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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3542

02/12/2024 Authored by Norris, Kraft and Virnig
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; requiring a district to adopt a policy allowing space for mental
1.3 health care; amending Minnesota Statutes 2022, section 120A.22, subdivision 12;
1.4 proposing coding for new law in Minnesota Statutes, chapter 121A.

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

1.6 Section 1. Minnesota Statutes 2022, section 120A.22, subdivision 12, is amended to read:

1.7 Subd. 12. Legitimate exemptions. (a) A parent, guardian, or other person having control
1.8 of a child may apply to a school district to have the child excused from attendance for the
1.9 whole or any part of the time school is in session during any school year. Application may
1.10 be made to any member of the board, a truant officer, a principal, or the superintendent.
1.11 The school district may state in its school attendance policy that it may ask the student's
1.12 parent or legal guardian to verify in writing the reason for the child's absence from school.
1.13 A note from a physician or a licensed mental health professional stating that the child cannot
1.14 attend school is a valid excuse. The board of the district in which the child resides may
1.15 approve the application upon the following being demonstrated to the satisfaction of that
1.16 board:

1.17 (1) that the child's physical or mental health is such as to prevent attendance at school
1.18 or application to study for the period required, which includes:

1.19 (i) child illness, medical, dental, orthodontic, or counseling appointments, including
1.20 appointments conducted through telehealth;

1.21 (ii) family emergencies;

1.22 (iii) the death or serious illness or funeral of an immediate family member;

2.1 (iv) active duty in any military branch of the United States;

2.2 (v) the child has a condition that requires ongoing treatment for a mental health diagnosis;

2.3 or

2.4 (vi) other exemptions included in the district's school attendance policy;

2.5 (2) that the child has already completed state and district standards required for graduation
2.6 from high school; or

2.7 (3) that it is the wish of the parent, guardian, or other person having control of the child,
2.8 that the child attend for a period or periods not exceeding in the aggregate three hours in
2.9 any week, a school for religious instruction conducted and maintained by some church, or
2.10 association of churches, or any Sunday school association incorporated under the laws of
2.11 this state, or any auxiliary thereof. This school for religious instruction must be conducted
2.12 and maintained in a place other than a public school building, and it must not, in whole or
2.13 in part, be conducted and maintained at public expense. However, a child may be absent
2.14 from school on such days as the child attends upon instruction according to the ordinances
2.15 of some church.

2.16 (b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from
2.17 an all-day, every day kindergarten program and put their child in a half-day program, if
2.18 offered, or an alternate-day program without being truant. A school board must excuse a
2.19 kindergarten child from a part of a school day at the request of the child's parent.

2.20 **EFFECTIVE DATE.** This section is effective for the 2024-2025 school year and later.

2.21 **Sec. 2. [121A.216] ACCESS TO SPACE FOR MENTAL HEALTH CARE THROUGH**
2.22 **TELEHEALTH.**

2.23 To the extent space is available, a school district or charter school must provide an
2.24 enrolled secondary school student with access during regular school hours, and outside the
2.25 regular school day during times the school site is accessible to other persons, to space at
2.26 the school site that a student may use to receive mental health care through telehealth from
2.27 a student's licensed mental health provider. A student may use a school-issued device to
2.28 receive mental health care through telehealth if such use is consistent with the district or
2.29 school policy governing acceptable use of the school-issued device. A secondary school
2.30 must develop a plan with procedures to receive requests for access to space. The space must
2.31 be protected from intrusion and provide a student privacy to receive mental health care. A
2.32 school must make the space available beginning October 1, 2024.

2.33 **EFFECTIVE DATE.** This section is effective for the 2024-2025 school year and later.