

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1808

(SENATE AUTHORS: JOHNSON, Wiger and Rest)

DATE	D-PG	OFFICIAL STATUS
03/16/2015	906	Introduction and first reading Referred to Education

1.1 A bill for an act
 1.2 relating to education; lowering the age of compulsory attendance from seven to
 1.3 six; amending Minnesota Statutes 2014, sections 120A.22, subdivisions 5, 11;
 1.4 120A.24, subdivision 1; 121A.15, subdivisions 2, 3, 4; 121A.17, subdivision
 1.5 5; 125A.02, subdivision 1a; 125A.28.

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

1.7 Section 1. Minnesota Statutes 2014, 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
 1.9 must receive instruction unless the child has graduated. Every child under the age of
 1.10 ~~seven~~ six who is enrolled in a half-day kindergarten, or a full-day kindergarten program
 1.11 on alternate days, or other kindergarten programs shall receive instruction. Except as
 1.12 provided in subdivision 6, a parent may withdraw a child under the age of ~~seven~~ six from
 1.13 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 establish at the time of its action the criteria
 1.17 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,
 1.19 subdivision 2, and under clause (5) of that subdivision has been excluded or expelled from
 1.20 school or under clause (11) of that subdivision has been chronically truant may be referred
 1.21 to an area learning center. Such referral may be made only after consulting the principal,
 1.22 area learning center director, student, and parent or guardian and only if, in the school
 1.23 administrator's professional judgment, the referral is in the best educational interest of
 1.24 the pupil. Nothing in this paragraph limits a pupil's eligibility to apply to enroll in other
 1.25 eligible programs under section 124D.68.

2.1 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
2.2 later.

2.3 Sec. 2. Minnesota Statutes 2014, section 120A.22, subdivision 11, is amended to read:

2.4 Subd. 11. **Assessment of performance.** (a) Each year the performance of every
2.5 child ages ~~seven~~ six through 16 and every child ages 16 through 17 for which an initial
2.6 report was filed pursuant to section 120A.24, subdivision 1, after the child is 16 and who
2.7 is not enrolled in a public school must be assessed using a nationally norm-referenced
2.8 standardized achievement examination. The superintendent of the district in which the
2.9 child receives instruction and the person in charge of the child's instruction must agree about
2.10 the specific examination to be used and the administration and location of the examination.

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

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

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

2.23 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
2.24 later.

2.25 Sec. 3. Minnesota Statutes 2014, section 120A.24, subdivision 1, is amended to read:

2.26 Subdivision 1. **Reports to superintendent.** (a) The person or nonpublic school in
2.27 charge of providing instruction to a child must submit to the superintendent of the district
2.28 in which the child resides the name, birth date, and address of the child; the annual tests
2.29 intended to be used under section 120A.22, subdivision 11, if required; the name of each
2.30 instructor; and evidence of compliance with one of the requirements specified in section
2.31 120A.22, subdivision 10:

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

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

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

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

3.6 (b) The person or nonpublic school in charge of providing instruction to a child
3.7 between the ages of ~~seven~~ six and 16 and every child ages 16 through 17 for which an
3.8 initial report was filed pursuant to this subdivision after the child is 16 must submit, by
3.9 October 1 of each school year, a letter of intent to continue to provide instruction under
3.10 this section for all students under the person's or school's supervision and any changes to
3.11 the information required in paragraph (a) for each student.

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

3.15 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
3.16 later.

3.17 Sec. 4. Minnesota Statutes 2014, section 121A.15, subdivision 2, is amended to read:

3.18 Subd. 2. **Schedule of immunizations.** No person who has commenced a treatment
3.19 schedule of immunization pursuant to subdivision 1, clause (2), may remain enrolled in
3.20 any child care facility, elementary, or secondary school in this state after 18 months of
3.21 enrollment unless there is submitted to the administrator, or other person having general
3.22 control and supervision of the school or child care facility, a statement from a physician or
3.23 a public clinic which provides immunizations that the person has completed the primary
3.24 schedule of immunizations for diphtheria, tetanus, pertussis, polio, and hepatitis B. The
3.25 statement must include the month and year of each additional immunization received.
3.26 For a child less than ~~seven~~ six years of age, a primary schedule of immunizations shall
3.27 consist of four doses of vaccine for diphtheria, tetanus, and pertussis and three doses of
3.28 vaccine for poliomyelitis and hepatitis B. For a child ~~seven~~ six years of age or older, a
3.29 primary schedule of immunizations shall consist of three doses of vaccine for diphtheria,
3.30 tetanus, polio, and hepatitis B.

3.31 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
3.32 later.

3.33 Sec. 5. Minnesota Statutes 2014, section 121A.15, subdivision 3, is amended to read:

4.1 Subd. 3. **Exemptions from immunizations.** (a) If a person is at least ~~seven~~ six
4.2 years old and has not been immunized against pertussis, the person must not be required to
4.3 be immunized against pertussis.

