

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 2263**

(SENATE AUTHORS: CLAUSEN)

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03/11/2019

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Introduction and first reading  
Referred to E-12 Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; modifying compulsory instruction requirements; requiring  
1.3 school districts to offer kindergarten; amending Minnesota Statutes 2018, sections  
1.4 120A.22, subdivisions 5, 6, 11; 120A.24, subdivision 1; 123A.64; 124D.02,  
1.5 subdivision 1; 126C.126.

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

1.7 Section 1. Minnesota Statutes 2018, section 120A.22, subdivision 5, is amended to read:

1.8 Subd. 5. **Ages and terms.** (a) Every child between ~~seven~~ six and 17 years of age must  
1.9 receive instruction unless the child has graduated. Every child under the age of ~~seven~~ six  
1.10 who is enrolled in a ~~half-day kindergarten, or a full-day kindergarten program on alternate~~  
1.11 ~~days, or other kindergarten programs shall~~ must receive instruction for the hours established  
1.12 for that program. Except as provided in subdivision 6, a parent may withdraw a child under  
1.13 the age of ~~seven~~ six from enrollment at any time.

1.14 (b) A school district by annual board action may require children subject to this  
1.15 subdivision to receive instruction in summer school. A district that acts to require children  
1.16 to receive instruction in summer school ~~shall~~ must establish at the time of its action the  
1.17 criteria for determining which children must receive instruction.

1.18 (c) A pupil 16 years of age or older who meets the criteria of section 124D.68, subdivision  
1.19 2, and under clause (5) of that subdivision has been excluded or expelled from school or  
1.20 under clause (11) of that subdivision has been chronically truant may be referred to an area  
1.21 learning center. Such referral may be made only after consulting the principal, area learning  
1.22 center director, student, and parent or guardian and only if, in the school administrator's  
1.23 professional judgment, the referral is in the best educational interest of the pupil. Nothing

2.1 in this paragraph limits a pupil's eligibility to apply to enroll in other eligible programs  
2.2 under section 124D.68.

2.3 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

2.4 Sec. 2. Minnesota Statutes 2018, section 120A.22, subdivision 6, is amended to read:

2.5 Subd. 6. **Children under ~~seven~~ age six.** (a) Once a pupil under the age of ~~seven~~ six is  
2.6 enrolled in kindergarten or a higher grade in a public school, the pupil is subject to the  
2.7 compulsory attendance provisions of this chapter and section 120A.34, ~~unless the board of~~  
2.8 ~~the district in which the pupil is enrolled has a policy that exempts children under seven~~  
2.9 ~~from this subdivision.~~

2.10 (b) In a district in which children under ~~seven~~ the age of six are subject to compulsory  
2.11 attendance under this subdivision, paragraphs (c) to (e) apply.

2.12 (c) A parent or guardian may withdraw the pupil from enrollment in the school for good  
2.13 cause by notifying the district. Good cause includes, but is not limited to, enrollment of the  
2.14 pupil in another school, as defined in subdivision 4, or the immaturity of the child.

2.15 (d) When the pupil enrolls, the enrolling official must provide the parent or guardian  
2.16 who enrolls the pupil with a written explanation of the provisions of this subdivision.

2.17 (e) A pupil under the age of ~~seven~~ six who is withdrawn from enrollment in the public  
2.18 school under paragraph (c) is no longer subject to the compulsory attendance provisions of  
2.19 this chapter.

2.20 (f) In a district that had adopted a policy to exempt children under ~~seven~~ the age of six  
2.21 from this subdivision, the district's chief attendance officer must keep the truancy enforcement  
2.22 authorities supplied with a copy of the board's current policy certified by the clerk of the  
2.23 board.

2.24 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

2.25 Sec. 3. Minnesota Statutes 2018, section 120A.22, subdivision 11, is amended to read:

2.26 Subd. 11. **Assessment of performance.** (a) Each year the performance of every child  
2.27 ages ~~seven~~ six through 16 and every child ages 16 through 17 for which an initial report  
2.28 was filed pursuant to section 120A.24, subdivision 1, after the child is 16 and who is not  
2.29 enrolled in a public school must be assessed using a nationally norm-referenced standardized  
2.30 achievement examination. The superintendent of the district in which the child receives

3.1 instruction and the person in charge of the child's instruction must agree about the specific  
3.2 examination to be used and the administration and location of the examination.

3.3 (b) To the extent the examination in paragraph (a) does not provide assessment in all of  
3.4 the subject areas in subdivision 9, the parent must assess the child's performance in the  
3.5 applicable subject area. This requirement applies only to a parent who provides instruction  
3.6 and does not meet the requirements of subdivision 10, clause (1), (2), or (3).

3.7 (c) If the results of the assessments in paragraphs (a) and (b) indicate that the child's  
3.8 performance on the total battery score is at or below the 30th percentile or one grade level  
3.9 below the performance level for children of the same age, the parent must obtain additional  
3.10 evaluation of the child's abilities and performance for the purpose of determining whether  
3.11 the child has learning problems.

3.12 (d) A child receiving instruction from a nonpublic school, person, or institution that is  
3.13 accredited by an accrediting agency, recognized according to section 123B.445, or recognized  
3.14 by the commissioner, is exempt from the requirements of this subdivision.

