

SENATE  
STATE OF MINNESOTA  
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 160

(SENATE AUTHORS: WIGER, Johnson and Torres Ray)

| DATE       | D-PG | OFFICIAL STATUS                                           |
|------------|------|-----------------------------------------------------------|
| 01/28/2013 | 106  | Introduction and first reading<br>Referred to Education   |
| 02/11/2013 | 186a | Comm report: To pass as amended and re-refer to Judiciary |
| 03/18/2013 |      | Comm report: To pass as amended and re-refer to Finance   |

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A bill for an act  
relating to education; increasing the compulsory attendance age; amending  
Minnesota Statutes 2012, sections 120A.22, subdivisions 5, 11; 120A.24,  
subdivision 1; 124D.03, subdivision 12; 260C.007, subdivision 19; repealing  
Minnesota Statutes 2012, section 120A.22, subdivision 8.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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Section 1. Minnesota Statutes 2012, section 120A.22, subdivision 5, is amended to read:  
Subd. 5. **Ages and terms.** (a) Every child between seven and ~~16~~ 18 years of age  
must receive instruction. Every child under the age of seven who is enrolled in a half-day  
kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten  
programs shall receive instruction. Except as provided in subdivision 6, a parent may  
withdraw a child under the age of seven from enrollment at any time.  
(b) A school district by annual board action may require children subject to this  
subdivision to receive instruction in summer school. A district that acts to require children  
to receive instruction in summer school shall establish at the time of its action the criteria  
for determining which children must receive instruction.  
**EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
later.

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Sec. 2. Minnesota Statutes 2012, section 120A.22, subdivision 11, is amended to read:  
Subd. 11. **Assessment of performance.** (a) Each year the performance of  
every child ages seven through ~~16~~ 18 who is not enrolled in a public school must be  
assessed using a nationally norm-referenced standardized achievement examination.  
The superintendent of the district in which the child receives instruction and the person

in charge of the child's instruction must agree about the specific examination to be used and the administration and location of the examination.

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

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

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

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

Sec. 3. Minnesota Statutes 2012, section 120A.24, subdivision 1, is amended to read:

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

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

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

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

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

(b) The person or nonpublic school in charge of providing instruction to a child between the ages of seven and ~~16~~ 18 must submit, by October 1 of each school year, a letter of intent to continue to provide instruction under this section for all students under the person's or school's supervision and any changes to the information required in paragraph (a) for each student.

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

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

Sec. 4. Minnesota Statutes 2012, section 124D.03, subdivision 12, is amended to read:

Subd. 12. **Termination of enrollment.** A district may terminate the enrollment of a nonresident student enrolled under this section or section 124D.08 at the end of a school year if the student meets the definition of a habitual truant under section 260C.007, subdivision 19, the student has been provided appropriate services under chapter 260A, and the student's case has been referred to juvenile court. A district may also terminate the enrollment of a nonresident student over the age of 16 enrolled under this section if the student is absent without lawful excuse for one or more periods on 15 school days ~~and has not lawfully withdrawn from school under section 120A.22, subdivision 8.~~

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

Sec. 5. Minnesota Statutes 2012, section 260C.007, subdivision 19, is amended to read:

Subd. 19. **Habitual truant.** "Habitual truant" means a child under the age of ~~16~~ 18 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, ~~or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under section 120A.22, subdivision 8.~~

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

Sec. 6. **REPEALER.**

Minnesota Statutes 2012, section 120A.22, subdivision 8, is repealed.

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

APPENDIX  
Repealed Minnesota Statutes: 13-1013

**120A.22 COMPULSORY INSTRUCTION.**

Subd. 8. **Withdrawal from school.** Any student between 16 and 18 years old who seeks to withdraw from school, and the student's parent or guardian must:

- (1) attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities; and
- (2) sign a written election to withdraw from school.