B of No Child Left Behind, 21st Century Community Learning Centers grant program establishes or expands community learning centers that provide youth with academic enrichment opportunities with activities that are designed to complement the school day such as tutoring and mentoring, homework help, academic enrichment and community service opportunities, as well as music, arts, sports and cultural activities.[210]
State Approved Alternative Programs: Learning Year	MDE administers Learning Year: Acceleration to provide direct instruction and mentoring during the out-of-school time hours to accelerate grade level or meet graduation requirements.[211]
State Approved Alternative Programs: Target Services	Minnesota Statutes authorize the Targeted Services program to provide out-of-school time support services, including direct instruction for at-risk youth to gain skills necessary to succeed in a traditional classroom.[212]
Youth Intervention Program	Authorized under Minnesota Statutes 299A.73, the Youth Intervention Program, administered by the MN Department of Public Safety, provides ongoing stable funding to community-based early intervention programs for youth and their families, serving youth who are experiencing personal, familial, school, legal or chemical problems. Programming includes truancy prevention, literacy and academic assistance, behavioral interventions and counseling, mentoring, juvenile justice system diversions and restorative justice, afterschool activities, career exploration and life skills classes, and emergency youth shelter. Many programs serve culturally specific populations or employ gender specific services.[213]
YouthBuild	Associated with the U.S. Department of Labor's YouthBuild program, the Minnesota Department of Employment and Economic Development oversees this state program to provide specialized training for youth and young adults between the ages of 16 and 24 who are at risk of not completing or have not completed their high school education. Participants are trained in construction and other fields in the building trades, basic academic skills, and leadership.
Minnesota's Legacy Amendment	The Clean Water, Land and Legacy Amendment provides constitutional protections and funds for the preservation of natural resources and wildlife along with arts and cultural heritage. The Minnesota State Art Boards administered grant programs that supports lifelong learning in the arts and provides operating support to organizations that provide open access to arts learning opportunities for people of all ages and abilities.[214]

Conclusion

The *UN Convention on the Rights of the Child* states that nations have an obligation to ensure a child's right to an education; establish the goals of education to develop each child to their fullest potential and to encourage children to respect others, human rights and their own and other cultures; ensure that all children have access to education by providing provisions for girl, minority culture and indigenous populations; and identifies a child's right to leisure, play and culture. The UN Convention does not limit its definition of education to formal school instruction, but includes expanded learning opportunities in the community.

It is important to note that the United States has not ratified the *UN Convention on the Rights of the Child* and therefore is not obligated to implement any of these rights and is not accountable to the international community to uphold these rights. Regardless, federal law and Minnesota Statutes recognize the importance education plays in a free and just society. While a direct evaluation of how Minnesota is implementing these development rights in comparison to other states, this issue does reveal that Minnesota does strive to support a child's right to an education, to ensure equal access and protection to schools and learning opportunities, to encourage children to develop to their fullest potential and supports opportunities for leisure, cultural and play.

Minnesota's Strengths

- In Minnesota, the state constitution sets the foundation for education and the role government should play in ensuring and funding a free and public primary and secondary educational system.
- Providing access to education regardless of race, gender or disability is a priority in Minnesota. State statutes prohibit race or sex discrimination and provide provisions for the inclusion of youth with disability in regular education. The state and federal government has also established educational provisions to guarantee that youth who are homeless or in detention facilities are not denied educational services.
- Providing youth with the best possible education and to ensure the development of a child to his or her fullest potential, Minnesota has established a variety of private and public school choice options including homeschool, online learning, charter schools and alternative programs.
- Academically, Minnesota requires schools to provide students with instruction in basic communication skills including reading, writing, literature, and fine arts; math and science; social studies, including history, geography, and government; and health and physical education. The state department of education has identified state and national standards for school to embed into their curriculum to ensure the best education for all students. The standards also embed benchmarks from Social and Emotional Learning that promote the development of students' pro-social skills including conflict resolution and the development of self-esteem and confidence.
- To preserve the dignity of children, disciplinary practices are regulated through Minnesota statutes. Schools are prohibited from using degrading or corporal punishment when disciplining a child. Minnesota promotes alternatives to suspensions and extreme disciplinary practices through various initiatives such as restorative measures, School-Wide Positive Behaviors and Supports and the promotion of positive school climates.