3.15 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

3.16 Sec. 4. Minnesota Statutes 2018, section 120A.24, subdivision 1, is amended to read:

3.17 Subdivision 1. **Reports to superintendent.** (a) The person or nonpublic school in charge  
3.18 of providing instruction to a child must submit to the superintendent of the district in which  
3.19 the child resides the name, birth date, and address of the child; the annual tests intended to  
3.20 be used under section 120A.22, subdivision 11, if required; the name of each instructor;  
3.21 and evidence of compliance with one of the requirements specified in section 120A.22,  
3.22 subdivision 10:

3.23 (1) by October 1 of the first school year the child receives instruction after reaching the  
3.24 age of ~~seven~~ six;

3.25 (2) within 15 days of when a parent withdraws a child from public school after age ~~seven~~  
3.26 six to provide instruction in a nonpublic school that is not accredited by a state-recognized  
3.27 accredited agency;

3.28 (3) within 15 days of moving out of a district; and

3.29 (4) by October 1 after a new resident district is established.

3.30 (b) The person or nonpublic school in charge of providing instruction to a child between  
3.31 the ages of ~~seven~~ six and 16 and every child ages 16 through 17 for which an initial report  
3.32 was filed pursuant to this subdivision after the child is 16 must submit, by October 1 of each

4.1 school year, a letter of intent to continue to provide instruction under this section for all  
 4.2 students under the person's or school's supervision and any changes to the information  
 4.3 required in paragraph (a) for each student.

4.4 (c) The superintendent may collect the required information under this section through  
 4.5 an electronic or web-based format, but must not require electronic submission of information  
 4.6 under this section from the person in charge of reporting under this subdivision.

4.7 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

4.8 Sec. 5. Minnesota Statutes 2018, section 123A.64, is amended to read:

4.9 **123A.64 DUTY TO MAINTAIN ELEMENTARY AND SECONDARY SCHOOLS.**

4.10 Each district must maintain classified elementary and secondary schools, ~~grades 1~~  
 4.11 kindergarten through grade 12, unless the district is exempt according to section 123A.61  
 4.12 or 123A.62, has made an agreement with another district or districts as provided in sections  
 4.13 123A.30, 123A.32, or sections 123A.35 to 123A.43, or 123A.17, subdivision 7, has received  
 4.14 a grant under sections 123A.441 to 123A.445, or has formed a cooperative under section  
 4.15 123A.482. A district that has an agreement according to sections 123A.35 to 123A.43 or  
 4.16 123A.32 must operate a school with the number of grades required by those sections. A  
 4.17 district that has an agreement according to section 123A.30 or 123A.17, subdivision 7, or  
 4.18 has received a grant under sections 123A.441 to 123A.445 must operate a school for the  
 4.19 grades not included in the agreement, but not fewer than three grades.

4.20 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

4.21 Sec. 6. Minnesota Statutes 2018, section 124D.02, subdivision 1, is amended to read:

4.22 Subdivision 1. **Kindergarten instruction.** (a) ~~The board may establish and maintain~~  
 4.23 ~~one or more kindergartens for the instruction of children and after July 1, 1974, shall must~~  
 4.24 ~~provide kindergarten instruction for~~ free of charge to all eligible children, either in the  
 4.25 ~~district or in another district. All children to be eligible for kindergarten must be~~ A child is  
 4.26 eligible for kindergarten if the child is at least five years of age on September 1 of the  
 4.27 calendar year in which the school year commences. In addition all children selected, or is  
 4.28 admitted under an early admissions policy established by the school board ~~may be admitted.~~

4.29 (b) If established, a board-adopted early admissions policy must describe the process  
 4.30 and procedures for comprehensive evaluation in cognitive, social, and emotional  
 4.31 developmental domains to help determine the child's ability to meet kindergarten grade  
 4.32 expectations and progress to first grade in the subsequent year. The comprehensive evaluation

5.1 must use valid and reliable instrumentation, be aligned with state kindergarten expectations,  
5.2 and include a parent report and teacher observations of the child's knowledge, skills, and  
5.3 abilities. The early admissions policy must be made available to parents in an accessible  
5.4 format and is subject to review by the commissioner of education. The evaluation is subject  
5.5 to section 127A.41.

5.6 (c) Nothing in this section shall prohibit a school district from establishing Head Start,  
5.7 prekindergarten, or nursery school classes for children below kindergarten age. Any school  
5.8 board with evidence that providing kindergarten will cause an extraordinary hardship on  
5.9 the school district may apply to the commissioner of education for an exception.

5.10 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

5.11 Sec. 7. Minnesota Statutes 2018, section 126C.126, is amended to read:

5.12 **126C.126 USE OF GENERAL EDUCATION REVENUE FOR ~~ALL-DAY~~**  
5.13 **KINDERGARTEN AND PREKINDERGARTEN.**

5.14 A school district may spend general education revenue on extended time kindergarten  
5.15 and prekindergarten programs. At the school board's discretion, the district may use revenue  
5.16 generated by the ~~all-day~~ kindergarten pupil count under section 126C.05, subdivision 1,  
5.17 paragraph (d), to meet the needs of three- and four-year-olds in the district. ~~A school district~~  
5.18 ~~may not use these funds on programs for three- and four-year-old children while maintaining~~  
5.19 ~~a fee-based all-day kindergarten program.~~

5.20 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.