

## EDUCATIONAL MATERIALS ELIGIBLE FOR ACQUISITION

Educational materials are divided into three general categories: textbooks, individualized instructional materials, and standardized tests. To be eligible for acquisition by the district for loan to the nonpublic pupil, educational materials must meet the following requisites of eligibility.

*General conditions of eligibility* – Eligible materials are:

1. Secular, neutral, nonideological, and not capable of diversion for religious use.

As used in this sense, secular, neutral, and nonideological means such items would not be regarded as religious, spiritual, or sacred, in content or form and would be considered to present events, facts, and theories that pertain to religion or religious doctrine in an impartial manner.

2. Designed primarily for individual pupil use to attain educational objectives in a particular class or program in the school the pupil regularly attends; and/or cooperative learning group; and
3. Available and of benefit to Minnesota public school pupils.

*Textbook* – A textbook is any book, workbook, manual, or book substitute, including electronic books as well as other printed materials delivered electronically provided to each pupil for the individual use of that pupil as a principle source of study in a given class or program.

*Individualized instructional materials* – Individualized instructional materials are those educational materials, in addition to textbooks, which are used as a complementary source of study in a given class or program and are available for the individual use of each pupil in the class or program.

- a. **Examples of materials eligible for acquisition** – Educational materials meeting the general conditions of eligibility and falling into any of the following groups of material are considered to be eligible for acquisition as individualized instructional materials.

Published materials; periodicals; documents; pamphlets; photographs; reproductions; pictorial or graphic works; filmstrips; prepared slides; prerecorded video programs; prerecorded tapes, cassettes and sound recordings; manipulative materials; desk charts; games; study prints and pictures; desk maps; models; learning kits; blocks or cubes; flashcards; individualized multimedia systems; prepared instructional computer software programs; choral and band sheet music; electronic books and other printed materials delivered electronically; CD-ROM; software and other educational technology. See Appendix B.

- b. **Examples of materials NOT eligible for acquisition** – Classroom supplies consumed in the normal instructional process, educational materials intended for general classroom use rather than individual use, instructional equipment, and teacher's aids are items not considered eligible for acquisition under this program.

Examples of such ineligible materials include: Instructional supplies such as blank tapes, blank cassettes, blank videotapes, blank computer diskettes, unexposed film, writing paper, construction paper, notebooks, thumbtacks, chalk, erasers, ink, paste, scissors, pencils, pens, crayons, chemicals, duplicating fluids, blackboards, wall maps, wall charts, processed 16mm movie film, instructional equipment, library books, or other reference materials.

*Standardized tests* – This category includes the standardized tests and scoring services available from commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.

Minnesota Department of  
**Education**

## MEMORANDUM

To: School District Superintendents

From: Tom Melcher, Director  
Division of School Finance

Date: August 1, 2012

Subject: 2012 Nonpublic Pupil Aid Legislation

*Laws of Minnesota for 2012*, Chapter 144 expands the list of items eligible for purchase under the textbook / individualized instructional material/cooperative learning material component of the Nonpublic Pupil Aid program under Minn. Stat. § 123B.41.

Beginning in FY2013, nonpublic pupil aid funds may be used to purchase “software or other educational technology, including “software, programs, applications, hardware, and any other electronic education technology”. All items must be secular, neutral and nonideological material used by, or of benefit to Minnesota public school pupils. Eligible materials must be designed primarily for individual pupil use or use by pupils in a cooperative learning group in a particular class or program.

The intent of the Nonpublic Pupil Aid program as outlined in Minn. Stat. § 123B.40 is for every school pupil in the state to share equitably in education benefits. The funding and eligibility for participation in the aid program is on a per pupil basis. Eligible products must be purchased in quantities that insure each student or each cooperative learning group has their own copy. Site licenses do not meet this requirement as they do not guarantee that each student or cooperative learning group is treated equitably.

Minn. Stat. § 123B.42, Subd. 2 requires that the title to textbooks, individualized instructional/cooperative learning materials, and standardized testing materials must remain in the servicing district. Possession or custody may be granted or charged to administrators of the nonpublic school attended by the nonpublic school pupil or pupils to whom the eligible items are loaned.

Due to the variety of licensing and ownership restrictions attached to electronic educational technology, servicing districts will be required to register as the owner/user of the products loaned to participating nonpublic pupils.

Questions concerning this legislation should be directed to Greg Sogaard, Education Finance Specialist, School Finance Division, at (651) 582-8858, or [greg.sogaard@state.mn.us](mailto:greg.sogaard@state.mn.us).