4.4 (b) If a person is at least 18 years old and has not completed a series of
4.5 immunizations against poliomyelitis, the person must not be required to be immunized
4.6 against poliomyelitis.

4.7 (c) If a statement, signed by a physician, is submitted to the administrator or
4.8 other person having general control and supervision of the school or child care facility
4.9 stating that an immunization is contraindicated for medical reasons or that laboratory
4.10 confirmation of the presence of adequate immunity exists, the immunization specified in
4.11 the statement need not be required.

4.12 (d) If a notarized statement signed by the minor child's parent or guardian or by the
4.13 emancipated person is submitted to the administrator or other person having general
4.14 control and supervision of the school or child care facility stating that the person has
4.15 not been immunized as prescribed in subdivision 1 because of the conscientiously held
4.16 beliefs of the parent or guardian of the minor child or of the emancipated person, the
4.17 immunizations specified in the statement shall not be required. This statement must also
4.18 be forwarded to the commissioner of the Department of Health.

4.19 (e) If the person is under 15 months, the person is not required to be immunized
4.20 against measles, rubella, or mumps.

4.21 (f) If a person is at least five years old and has not been immunized against
4.22 haemophilus influenzae type b, the person is not required to be immunized against
4.23 haemophilus influenzae type b.

4.24 (g) If a person who is not a Minnesota resident enrolls in a Minnesota school online
4.25 learning course or program that delivers instruction to the person only by computer and
4.26 does not provide any teacher or instructor contact time or require classroom attendance, the
4.27 person is not subject to the immunization, statement, and other requirements of this section.

4.28 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
4.29 later.

4.30 Sec. 6. Minnesota Statutes 2014, section 121A.15, subdivision 4, is amended to read:

4.31 Subd. 4. **Substitute immunization statement.** (a) A person who is enrolling
4.32 or enrolled in an elementary or secondary school or child care facility may substitute
4.33 a statement from the emancipated person or a parent or guardian if the person is a
4.34 minor child in lieu of the statement from a physician or public clinic which provides

5.1 immunizations. If the statement is from a parent or guardian or emancipated person, the
5.2 statement must indicate the month and year of each immunization given.

5.3 (b) In order for the statement to be acceptable for a person who is enrolling in an
5.4 elementary school and who is ~~six~~ five years of age or younger, it must indicate that
5.5 the following was given: no less than one dose of vaccine each for measles, mumps,
5.6 and rubella given separately or in combination; no less than four doses of vaccine for
5.7 poliomyelitis, unless the third dose was given after the fourth birthday, then three doses
5.8 are minimum; no less than five doses of vaccine for diphtheria, tetanus, and pertussis,
5.9 unless the fourth dose was given after the fourth birthday, then four doses are minimum;
5.10 and no less than three doses of vaccine for hepatitis B.

5.11 (c) In order for the statement to be consistent with subdivision 10 and acceptable for a
5.12 person who is enrolling in an elementary or secondary school and is age ~~seven~~ six through
5.13 age 19, the statement must indicate that the person has received no less than one dose of
5.14 vaccine each for measles, mumps, and rubella given separately or in combination, and no
5.15 less than three doses of vaccine for poliomyelitis, diphtheria, tetanus, and hepatitis B.

5.16 (d) In order for the statement to be acceptable for a person who is enrolling in a
5.17 secondary school, and who was born after 1956 and is 20 years of age or older, the
5.18 statement must indicate that the person has received no less than one dose of vaccine each
5.19 for measles, mumps, and rubella given separately or in combination, and no less than one
5.20 dose of vaccine for diphtheria and tetanus within the preceding ten years.

5.21 (e) In order for the statement to be acceptable for a person who is enrolling in a child
5.22 care facility and who is at least 15 months old but who has not reached five years of age, it
5.23 must indicate that the following were given: no less than one dose of vaccine each for
5.24 measles, mumps, and rubella given separately or in combination; no less than one dose
5.25 of vaccine for haemophilus influenzae type b; no less than four doses of vaccine for
5.26 diphtheria, tetanus, and pertussis; and no less than three doses of vaccine for poliomyelitis.

5.27 (f) In order for the statement to be acceptable for a person who is enrolling in a child
5.28 care facility and who is five or six years of age, it must indicate that the following was
5.29 given: no less than one dose of vaccine each for measles, mumps, and rubella given
5.30 separately or in combination; no less than four doses of vaccine for diphtheria, tetanus,
5.31 and pertussis; and no less than three doses of vaccine for poliomyelitis.

5.32 (g) In order for the statement to be acceptable for a person who is enrolling in a child
5.33 care facility and who is ~~seven~~ six years of age or older, the statement must indicate that
5.34 the person has received no less than one dose of vaccine each for measles, mumps, and
5.35 rubella given separately or in combination and consistent with subdivision 10, and no less
5.36 than three doses of vaccine for poliomyelitis, diphtheria, and tetanus.

