



HEALTH AND SAFETY LAWS APPLICABLE TO MN CHARTER SCHOOLS

INTRODUCTION

Minnesota's Charter School Law [MN Statutes 124E.03 subd.2 (a)] states that; "*A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts*".

Given the scope of the laws regarding federal, state and local health and safety laws and requirements that are applicable to traditional school districts, the legislature did not enumerate these requirements in the charter school law.

Thus, it is incumbent on the charter school board and administration to be aware and knowledgeable of the health and safety laws that apply to public schools. In fact, under Minnesota's Nonprofit Law (MN Statutes 317A), a board of directors has a fiduciary duty (Duty of Obedience) to be acquainted with the laws that apply to their organization.

This **Guide to State & Federal Health & Safety Laws Applicable to Minnesota's Public Charter Schools** is a compilation of laws designed to be a reference tool for boards and administrators. The Guide identifies state and federal health and safety laws, provides a brief statement of the significant requirements of the law, denotes the statutory reference so you can look up the law, and indicates whether the law requires the school to have a written policy.

We hope that this Guide provides charter school boards and administrators a solid foundation for meeting their obligation to comply with all federal and state health and safety requirements.

DISCLAIMER:

While the Minnesota Association of Charter Schools has made every attempt to include all applicable state and federal health and safety laws, we do not guarantee that this guide is a comprehensive list of all state and federal health and safety laws applicable to charter schools, nor does it address county, city or town health and safety requirements.

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
MN Statutes 120B.21	Mental Health Education	Schools are encouraged to provide mental health instruction in grades 4-12 that is aligned with state graduation standards. Schools must use resources provided by the commissioner or other evidence-based instructional materials.
MN Statutes 120B.22	Violence Prevention Education	Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least (9) components. <i>(See Statute for the components)</i>
MN Statutes 121A.03	Sexual, Religious, Racial Harassment & Violence Policy	Requires a school board to adopt a written sexual, religious and racial harassment policy and sexual, religious and racial violence policy that conforms with the MN Human Rights Law - Chapter 363A.-.
MN Statutes 121A.035	Crisis Management Policy	A school board and a charter school must adopt a crisis management policy to address potential violent crisis situations in the district or charter school. The policy must be developed cooperatively with administrators, teachers, employees, students, parents, community members, law enforcement agencies, other emergency management officials, county attorney offices, social service agencies, emergency medical responders, and any other appropriate individuals or organizations. The policy must include at least five school lock-down drills, five school fire drills consistent with section 299F.30 , and one tornado drill.
MN Statutes 121A.05	Referring of Firearms Possessor	A school board must have a policy requiring the appropriate school official to, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a pupil who brings a firearm to school unlawfully.
MN Statutes 121A.06	Dangerous Weapons in School Zone	Mandates annual electronic report of incidents involving use or possession of dangerous weapons in a school zone. Report due annually on 7/31.

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
MN Statutes 121A.031	School Student Bullying Policy	Requires that each school board shall adopt a written policy prohibiting bullying of any student, including by electronic means and the Internet. The policy addresses twelve (12) different components.
MN Statutes 121A.15	Student Immunizations	Establishes immunizations requirements, schedule of immunizations, exemptions and immunization record keeping requirements.
MN Statutes 121A.16-19	Early Childhood Development Screening	Defines the purpose of and outlines board responsibilities and amount of aid for charters offering early childhood development screening programs. Programs must comply with this law to be eligible for aid.
MN Statutes 121A.21	School Health Services	Every school board must provide services to promote the health of its pupils. When ADM enrollment is more than 1,000, the school board must employ or contract for the services of a licensed school nurse, or enter into another Commissioner-approved arrangement.
MN Statutes 121A.215	Local School District Wellness Policies; Website	Requires, when available, a school district to post its current wellness policy on its website.
MN Statutes 121A.22	Administration of Drugs and Medicine	Allows school personnel to administer medication in a manner consistent with the label upon request of parent or if allowed by the student's IEP.