- Minnesota promotes and provides financial supports to communities and schools to provide recreational and cultural opportunities outside of the school day. These opportunities allow students to participate in structure activities that complement school day instruction.
- Minnesota provides strict employment limitations for youth. These limits have been established to ensure safety and that employment does not interfere with school day instruction.

Minnesota's Limitations

- Minnesota statutes establish a compulsory education system until students reach the age of 16. Instead of identifying ways to promote school attendance, Minnesota identifies students who are in violation of attendance laws and labels them truants. Services that are provided to students who are truant are aimed at those students who have the most egregious attendance behaviors missing the opportunity for earlier interventions.
- While the English Language Learners program encourages students to become proficient in English, very few learning opportunities exist for minority culture students to become proficient in their own language.
- Minnesota's Pupil Fair Dismissal Act establishes due process rights for students facing disciplinary actions, but the act is limited to the removal of a student, in other words out-of-school suspensions, expulsions and exclusions. For other disciplinary actions, such as transfers, due process rights are established through local district policies; therefore, because there is no state level standard, a student's due process rights may vary from district to district based on the individual district policies.
- The understanding of human rights and fundamental freedoms are a foundation to many of the academic disciplines and implied as key component to the academic standards for Social Studies in Minnesota; however, nowhere is the understanding of human rights or fundamental freedoms explicitly stated as knowledge and skills Minnesota students need to possess.
- The *UN Convention on the Rights of the Child* emphasizes the importance of equal access to education for all students.
- Minnesota has excelled in providing equal access to the educational system for all students regardless of race, sex or disability. But, Minnesota is failing its non-white students resulting in one of the largest achievement gaps in the nation. Hispanic, Black-African American and Native American students have lower test scores and complete high school at rates significant lower than their white peers.

Important to note is that even with the protections and provisions provided by state and federal laws regarding education, the distribution and implementation of these programs vary from district to district and from community to community. Many of the educational initiatives are not applied universally in Minnesota schools and communities, but are provided on a targeted basis. Local school boards have the primary responsibility for establishing curriculum, programs and developing policy.

To overcome these challenges and the limitations outlined above and to continue to align with the principles (and the letter) of the *UN Convention on Rights of the Child*, Minnesota needs to improve access to equitable educational opportunities.

In Our Next Issue

The next issue of *Snapshots on Minnesota Youth* will focus on the articles of the *UN Convention on the Rights of the Child* related to Protection. Rights in this series include protection from all forms of child abuse, neglect, exploitation and cruelty, including the right to special protections during times of war and protection from abuse in the criminal justice system.

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[2] The Optional Protocols restrict the use of children in military conflicts and address the issue of child trafficking and commercial child sexual exploitation.

[3] http://www2.ed.gov/about/landing.jhtml

[4] *Revenues and Expenditures for Public Elementary and Secondary Education: School Year 2008–09 (Fiscal Year 2009)*, National Center for Education Statistics http://nces.ed.gov/pubs2011/expenditures/index.asp

[5] The Minnesota State Constitution http://www.house.leg.state.mn.us/cco/rules/mncon/mncon.htm

[6] http://education.state.mn.us/MDE/Data/Data_Downloads/index.html

[7] Minnesota Education Code, Chapter 120 thru 129 https://www.revisor.mn.gov/statutes/?view=part&start=120&close=129B

[8] Minn. Stat. § 120A.22, subd. 5

[9] https://www.revisor.mn.gov/statutes/?id=120A.22

[10] Minn. Stat. § 120A.22, subd. 8

[11] Minn. Stat. § 120A.22, subd. 12

[12] Minn. Stat. § 120A.22, subd. 8

[13] Minn. Stat. § 121A.17

[14] Immunizations in statute include diphtheria, tetanus, pertussis, polio, measles, mumps, rubella, hepatitis B, and varicella. These immunizations must be documented by a medical provider and be shown to be in process or completed in order to enroll in school or child care facility.

[15] Minn. Stat. § 121A.15

[16] Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982).

[17] Minn. Stat. § 120A.22 subd. 1.

