

## CHAPTER 120

## DEFINITIONS; GENERAL PROVISIONS

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**120.011 PURPOSE STATEMENT.**

In accordance with the responsibility vested in the legislature in the Minnesota Constitution, article XIII, section 1, the legislature declares that the purpose of public education in Minnesota is to help all individuals acquire knowledge, skills, and positive attitudes toward self and others that will enable them to solve problems, think creatively, continue learning, and develop maximum potential for leading productive, fulfilling lives in a complex and changing society.

**History:** 1985 c 240 s 1

**120.03 HANDICAPPED CHILDREN, DEFINED.**

Subdivision 1. Every child who has a hearing impairment, visual handicap, speech or language impairment, physical handicap, other health impairment, mental handicap, emotional/behaviorial disorder, specific learning disability, or deaf/blind handicap and needs special instruction and services, as determined by the standards of the state board, is a handicapped child.

Subd. 2. [Repealed, 1Sp1985 c 12 art 3 s 30]

Subd. 3. [Repealed, 1Sp1985 c 12 art 3 s 30]

Subd. 4. [Repealed, 1Sp1985 c 12 art 3 s 30]

[For text of subd 5, see M.S.1984]

**History:** 1Sp1985 c 12 art 3 s 1

**120.06 ADMISSION TO PUBLIC SCHOOL.**

Subdivision 1. **Age limitations; pupils.** All schools supported in whole or in part by state funds are public schools. Admission to a public school, except an area vocational technical institute, is free to any person who resides within the district which operates the school, who is under 21 years of age, and who satisfies the minimum age requirements imposed by this section. Notwithstanding the provisions of any law to the contrary, the conduct of all students under 21 years of age attending a public secondary school shall be governed by a single set of reasonable rules and regulations promulgated by the school board. No person shall be admitted to any public school (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that any school board may establish a policy for admission of selected pupils at an earlier age.

**History:** 1Sp1985 c 12 art 7 s 2

**120.10 COMPULSORY ATTENDANCE.**

Subdivision 1. **Ages and term.** Every child between seven and 16 years of age and every child under the age of seven who is enrolled in grade kindergarten or above shall attend a public school, or a private school, during the entire time that the school is in session during any school year. No child shall be required to attend a public school more than 200 days or their equivalent, during any school year. A parent may withdraw a child under the age of seven from school at any time.

*[For text of subds 2 to 4, see M.S.1984]*

**History:** *1Sp1985 c 12 art 7 s 3*

**120.11 SCHOOL BOARDS AND TEACHERS, DUTIES.**

It shall be the duty of each board through its clerk or other authorized agent or employee, to report the names of children required to attend school, with excuses, if any, granted in such district, to the superintendent or principals thereof, within the first week of school. Subsequent excuses granted shall be forthwith reported in the same manner. The clerk or principal shall provide the teachers in the several schools under his supervision, with the necessary information for the respective grades of school, relating to the list of pupils with excuses granted. On receipt of the list of such pupils of school age and the excuses granted, the clerk or principals shall report the names of children not excused, who are not attending school, with the names and addresses of their parents, to the district superintendent within five days after receiving the report.

**History:** *1Sp1985 c 12 art 7 s 4*

**120.15 CLASSES FOR TRUANTS.**

A board may maintain ungraded classes for instruction of children who are required to attend school and who are habitually truant or not in attendance.

All such children shall be deemed delinquent and the board may compel their attendance at such ungraded classes, or any department of the public schools, as the board may determine, and cause them to be brought before the juvenile court of the county for appropriate discipline.

**History:** *1Sp1985 c 12 art 7 s 5*

**120.17 HANDICAPPED CHILDREN.**

Subdivision 1. **Special instruction for handicapped children.** Every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped as set forth in section 120.03. School age means the ages of three to 21 years for children who are handicapped as defined in section 120.03 and shall not extend beyond secondary school or its equivalent. For purposes of this subdivision, the age of a handicapped child shall be the age as of September 1 of the calendar year in which the school year for which the child seeks special instruction and services commences. Every district may provide special instruction and services for handicapped children who have not attained school age. Local health, education, and social service agencies shall refer children from age three to five who are suspected of needing special instruction and services to the school district. A school district is encouraged to contract with a developmental achievement center when the center is cost efficient for the district and when the center provides continuity of special instruction and services for handicapped children under the age of five and

their families. Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full range of programs for education and services for handicapped children. This subdivision does not alter the compulsory attendance requirements of section 120.10.

Subd. 1a. [Repealed, 1Sp1985 c 12 art 3 s 30]

Subd. 2. **Method of special instruction.** Special instruction and services for handicapped children may be provided by one or more of the following methods:

(a) in connection with attending regular elementary and secondary school classes;

(b) establishment of special classes;

(c) at the home or bedside of the child;

(d) in other districts;

(e) instruction and services in special education cooperative centers established under this section, or in another member district of the cooperative center to which the resident district of the handicapped child belongs;

(f) in a state university laboratory school or a University of Minnesota laboratory school;

(g) in a state residential school or a school department of a state institution approved by the commissioner;

(h) in other states;

(i) by contracting with public, private or voluntary agencies;

(j) for children under age five and their families, programs and services established through collaborative efforts with other agencies or within the district; and

(k) any other method approved by the commissioner.

The primary responsibility for the education of a handicapped child shall remain with the district of the child's residence regardless of which method of providing special instruction and services is used.

