

SENATE

STATE OF MINNESOTA

NINETY-FOURTH SESSION

S.F. No. 2882

(SENATE AUTHORS: CWODZINSKI)		
DATE	D-PG	OFFICIAL STATUS
03/24/2025	1005	Introduction and first reading Referred to Education Policy
03/27/2025	1040a	Comm report: To pass as amended and re-refer to Education Finance HF substituted in committee HF2067 See See First Special Session, HF5

1.1

A bill for an act

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relating to education; defining attendance; providing for reenrollment of students;

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amending presumptions regarding children in need of protective services or

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educational neglect; amending Minnesota Statutes 2024, sections 120A.22,

1.5

subdivisions 12, 13; 120A.24, subdivision 4; 120B.305, subdivision 2; 126C.05,

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subdivision 8, by adding a subdivision; 260C.163, subdivision 11.

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

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Section 1. Minnesota Statutes 2024, section 120A.22, subdivision 12, is amended to read:

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Subd. 12. **Legitimate exemptions.** (a) A parent, guardian, or other person having control

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of a child may apply to a school district to have the child excused from attendance for the

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whole or any part of the time school is in session during any school year. Application may

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be made to ~~any member of the board,~~ a truant officer,~~a~~ or the school official designated by

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the principal, or the superintendent. The school district may state in its school attendance

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policy that it may ask the student's parent or legal guardian to verify in writing the reason

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for the child's absence from school. A note from a physician or a licensed mental health

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professional stating that the child cannot attend school is a valid excuse. The board of the

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district in which the child resides may approve the application upon the following being

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demonstrated to the satisfaction of that board:

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(1) that the child's physical or mental health is such as to prevent attendance at school

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or application to study for the period required, which includes:

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(i) child illness, medical, dental, orthodontic, or counseling appointments, including

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appointments conducted through telehealth;

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(ii) family emergencies;

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

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

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

or

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

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

(3) that it is the wish of the parent, guardian, or other person having control of the child that the child attend, for a period or periods not exceeding in the aggregate three hours in any week, instruction conducted by a Tribal spiritual or cultural advisor, or a school for religious instruction conducted and maintained by a church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. A child may be absent from school on days that the child attends upon instruction according to this clause.

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

Sec. 2. Minnesota Statutes 2024, section 120A.22, subdivision 13, is amended to read:

Subd. 13. ~~Issuing and Reporting excuses attendance.~~ (a) A student is counted as in attendance on each day that a school employee is paid to supervise or provide services to the student.

~~(b) The clerk or any authorized officer of the board principal~~ (b) The principal must issue and keep a record of such excuses, under such rules as the board may from time to time establish.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 3. Minnesota Statutes 2024, section 120A.24, subdivision 4, is amended to read:

Subd. 4. **Reports to the state or county.** (a) A superintendent must make an annual report to the commissioner of education by December 1 of the total number of nonpublic

3.1 children reported as residing in the district. The report must include the following
3.2 information:

3.3 (1) the number of children residing in the district attending nonpublic schools or receiving
3.4 instruction from persons or institutions other than a public school;

3.5 (2) the number of children in clause (1) who are in compliance with section 120A.22
3.6 and this section; and

3.7 (3) the number of children in clause (1) who the superintendent has determined are not
3.8 in compliance with section 120A.22 and this section.

3.9 (b) No later than 15 school days after the beginning of each academic term, a school
3.10 principal must report to the superintendent a list of names and last known addresses of all
3.11 students who were enrolled in the school for the previous term, are not enrolled in the school
3.12 for the current term, and were otherwise eligible for enrollment, unless the school has been
3.13 notified that the student has enrolled in another school. The superintendent must immediately
3.14 make the list received from the principal available to an authorized representative of a county
3.15 agency whose statutory purpose is to enroll students in school.

3.16 Sec. 4. Minnesota Statutes 2024, section 120B.305, subdivision 2, is amended to read:

3.17 Subd. 2. **Reporting requirements.** (a) Reporting of state assessment results must:

3.18 (1) provide timely, useful, and understandable information on the performance of
3.19 individual students, schools, school districts, and the state;

3.20 (2) include a growth indicator of student achievement; and

3.21 (3) determine whether students have met the state's academic standards.

3.22 (b) The commissioner must ensure that for annual computer-adaptive assessments:

3.23 (1) individual student performance data and achievement reports are available within
3.24 three school days of when students take an assessment except in a year when an assessment
3.25 reflects new performance standards;

3.26 (2) growth information is available for each student from the student's first assessment
3.27 to each proximate assessment using a constant measurement scale;

3.28 (3) parents, teachers, and school administrators are able to use elementary and middle
3.29 school student performance data to project students' secondary and postsecondary
3.30 achievement; and

(4) useful diagnostic information about areas of students' academic strengths and weaknesses is available to teachers and school administrators for improving student instruction and indicating the specific skills and concepts that should be introduced and developed for students at given performance levels, organized by strands within subject areas, and aligned to state academic standards.