[18] M.S. 626.556, subd. 2 (f) (4

[19] https://edocs.dhs.state.mn.us/lfserver/Public/DHS-5144-ENG

[20] Minn. Stat. §§ 123B.35; 123B.36; 123B.37. For more information on Minnesota school fees go to: http://www.house.leg.state.mn.us/hrd/pubs/ss/sspsfee.pdf

[21] Minn. Stat. §§ 123B.36; 123B.38

[22] Minn. Stat. § 123B.37, subd. 2

[23] http://education.state.mn.us/MDE/Data/MNGlance/index.html

[24] Minn. Stat. § 124D.09, subd. 10

[25] Minn. Stat. §§ 126C.01, subd. 8; 126C.19; 125A.18

[26] Minn. Stat. § 124D.095

[27] http://www.ohe.state.mn.us/mPg.cfm?pageID=869

[28] http://www.ohe.state.mn.us/mPg.cfm?pageID=946

[29] http://www.ohe.state.mn.us/

[30] http://www.ohe.state.mn.us/mPg.cfm?pageID=753

[31] http://www.ohe.state.mn.us/mPg.cfm?pageID=753

[32] http://www.ohe.state.mn.us/mPg.cfm?pageID=753

[33] Minn. Stat. § 124D.09, sub.10

[34] Minn. Stat. §§ 120B.13; 120B.131

[35] Minn. Stat. §§ 120B.13; 120B.131

[36] Minn. Stat. § 124D.09

[37]More information about the Center for College and Career Readiness can be found at: http://education.state.mn.us/MDE/StuSuc/CollReadi/index.html

[38] http://education.state.mn.us/MDE/StuSuc/CareerEd/index.html

[39] http://education.state.mn.us/MDE/SchSup/CareerEdAdmin/ServLearn/index.html

[40] Title VI has been used to exert pressure on districts to close the academic achievement gap, in part by providing all students with equal access to college preparatory curricula. U.S. Commission on Civil Rights (1/21/98 report)

[41] http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html

[42] The civil rights of students who speak limited English may be violated because of a lack of trained teachers or problems in determining students' language abilities. U.S. Commission on Civil Rights (1/21/98 report); Equal Educational Opportunities Act, 20 U.S.C. § 1701, et seq. (1974)

[43] 2009-2010 school year data. https://education.state.mn.us/MDEAnalytics/Data.jsp

[44] https://education.state.mn.us/MDEAnalytics/Data.jsp

[45] http://www.demography.state.mn.us/notyet/nygtrnds.html#Increasing_Diversity

[46] During the 2010-11 school year, drop-out rates for all students was 4.9%. Rates by race/ethnicity were 17.6% for American Indian, 4.0% for Asian/Pacific Islander, 14.0% for Hispanic, 9.9% for African American/Black and 3.3% for White students. http://www.education.state.mn.us/MDE/Data/index.html

[47] Math proficiency rates by race: American Indian 31.5%, Asian/Pacific Islander 54.3%, Hispanic 32.0%, African American/Black 28.5%, White 62.7%, All students 56.0%http://www.education.state.mn.us/MDE/Data/index.html

[48] Reading proficiency rates: American Indian 54.6%, Asian/Pacific Islander 65.5%, Hispanic 52.9%, African American/Black 52.1%, White 80.3%, All students 74.0%http://www.education.state.mn.us/MDE/Data/index.html

[49] Science proficiency rates: American Indian 23.6%, Asian/Pacific Islander 39.2%, Hispanic 23.3%, African American/Black 19.7%, White 55.6%, All students 48.4%http://www.education.state.mn.us/MDE/Data/index.html

[50] *Disproportionate Minority Representation in Suspension and Expulsion in Minnesota Public Schools* http://www.education.state.mn.us/MDE/EdExc/SchSaf/SchClimate/index.html

[51] According to 2010-11 school year data. http://www.education.state.mn.us/MDE/Data/index.html

[52] http://www2.ed.gov/about/offices/list/oese/ome/index.html

[53] Title 20 U.S.C. Sections 1681-1688

[54] 34 C.F.R. § 300.8(c)(10)(ii)

[55] 34 C.F.R. § 300.8(c)(10)(ii)

[56] 34 CFR§300.39(b)(3)

[57] 34 CFR§300.39(3)

[58] Minn. Stat. §§ 125A.02; 125A.03

[59] Timothy W. v. Rochester, New Hampshire Sch. Dist., 875 F.2d 954 (1st Cir. 1989), cert. denied, 493 U.S. 983, 110 S. Ct. 519 (1989).