MN Statutes 121A.2205	Possession & Use of Auto-Injectors of Epinephrine	Requires at the start of each school year or at the time a student enrolls in school, whichever is first, that a student's parent, school staff (including those responsible for student health care) and the prescribing medical professional must develop and implement an individualized written health plan for a student who is prescribed auto-injectors of epinephrine.
MN Statutes 121A.221	Possession & Use of Asthma Inhalers by Asthmatic Students	School nurse or other appropriate party must assess student's knowledge and skills to safely possess and use asthma inhaler correctly, or parents must submit written verification from prescribing professional.
MN Statutes 121A.222	Possession & Use of Non-Prescription Pain Relievers by Secondary Students	Allows secondary student to possess and use non-prescription pain relievers with written parental/guardian consent to school. The school may revoke privilege if there is abuse.
MN Statutes 121A.23	Prevent & Reduce Risk of Sexually Transmitted Infections and Diseases	The commissioner of education, in consultation with the commissioner of health, shall assist districts in developing and implementing a program to prevent and reduce the risk of sexually transmitted infections and diseases, including but not exclusive to human immune deficiency virus and human papilloma virus. Each district must have a program that includes at least (9) points
MN Statues 121A.24	Seizure Training & Action Plan	Schools must have a seizure action plan for each student that has been diagnosed seizure disorder. The law outlines the requirements for plans and training that must be provided for staff.
MN Statutes 121A.25-29	Chemical Use & Abuse	Every public school that participates in a school district chemical abuse program must establish a chemical abuse preassessment team. The legislation includes provisions about the preassessment team and requirements for referring of students.

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
MN Statutes 121A.30	Pesticide Application at Schools (Janet B. Johnson Right to Know)	A school that plans to apply a pesticide which is a toxicity category I, II, or III pesticide product, as classified by the United States Environmental Protection Agency, or a restricted use pesticide, as designated under the Federal Insecticide, Fungicide, and Rodenticide Act, on school property, must provide a notice to parents and employees that it applies such pesticides.
MN Statutes 121A.31	School Lab Safety	Schools must comply with state fire marshal guidelines for school labs. (Lack of funding is not an allowable excuse for non-compliance.)
MN Statutes 121A.32	Wearing Eye Protective Devices	Requires individuals to wear industry quality eye protective devices when participating in any courses or activities taking place in eye protection areas, including vocational or industrial art shops and science or other school laboratories.
MN Statutes 121A.323	Concussion Procedures	Requires schools (including charters) to provide parents and guardians information about the nature and risks of concussions and the effects of continuing to play after receiving a concussion.
MN Statutes 121A.33	Mercury Use in Schools	Prohibits schools from purchasing, using or storing elemental mercury or a measurement tool containing mercury, including a thermometer or barometer.
MN Statutes 121A.336	Notification of Environmental Hazard	Upon notification by MDH or the Pollution Control Agency of an environmental hazard that may affect the health of students and staff, the school must notify staff, students and parents of the potential hazard, and provide them with information on the hazard and what action is being done to reduce the potential hazard.

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
MN Statutes 121A.34	School Safety Patrols	Establishes authority, responsibilities, rules and liability for school safety patrols.
MN Statutes 121A.58	Corporal Punishment	Corporal punishment is not allowed – an employee or agent of the school may not inflict corporal punishment, or cause corporal punishment to be inflicted upon a student
MN Statutes 123B.56	Health, Safety & Environmental Management	Requires that school districts conduct activities necessary for a district's compliance with state law and rules of the Departments of Health, Labor and Industry, Public Safety, and Pollution Control Agency as well as any related federal standards. These activities include hazard assessment, required training, record keeping, and program management.
MN Statutes 123B.71-72	Review & Comment for School District Construction	Requires review & comment by commissioner for school construction over a certain amount. This applies to the construction of new charter school buildings through affiliated building companies.
MN Statutes 123B.72	School Facility Commissioning	Prior to occupying or reoccupying a school facility, a school board or its designee shall submit a document prepared by a system inspector to the building official or to the commissioner verifying that the facility's heating, ventilation, and air conditioning system has been installed and operates according to design specifications and code.
MN Statutes 123B.885	School Bus Idling	All diesel school buses must minimize idling and must be parked and loaded at sufficient distance from air-intake system of the school.

