

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2794

03/08/2016 Authored by Ward, Selcer, Hertaus, Fenton, Bly and others

The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act  
1.2 relating to education; allowing excused absences for students participating  
1.3 in performing arts; amending Minnesota Statutes 2014, section 120A.22,  
1.4 subdivision 12.

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

1.6 Section 1. Minnesota Statutes 2014, section 120A.22, subdivision 12, is amended to  
1.7 read:

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

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

- 1.20 (i) child illness, medical, dental, orthodontic, or counseling appointments;  
1.21 (ii) family emergencies;  
1.22 (iii) the death or serious illness or funeral of an immediate family member;  
1.23 (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, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious 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. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church; or

(4) that the child's parent or guardian or other person having control of the child submits a written request to the district asking that the child be excused from school for up to five consecutive school days, and up to five times in any one school year, when the child has agreed to participate in the entertainment or a related industry provided there is also an agreed-upon plan allowing the child to receive instruction and complete and receive credit for all coursework and tests the child misses during the child's absences.

(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.

**EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and later.