[60] Minn. Stat. § 125.04

[61] 20 U.S.C. 1421 a(3)

[62] Minn. Stat. §§ 124D.66; 125A.56

[63] 34 C.F.R. § 300.114

[64] 34 C.F.R. § 300.160

[65] http://education.state.mn.us/MDE/StuSuc/DropPrev/index.html

[66] http://www2.ed.gov/programs/titleipartd/index.html

[67] 2010-2011 enrollment was based on School Classification codes of 70 and 77. More information can be found at: https://education.state.mn.us/MDEAnalytics/Data.jsp

[68] http://www2.ed.gov/programs/homeless/index.html

[69] Minnesota Statute Section 127A.47, subd. 2

[70] http://education.state.mn.us/MDE/StuSuc/DropPrev/index.html

[71] Information regarding the local district grant program can be found at: http://education.state.mn.us/MDE/StuSuc/DropPrev/index.html

[72] Minn. Stat. § 260A.02

[73] Minn. Stat. § 260A.03

[74] Minn. Stat. § 260C.007, subd. 19

[75] https://www.revisor.mn.gov/statutes/?id=260A&view=chapter

[76] (M.S. 120A.22).

[77] Minn. Stat. § 124D.68

[78] Minn. Stat. §§ 123A.05 to 123A.09

[79] Minn. Stat. § 124D.52

[80] More information regarding the pilots and the resources and tools that were developed during this pilot project are available at: http://education.state.mn.us/MDE/StuSuc/DropPrev/index.html

[81] This was determined by using the Four Year Cohort calculations. More information about Minnesota Graduation Rates can be found at: http://education.state.mn.us/MDE/StuSuc/DropPrev/index.html

[82] http://education.state.mn.us/MDE/StuSuc/IndianEd/index.html

[83] http://education.state.mn.us/MDE/StuSuc/IndianEd/index.html

[84] http://education.state.mn.us/MDE/StuSuc/IndianEd/index.html

[85] MN Statutes regarding Discipline: Minn. Stat. §§ 121A.40 to 121A.61; Corporal Punishment: Minn. Stat. §§ 121A.58, 121A.582; Gun-Free Schools Act of 1994 20 USC 8921 http://www2.ed.gov/legislation/ESEA/sec14601.html; Safe and Drug-Free Schools and Communities Act (SDFSCA), Title IV, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001: http://www2.ed.gov/about/offices/list/osdfs/index.html

[86] Gun-Free Schools Act of 1994 20 USC 8921 http://www2.ed.gov/legislation/ESEA/sec14601.html; Safe and Drug-Free Schools and Communities Act (SDFSCA), Title IV, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001: http://www2.ed.gov/about/offices/list/osdfs/index.html

[87] Minn. Stat. § § 121A.43; 121A.44; C.F.R. § 300.530, 300.530(g), 300.534, *Honig v. Doe*, 484 U.S. 305, 108 S. Ct. 592 (1988);

[88] The federal Gun-Free Schools Act states that students who bring a gun to school are to be expelled, but exceptions may be made by the local school board. Gun-Free Schools Act of 1994 20 USC 8921

[89] http://education.state.mn.us/MDE/StuSuc/StuRight/index.html

[90] *Dangerous Weapons and Disciplinary Incidents Report to the Legislature* http://education.state.mn.us/MDE/JustParent/BullySafeSch/

[91] *Disproportionate Minority Representation in Suspension and Expulsion in Minnesota Public Schools* http://www.education.state.mn.us/MDE/EdExc/SchSaf/SchClimate/index.html

[92] Minn. Stat. § 121A.582

[93] Minn. Stat. §§ 121A.582; 609.06, subd. 1, cl. (6); 123B.25, para. (c)

[94] http://education.state.mn.us/MDE/EdExc/SpecEdClass/

[95] ESEA/NCLB, Title IV, Part D

[96] Bullying is defined as repeated actions directed at one person or group of people by one or more people. It is intentional negative action that can be verbal, physical or relational; the action can be direct using words or pushing or shoving. It can also be indirect, as in not including someone in play or activities.