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
MN Statutes 123B.90 -91	School Bus Safety	Requires written pupil transportation safety policy. If a charter school utilizes district transportation, the charter school and its students are bound by the district policy.
MN Statutes 124A.336	Notification of Environmental Hazard	Upon notification by MDH or the Pollution Control Agency of an environmental hazard that may affect the health of students and staff, the school must notify staff, students and parents of the potential hazard, and provide them with information on the hazard and what action is being done to reduce the potential hazard.
MN Statutes 124D.166	Limits on Screen Time – PreK & Kindergarten	A student in a publicly funded pre-school or kindergarten may not use an individual-use screen (example: tablet, smart phone, etc.) without engagement from a teacher or other students. This does not apply to students with an IFSP, an IEP or a 504 Plan.
MN Statutes 125B.15	Internet Access Safety	Requires schools to have software filtering technology on ALL computers with Internet access available for student use.
MN Statutes 144.29	Health Reports	Requires every school nurse, school physician, school attendance officer, superintendent of schools, principal, teacher, and the persons charged with the duty of compiling and keeping the school census records to cause a health record to be kept for each child of school age. Such record shall be kept in such form that it may be transferred with the child to any school which the child shall attend within the state.
MN Statutes 144.411-417	MN Clean Indoor Air Act	Smoking not permitted in and no person shall smoke in a public space. Resource: EPA Tools for Schools Program

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
MN Statutes 144.4165	Tobacco Products Prohibition in Public Schools Act	No person shall at any time smoke, chew, or otherwise ingest tobacco or a tobacco product, or carry or use an activated electronic delivery device in a public school, as defined in section or in a charter school governed by chapter 124E, and no person under the age of 18 shall possess any of these items. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. Nothing in this section shall prohibit the lighting of tobacco by an adult as part of an American Indian spiritual or cultural ceremony.
MN Statutes 144.441	Tuberculosis Screening in Schools	Allows commissioner of health to designate schools in which tuberculosis screenings of students or staff is a necessary public health measure.
MN Statutes 144.442	Tuberculosis Testing in School Clinics	Outlines the requirements and rules for doing tuberculosis testing in the schools.
MN Statutes 144.45	Tuberculosis in Schools - Certificate	No person with active tuberculosis shall remain in or near a school building unless the person has a certificate issued by a physician stating that the person's presence in a school building will not endanger the health of other people.
MN Statues 157	MN Food Safety	Requires school kitchens to be licensed and inspected. School may, however, sponsor potlucks.
MN Statutes 182.676	Workplace Safety Committees	All employers of 25 or more employees shall establish and administer a joint labor-management safety committee. Employers of 25 or less employees must establish a safety committee under specific situations.

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
MN Statutes 299F.47	School Inspections – State Fire Marshal	Requires inspections of school facilities by Fire Marshal at least every 3 years; establishes fee for inspections: charter schools - \$100 per building inspection and 2 follow-up visits (additional inspections \$50 per visit per building).
MN Statutes 326B.112	Bleacher Safety	Establishes safety requirements for bleachers in all public accommodations, and establishes schedule for periodic inspections.
MN Statutes 626.556	Reporting Maltreatment of Minors	Requires reporting of physical and sexual abuse as well as neglect; identifies persons mandated to report, outlines investigation, notification and determination processes.

ADMINISTRATIVE RULE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
Chapter 5206	Hazardous Substances: Employee Right to Know	Establishes employer responsibilities regarding employee notification and exposure to hazardous substances.

Federal Laws

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
US Code 42 (USC12181) Title II	(ADA) Americans with Disabilities Act - Accessible Buildings	Requires that school facilities meet the accommodation requirements for persons with disabilities.
US Code 100-690 Title V - subd. D	Drug Free Workplace	Requires that employers certify drug free workplace. Requires statement as part of personnel policies and listing of penalties for violation of drug free policy.
PL 107-110 Title IV Part A	Safe & Drug Free School Zone	Requires a drug free school zone of at least 1,000 feet from school property.
PL 107-110 Title IV Part A Section 4141	Gun-Free School Act	Requires expulsion of at least 1 year for possession of firearms on school property.
CFR 1904.32 U.S. Department of Labor	OSHA Accident Investigation Summary	Requires annual summary of injuries and illnesses be recorded on OSHA 300 Log.

STATUTE	TOPIC/TITLE	SIGNIFICANT REQUIREMENTS
CFR 1910.1030 U.S. Department of Labor	Bloodborne Pathogens	Requirements for dealing with exposure to blood and other potentially infectious materials.
CFR 1910.1450 U.S. Department of Labor	Toxic & Hazardous Substances	Requirements for dealing with exposure to hazardous chemicals in laboratories.
CFR 1910.212 U.S. Department of Labor	Machinery & Machine Guarding	General requirements for protecting machine operators and other people from hazards and injury from the operation of machines (e.g. power saws) and provisions for machine guards.