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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **2563**

03/03/2014 Authored by Hortman

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; modifying certain compulsory instruction provisions;  
1.3 amending Minnesota Statutes 2013 Supplement, sections 120A.22, subdivisions  
1.4 5, 11; 120A.24, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2013 Supplement, section 120A.22, subdivision 5,  
1.7 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, may be assigned to an area learning center. Such assignment may be made  
1.20 only after consultation with the principal, area learning center director, and parent or  
1.21 guardian.

1.22 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
1.23 later.

2.1 Sec. 2. Minnesota Statutes 2013 Supplement, section 120A.22, subdivision 11, is  
2.2 amended to read:

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

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

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

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

2.22 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
2.23 later.

2.24 Sec. 3. Minnesota Statutes 2013 Supplement, section 120A.24, subdivision 1, is  
2.25 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 2014-2015 school year and  
3.16 later.