[97] M.S. 121A.0695

[98] Minn. Stat. § 121A.03

[99] Minn. Stat. §§ 363A.03, subd. 43; 363A.13, subd. 1; Title IX of the Education Amendments of 1972

[100] Analysis of State Bullying Laws and Policies (2011) U.S. Department of Education http://www2.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf

[101] http://mn.gov/governor/newsroom/pressreleasedetail.jsp?id=102-33934

[102] http://www.ag.state.mn.us/Consumer/PressRelease/112311Bullying.asp

[103] *Franklin v. Gwinnet County Pub. Sch.*, 503 U.S. 60, 112 S. Ct. 1028 (1992), *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 118, S. Ct. 1989 (1998),.

[104] *Patterson v. Hudson Area Sch.,* 551 F.3d 438 (6th Cir. 2009), cert. denied, 130 S.Ct. 299 (2009).

[105] More detailed information regarding the results of the analysis of the Minnesota Student Survey can be found at: http://education.state.mn.us/MDE/StuSuc/SafeSch/BullyiCyberBullyPrev/index.html

[106] More information on bullying can be found at: http://education.state.mn.us/MDE/StuSuc/SafeSch/BullyiCyberBullyPrev/index.html

[107] http://education.state.mn.us/MDE/EdExc/StanCurri/K-12AcademicStandards/index.htm

[108] Minn. Stat. § 120A.22, subd. 9

[109] Minn. Stat. § 120B.20

[110] Minn. Stat. § 121A.23, subd. 1

[111] Minn. Stat. §§ 120B.22; 120B.23

[112] Minn. Stat. §§ 120B.023, subd. 2, 120B.024, 120B.024 (b) and (c)

[113] Minn. Stat. § 120B.024.

[114] No Child Left Behind Act of 2001, Pub. L. No. 107-110, Title I; Minn. Stat. § 120B.30

[115] Minn. Stat. § 120B.30

[116] http://education.state.mn.us/mdeprod/groups/InformationTech/documents/Report/021964.pdf

[117] Minn. Stat. § 120B.30, subd. 1 (d)

[118] http://www.education.state.mn.us/MDE/EdExc/StanCurri/K-12AcademicStandards/index.htm

[119] MN Human Rights Act: M.S. Chapter 363A https://www.revisor.mn.gov/statutes/?id=363A

[120] See http://www.humanrights.state.mn.us/youth/index.html for more information on MN Department of Human Rights youth and education programs.

[121] http://education.state.mn.us/MDE/EdExc/SchSaf/SchClimate/index.html

[122] www.casel.org

[123] http://casel.org/why-it-matters/benefits-of-sel/

[124] http://education.state.mn.us/MDE/EdExc/SpecEdClass/

[125] http://education.state.mn.us/MDE/StuSuc/SafeSch/RestorMeas/index.html

[126] More information about the Minnesota Conservation Corps can be found at: http://www.conservationcorps.org/

[127] http://www.pca.state.mn.us/index.php/topics/preventing-waste-and-pollution/sustainability/minnesota-greencorps/minnesota-greencorps.html

[128] Funding for the Minnesota GreenCorps is provided through a grant from ServeMinnesota and the Corporation for National and Community Service (CNCS).

[129] Minnesota Statutes, section 124D.86

[130] http://education.state.mn.us/MDE/SchSup/SchFin/Integ/index.html

[131] http://education.state.mn.us/MDE/SchSup/SchFin/Integ/index.html

[132] http://education.state.mn.us/MDE/EdExc/TeachProg/

[133] http://education.state.mn.us/MDE/EdExc/StanCurri/K-12AcademicStandards/index.htm

[134] Minn. Stat. § 121A.11

[135] Minn. Stat. § 123B.445

[136] http://education.state.mn.us/MDE/Welcome/AdvBCT/NonPubEdCoun/

[137] Minn. Stat. §§ 123B.40 to 123B.48

[138] Agostini v. Felton, 521 U.S. 203, 117 S. Ct. 1997 (1997).

[139] Minn. Stat. §§ 123B.40 to 123B.48

[140] https://education.state.mn.us/MDEAnalytics/Data.jsp

[141] Currently, the number of Minnesota students who are homeschool is unavailable.

[142] http://education.state.mn.us/MDE/StuSuc/EnrollChoice/index.html

[143] Minnesota Statutes, Section 120A.22, sub. 10

[144] Minnesota Statutes, Section 120A.22, Subdivision 11 requires that superintendents must be in mutual agreement with the homeschool instructor on the test, administration of it and location. If the superintendent does not agree with the plan, it is the responsibility of the superintendent to contact the homeschool.