(c) The commissioner, in consultation with the chancellor of the Minnesota State Colleges and Universities, must establish empirically derived benchmarks on the high school tests that reveal a trajectory toward career and college readiness consistent with section 136F.302, subdivision 1a. The commissioner must disseminate to the public the computer-adaptive assessments and high school test results upon receiving those results.

(d) A school, school district, or charter school may provide a student's parent access to the student's individual student performance data and achievement report that is made available under paragraph (b), clause (1), when the performance data and report is available to the school, school district, or charter school.

(e) An individual student report of state assessment results must include the number and percent of days the student was absent from school the previous school year.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 5. Minnesota Statutes 2024, section 126C.05, subdivision 8, is amended to read:

Subd. 8. **Average daily membership.** (a) Membership for pupils in grades kindergarten through 12 and for prekindergarten pupils with disabilities shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that the pupil has left or has been legally excused. However, a pupil, regardless of age, who has been absent from school for 15 consecutive school days during the regular school year or for five consecutive school days during summer school or intersession classes of flexible school year programs without receiving instruction in the home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this section shall be construed as waiving the compulsory attendance provisions cited in section 120A.22. Average daily membership equals the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days the schools are in session or are providing e-learning days due to inclement weather. Days of summer school or intersession classes of flexible school year programs are only included in the computation of membership for pupils with a disability not appropriately served primarily in the regular classroom. A student must not be counted as more than 1.2

pupils in average daily membership under this section and section 126C.10, subdivision 2a, paragraph (c). When the initial total average daily membership exceeds 1.2 for a pupil enrolled in more than one school district during the fiscal year, each district's average daily membership must be reduced proportionately.

(b) A student must not be counted as more than one pupil in average daily membership except for purposes of section 126C.10, subdivision 2a.

(c) A school district must notify the local welfare agency of any student dropped from its roll under paragraph (a) for unexcused absences exceeding 15 consecutive school days. The notice to the local welfare agency must include the student's most recent contact information on file with the school. The school must also send an email, letter, or otherwise contact the child's family to encourage the child to reenroll in the school's programming.

(d) The local welfare agency must inform the school if it is unable to contact the student or student's family. If the local welfare agency is unable to contact the student or student's family, the district must notify the Department of Education that the student has been dropped from the roll, and that the local welfare agency is unable to contact the student or student's family. The notice to the department must include the student's most recent contact information on file with the school.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 6. Minnesota Statutes 2024, section 126C.05, is amended by adding a subdivision to read:

Subd. 21. **Department of Education to encourage reenrollment.** Notwithstanding any law to the contrary, once a school district has notified the Department of Education that a child has been removed from the attendance roll under subdivision 8, paragraph (d), the department becomes responsible for reenrolling the child. The department must notify the family of a child who has been unenrolled from school under subdivision 8 of county and community resources to support the student's reenrollment in school. The department must also notify the family of the child's right to reenroll in the child's school and of other accessible educational opportunities that may be available to the child. The department may work with county attorneys and other parties under chapter 260A to reenroll the child in school.

EFFECTIVE DATE. This section is effective July 1, 2025.

6.1 Sec. 7. Minnesota Statutes 2024, section 260C.163, subdivision 11, is amended to read:

6.2 Subd. 11. **Presumptions regarding truancy or educational neglect.** (a) A child's
6.3 absence from school is presumed to be due to the parent's, guardian's, or custodian's failure
6.4 to comply with compulsory instruction laws if the child is under ~~12~~ 16 years old and the
6.5 school has made appropriate efforts to resolve the child's attendance problems; this
6.6 presumption may be rebutted based on a showing by clear and convincing evidence that
6.7 the child is habitually truant. A child's absence from school without lawful excuse, when
6.8 the child is ~~12~~ 16 years old or older, is presumed to be due to the child's intent to be absent
6.9 from school; this presumption may be rebutted based on a showing by clear and convincing
6.10 evidence that the child's absence is due to the failure of the child's parent, guardian, or
6.11 custodian to comply with compulsory instruction laws, sections 120A.22 and 120A.24.

6.12 (b) Consistent with section 125A.091, subdivision 5, a parent's refusal to provide the
6.13 parent's child with sympathomimetic medications does not constitute educational neglect.