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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4499

03/04/2024 Authored by Bakeberg; Clardy; Hanson, J.; Zeleznikar; Mueller and others
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1.2 relating to education; encouraging children withdrawn from school to reenroll in
1.3 an education program; notifying families of resources; amending Minnesota Statutes
1.4 2022, section 126C.05, subdivision 8, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2022, section 126C.05, subdivision 8, is amended to read:

1.7 Subd. 8. Average daily membership. (a) Membership for pupils in grades kindergarten
1.8 through 12 and for prekindergarten pupils with disabilities shall mean the number of pupils
1.9 on the current roll of the school, counted from the date of entry until withdrawal. The date
1.10 of withdrawal shall mean the day the pupil permanently leaves the school or the date it is
1.11 officially known that the pupil has left or has been legally excused. However, a pupil,
1.12 regardless of age, who has been absent from school for 15 consecutive school days during
1.13 the regular school year or for five consecutive school days during summer school or
1.14 intersession classes of flexible school year programs without receiving instruction in the
1.15 home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this
1.16 section shall be construed as waiving the compulsory attendance provisions cited in section
1.17 120A.22. Average daily membership equals the sum for all pupils of the number of days
1.18 of the school year each pupil is enrolled in the district's schools divided by the number of
1.19 days the schools are in session or are providing e-learning days due to inclement weather.
1.20 Days of summer school or intersession classes of flexible school year programs are only
1.21 included in the computation of membership for pupils with a disability not appropriately
1.22 served primarily in the regular classroom. A student must not be counted as more than 1.2
1.23 pupils in average daily membership under this section and section 126C.10, subdivision 2a,
1.24 paragraph (b). When the initial total average daily membership exceeds 1.2 for a pupil

2.1 enrolled in more than one school district during the fiscal year, each district's average daily  
2.2 membership must be reduced proportionately.

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

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

2.10 Sec. 2. Minnesota Statutes 2022, section 126C.05, is amended by adding a subdivision to  
2.11 read:

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