[145] Minnesota Statutes, Sections 120A.24, 121A.15, 120A.22

[146] Minn. Stat. § 120A.22, subdivision 9; 120A.22, subdivision 1

[147] Minn. Stat. § 124D.03

[148] http://education.state.mn.us/MDE/StuSuc/EnrollChoice/index.htm

[149] Minn. Stat. §§ 124D.10; 124D.11

[150] https://education.state.mn.us/MDEAnalytics/Data.jsp

[151] Currently, the number of Minnesota students who participate in magnet schools is unavailable.

[152] Magnet programs differ from magnet schools in that they are a program within an existing school that is offered to students enrolled in that school. The programs are voluntary and include themes similar to magnet schools.

[153] http://education.state.mn.us/MDE/StuSuc/EnrollChoice/

[154] Minn. Stat. § 124D.095; http://education.state.mn.us/MDE/StuSuc/EnrollChoice/Online/index.html

[155] http://www.mnola.org/

[156] Minn. Stat. § 124D.68

[157] The statutory defined criteria for alternative education include: performing substantially below grade level; at least one year behind in credits for graduation; pregnant or parents; experienced physical or sexual abuse; chemically dependent; mental health problems; English as a second language or limited English proficiency.

[158] Current MDE has not transferred the information regarding alternative education programs to its new website. This information is expected to be available in the near future at http://education.state.mn.us/mde/index.html

[159]https://education.state.mn.us/MDEAnalytics/Data.jsp

[160] http://education.state.mn.us/MDE/StuSuc/IndianEd/index.html

[161] Elementary and Secondary Education Act, No Child Left Behind Act of 2001,Title III

[162] http://education.state.mn.us/MDE/JustParent/EngLearn/

[163] M.S. 124D.58 to M.S. 124D.64

[164] Minn. Stat. § 121A.10

[165] Minn. Stat. § 120A.35

[166] Minn. Stat. § 120A.22, subd. 12, para. (3)

[167] *Engel v. Vitale*, 370 U.S. 421, 82 S.Ct. 1261 (1962).

[168] *Wallace v. Jaffree*, 472 U.S. 38, 105 S.Ct. 2479 (1985).

[169] Lee v. Weisman, 505 U.S. 577, 112 S.Ct. 2649 (1992).

[170] *Edwards v.Aguillard*, 482 U.S. 578, 107 S.Ct. 2573 (1987).

[171] *Adler v. Duval County School Board* 250 F.3d 1330 (11th Cir. 2001), cert. denied 534 U.S. 1065, 112 S.Ct. 2649 (2001) and *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 120 S.Ct. 2266 (2000)

[172] Florey v. Sioux Falls Sch. Dist. 49-5, 619 F.2d 1311 (8th Cir. 1980), cert. denied, 449 U.S. 987, 101 S.Ct 409 (1980).

[173] 20 U.S.C. § 4071; Bd. of Educ. of the Westside Cmty. Sch. v. Mergens, 496 U.S. 226, 110 S.Ct. 2356 (1990); Good News Club v. Milford Central Sch., 533 U.S. 98, 121 S.Ct. 2093 (2001); *SAGE v. Osseo Area Sch. Dist. No. 279,* No. 05-2100 (D. Minn. 2007), aff'd, 540 F.3d 911 (8th Cir. 2008)

[174] www.doli.state.mn.us/ls/ChildLabor.asp; www.doli.state.mn.us/ls/TeenWorkers.asp; http://www.dol.gov/whd/regs/compliance/childlabor101_text.htm#4

[175] http://www.dol.gov/dol/topic/youthlabor/

[176] Minn. Stat. §§ 181A.01 to 181A.12.

[177] Minn. Stat. §§ 181A.04, subd. 1; 181A.07, subds. 1, 2, 3, and 4a

[178] Minn. Stat. §§ 181A.04, subd. 2; 181A.05

[179] Minn. Stat. §§ 181A.04, subd. 3; 181A.07, subd. 3

[180] Minn. Stat. §§ 181A.04, subd. 4; 181A.07, subd. 1

[181] Minn. Stat. § 181A.04, subd. 6

[182] Minn. Stat. § 181A.04, subd. 5.