6.1 (h) The commissioner of health, on finding that any of the above requirements are
6.2 not necessary to protect the public's health, may suspend for one year that requirement.

6.3 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
6.4 later.

6.5 Sec. 7. Minnesota Statutes 2014, section 121A.17, subdivision 5, is amended to read:

6.6 Subd. 5. **Developmental screening program information.** The board must inform
6.7 each resident family with a child eligible to participate in the developmental screening
6.8 program, and a charter school that provides screening must inform families that apply
6.9 for admission to the charter school, about the availability of the program and the state's
6.10 requirement that a child receive a developmental screening or provide health records
6.11 indicating that the child received a comparable developmental screening from a public
6.12 or private health care organization or individual health care provider not later than 30
6.13 days after the first day of attending kindergarten in a public school. A school district
6.14 must inform all resident families with eligible children under age ~~seven~~ six, and a charter
6.15 school that provides screening must inform families that apply for admission to the charter
6.16 school, that their children may receive a developmental screening conducted either by the
6.17 school district or by a public or private health care organization or individual health care
6.18 provider and that the screening is not required if a statement signed by the child's parent
6.19 or guardian is submitted to the administrator or other person having general control and
6.20 supervision of the school that the child has not been screened.

6.21 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
6.22 later.

6.23 Sec. 8. Minnesota Statutes 2014, section 125A.02, subdivision 1a, is amended to read:

6.24 Subd. 1a. **Children ages three through ~~seven~~ six experiencing developmental**
6.25 **delays.** In addition, every child under age three, and at local district discretion from
6.26 age three to age ~~seven~~ six, who needs special instruction and services, as determined
6.27 by the rules of the commissioner, because the child has a substantial delay or has an
6.28 identifiable physical or mental condition known to hinder normal development is a child
6.29 with a disability.

6.30 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
6.31 later.

7.1 Sec. 9. Minnesota Statutes 2014, section 125A.28, is amended to read:

7.2 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

7.3 An Interagency Coordinating Council of at least 17, but not more than 25 members is
7.4 established, in compliance with Public Law 108-446, section 641. The members must be
7.5 appointed by the governor and reasonably represent the population of Minnesota. Council
7.6 members must elect the council chair, who may not be a representative of the Department
7.7 of Education. The council must be composed of at least five parents, including persons of
7.8 color, of children with disabilities under age 12, including at least three parents of a child
7.9 with a disability under age ~~seven~~ six, five representatives of public or private providers
7.10 of services for children with disabilities under age five, including a special education
7.11 director, county social service director, local Head Start director, and a community health
7.12 services or public health nursing administrator, one member of the senate, one member of
7.13 the house of representatives, one representative of teacher preparation programs in early
7.14 childhood-special education or other preparation programs in early childhood intervention,
7.15 at least one representative of advocacy organizations for children with disabilities under
7.16 age five, one physician who cares for young children with special health care needs, one
7.17 representative each from the commissioners of commerce, education, health, human
7.18 services, a representative from the state agency responsible for child care, foster care,
7.19 mental health, homeless coordinator of education of homeless children and youth, and a
7.20 representative from Indian health services or a tribal council. Section 15.059, subdivisions
7.21 2 to 4, apply to the council. The council must meet at least quarterly.

7.22 The council must address methods of implementing the state policy of developing
7.23 and implementing comprehensive, coordinated, multidisciplinary interagency programs of
7.24 early intervention services for children with disabilities and their families.

7.25 The duties of the council include recommending policies to ensure a comprehensive
7.26 and coordinated system of all state and local agency services for children under age five
7.27 with disabilities and their families. The policies must address how to incorporate each
7.28 agency's services into a unified state and local system of multidisciplinary assessment
7.29 practices, individual intervention plans, comprehensive systems to find children in need of
7.30 services, methods to improve public awareness, and assistance in determining the role of
7.31 interagency early intervention committees.

7.32 On the date that Minnesota Part C Annual Performance Report is submitted to the
7.33 federal Office of Special Education, the council must recommend to the governor and the
7.34 commissioners of education, health, human services, commerce, and employment and
7.35 economic development policies for a comprehensive and coordinated system.

8.1 Annually, the council must prepare and submit a report to the governor and the
8.2 secretary of the federal Department of Education on the status of early intervention
8.3 services and programs for infants and toddlers with disabilities and their families under
8.4 the Individuals with Disabilities Education Act, United States Code, title 20, sections
8.5 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The Minnesota
8.6 Part C annual performance report may serve as the report.

8.7 Notwithstanding any other law to the contrary, the State Interagency Coordinating
8.8 Council does not expire unless federal law no longer requires the existence of the council
8.9 or committee.

8.10 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
8.11 later.