

EXEMPTION RIGHTS

WHAT ARE THEY & WHY DO THEY MATTER?

Current Law

Public schools, private schools, homeschools & licensed daycares in Minnesota are all subject to 121A.15 HEALTH STANDARDS; IMMUNIZATIONS; SCHOOL CHILDREN which mandates the collection of vaccination records for all children & provides for exemptions via a notarized statement of conscientious exemption or medical exemption signed by a physician.

www.revisor.mn.gov/statutes/cite/121A.15

Public & private post secondary schools are subject to 135A.14 Statement of Immunization, Subd. 3 (b) which mandates the collection of vaccination records & provides for the right to submit a notarized statement of conscientious exemption or medical exemption signed by a physician.

www.revisor.mn.gov/statutes/cite/135A.14

FAPE

Federal Section 504 regulation requires a school district to provide a "free appropriate public education" (FAPE) to each qualified person with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the person's disability.

www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html

Daycare Regulations

Administrative Rule 9502 states that "licensed childcare providers CANNOT deny admissions on the basis of race, **creed**, color, national origin, **religion**, or sex".

www.revisor.mn.gov/rules/?id=9502.0405

MN Human Rights Act

The Minnesota Human Rights Act prohibits schools from discriminating based on race, color, **creed**, **religion**, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or **disability**, or **to fail to ensure physical and program access for disabled persons**. www.revisor.mn.gov/statutes/cite/363A.13

Federal Funding

The USDA has a guideline that states that "in accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on.... **religion**, **disability**, in any program or activity conducted or funded by USDA" - This applies to the food reimbursement programs in which most daycares in Minnesota take part. www.fns.usda.gov/usda-nondiscrimination-statement

Conscience

The right of conscience is enumerated in the Minnesota constitution: "nor shall any control of or interference with the rights of conscience be permitted".

www.revisor.mn.gov/constitution/#:~:text=16.,and%20inherent%20in%20the%20people.

United States v. Seeger, 380 U.S.163 found that even just conscientious objections could not be limited to only those who were members of organized religions and that sincerely held beliefs were protected by the first amendment as well.

A recently (2023) filed Resolution (SF85/HF275) by the DFL on Religious Liberties, echoes this: "We declare that religious freedom is not a privilege for the few, but a right for all. We embrace this fundamental right as one that applies to people of all religious affiliations or beliefs and people of no religious affiliations or beliefs;"

FAPE guarantees equal access to individuals with disabilities. Conscientious Exemptions embody religious, ethical, cultural & conscientious objections of Minnesotans and as such they are also an expression of protected classes. We aren't asking for special treatment, we are asking for equal treatment.