[183] Minn. Stat. § 181A.115

[184] Minn. Stat. § 181A.07, subd. 4

[185] 29 U.S.C. § 213(c)(2); Minn. Stat. § 181A.11

[186] Minn. Stat. § 120A.40

[187] Minn. Stat. § 120A.41

[188] In 1993, the statutes regarding the maximum length of the school day were repealed. MN Administrative Rule 3500.1500, repealed, L1993 c224, article 12, section 39

[189] https://www.revisor.mn.gov/rules/?id=9503.0050

[190] http://education.state.mn.us/MDE/Academic_Excellence/Academic_Standards/Health_Physical_Education/index.html

[191] Minn. Stat. § 120B.021, subd. 1(6

[192] More information regarding the K-12 Minnesota Arts Education Standards can be found at: http://education.state.mn.us/MDE/EdExc/StanCurri/K-12AcademicStandards/index.htm

[193] The Minnesota State High School League is a non-profit voluntary association of public and private schools. It is not a state agency and does not receive any state funding. Member schools set common eligibility guidelines for regular and post-season competition. The member schools set the guidelines, elect representatives to serve on the League's Board of Directors, and determine which activities will be sponsored by the League. More information regarding the MSHSL can be found at: http://www.mshsl.org

[194] Recreational opportunities include badminton, baseball, basketball, cross-country running, dance teams, football, golf, gymnastics, ice hockey, lacrosse, alpine ski, Nordic ski racing, soccer, fast pitch softball, swimming and diving, synchronized swimming, tennis, track and field, volleyball, wrestling, and cheerleading along with adapted bowling, adapted floor hockey, adapted softball for youth with disabilities. Fine arts opportunities include debate, one act play, speech, visual arts, band, orchestra and vocal. http://www.mshsl.org

[195] http://www.mshsl.org

[196] Minnesota State High School League Bylaws http://www.mshsl.org

[197] Minn. Stat. § 123B.49, subd. 4

[198] Minnesota State High School League Bylaws http://www.mshsl.org

[199] *Brown v. Wells,* 181 N.W.2d 708 (Minn. 1970).

[200] Goss v. Lopez must be met. Palmer v. Merluzzi, 868 F.2d 90 (3d Cir. 1989).

[201] Minn. Stat. § 121A.56, subd. 2; Dorn v. Anoka-Hennepin Indep. Sch. Dist. No. 11, Case No. C6-87-1186, Minn. 10th Judicial District (March 10, 1988) (unpublished opinion).

[202] See, *Brendan v. Indep. Sch. Dist. 742*, 477 F.2d 1292 (8th Cir. 1973); *Leffel v. Wisconsin Interscholastic Athletic Ass'n.*, 444 F. Supp. 1117 (E.D. Wisc. 1978); *O'Connor v.Bd. of Educ., Dist. #23*, 645 F.2d 578 (7th Cir., 1981), cert. denied, 454 U.S. 1084, 102 S. Ct. 641 (1981).

[203] Minnesota Statute § 121A.04 and Minnesota Rules Chapter 3535

[204] http://www.mshsl.org/mshsl/titleix/Compliance_Guide.pdf

[205] Minn. Stat. § 126C.45

[206] *Indep. Sch. Dist. No. 12, Centennial v. Minnesota Department of Education* __NW2d__(Minn. 2010)

[207] Minnesota State High School League http://www.mshsl.org

[208] According to the results of the MSS 2010 of 6th, 9th and 12th grade students, they report being involved in the following activities at least weekly throughout the school year: Fine arts 51%, 43% and 35% respectively; club or community sports teams 48%, 41% and 34% respectively; religious activities 41%, 43% and 27% respectively; and school sports teams 29%, 51% and 43% respectively.

[209] Minnesota Student Survey 2010, Interagency Partnership between the Minnesota Departments of Education, Health, Human Service and Public Safety

[210] http://education.state.mn.us/MDE/StuSuc/AftSch/index.html

[211] M.S. § 124D.128, Subd. 2, 126C.05, Subd. 15

[212] M.S. § 126C.05

[213] https://dps.mn.gov/divisions/ojp/grants/Pages/youth-intervention-programs-grants.aspx

[214] http://www.arts.state.mn.us/grants/machf.htm