Subd. 3. **Rules of the state board.** The state board shall promulgate rules relative to qualifications of essential personnel, courses of study, methods of instruction, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation, and any other rules it deems necessary for instruction of handicapped children. These rules shall provide standards and procedures appropriate for the implementation of and within the limitations of subdivisions 3a and 3b. These rules shall also provide standards for the discipline, control, management and protection of handicapped children. The state board shall not adopt rules for pupils served in level 1, 2, or 3, as defined in Minnesota Rules, part 3525.2340, establishing either case loads or the maximum number of pupils that may be assigned to special education teachers. The state board, in consultation with the departments of health and human services, may adopt emergency rules and shall adopt permanent rules for instruction and services for children from age three to five and their families. A developmental achievement center contracting with a school district to provide special instruction and services is eligible for variance from rules relating to personnel licensure. The licensure variance for a developmental achievement center shall be granted according to the same procedures and criteria used for granting a variance to a school district. The state board shall, according to section 14.05, subdivision 4, notify a district applying for a variance from the rules within 45 calendar days of receiving the request whether the request for the variance has been

granted or denied. If a request is denied, the board shall specify the program standards used to evaluate the request and the reasons for denying the request.

Subd. 3a. **School district obligations.** Every district shall ensure that:

(a) all handicapped children are provided the special instruction and services which are appropriate to their needs;

(b) handicapped children from age three to five and their families are provided special instruction and services appropriate to the child's level of functioning and needs;

(c) handicapped children and their parents or guardians are guaranteed procedural safeguards and the right to participate in decisions involving identification, assessment and educational placement of handicapped children;

(d) to the maximum extent appropriate, handicapped children, including those in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when and to the extent that the nature or severity of the handicap is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily;

(e) in accordance with recognized professional standards, testing and evaluation materials and procedures utilized for the purposes of classification and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory; and

(f) the rights of the child are protected when the parents or guardians are not known or not available, or the child is a ward of the state.

*[For text of subds 3b to 11, see M.S.1984]*

Subd. 12. **Interagency early learning committee.** A district, group of districts, or special education cooperative, in cooperation with the county or counties in which the district or cooperative is located, shall establish an interagency early learning committee for handicapped children under age five and their families. Members of the committee shall be representatives of local and regional health, education, and county human service agencies; developmental achievement centers; current service providers; parents of young handicapped children; and other private or public agencies as appropriate. The committee shall elect a chair from among its members and shall meet regularly. The committee shall perform the following ongoing duties:

(1) identify current services and funding being provided within the community for handicapped children under the age of five and their families;

(2) establish and evaluate the identification, referral, and community learning systems to recommend, where necessary, alterations and improvements;

(3) facilitate the development of interagency individual education plans when necessary to appropriately serve handicapped children under the age of five and their families;

(4) review and comment on the early learning section of the total special education system for the district; and

(5) review and comment on the funding sources that currently exist for the services being provided to handicapped children under the age of five and their families in the area.

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The departments of education, health, and human services are encouraged to provide assistance to the local agencies in developing cooperative plans for providing services.

Subd. 13. **Maintenance of effort.** For fiscal year 1986 the departments of education, health, and human services shall not reduce the level of funding for services for handicapped children under age five and their families below the level of funding provided in fiscal year 1985. For the period from July 1, 1985 to June 30, 1986 a local or regional health or human services agency or county board currently providing services to handicapped children under age five and their families through a developmental achievement center or other delivery system shall not decrease the level of services or the dollar amount provided for the services below the level of services or the dollar amount provided by it for the period from July 1, 1984 to June 30, 1985. For the 1985-1986 school year a school district currently providing services to handicapped children under age five and their families shall not decrease the level of services or the expenditure level below the level of services or the dollar amount provided by it in the 1984-1985 school year.

Beginning with the period from July 1, 1986 to June 30, 1987 a local or regional health or human services agency or county board shall not decrease the level of services or the dollar amount provided for those services below the level of services or the dollar amount provided by it for the period from July 1, 1984 to June 30, 1985 unless the county and school district have entered into an agreement for continued funding of services to handicapped children and their families and a copy of the agreement has been filed with the departments of education, health, and human services. This prohibition applies to all funding levels regardless of the source.

This subdivision applies only to services that are special instruction and services, within the meaning of this section, and that reasonably would be the responsibility of a school district.

**History:** *1Sp1985 c 12 art 3 s 2-8*

NOTE: Subdivisions 1, 2, 3, and 3a, as amended by Laws 1985, First Special Session chapter 12, article 3, sections 2, 3, 5, and 6, are effective for the 1986-1987 school year and thereafter. See Laws 1985, First Special Session chapter 12, article 3, section 31.

## 120.172 LEGISLATIVE COMMITMENT TO CONCILIATION.

*[For text of subds 1 and 2, see M.S.1984]*

Subd. 3. [Repealed, 1Sp1985 c 12 art 3 s 30]

## 120.183 INTERAGENCY OFFICE ON TRANSITION SERVICES.

The commissioner of education shall establish an interagency office on transition services to:

- (1) gather and coordinate data on transition services for secondary age handicapped pupils;
- (2) provide information, consultation, and technical assistance to state and local agencies involved in the delivery of services to handicapped pupils in transition from secondary school programs to employment and post-secondary training programs;
- (3) assist agencies in establishing local interagency agreements to assure the necessary services for efficient and appropriate transition from school to work or post-secondary training programs; and

(4) assist regions and local areas in planning interagency inservice training to develop and improve transition services.

**History:** *1Sp1985 c 12 art 3 s 9*

**120.68** [Repealed, 1Sp1985 c 12 art 7 s 33]

**120.85 GOAL OF THE PERMANENT SCHOOL FUND.**

The legislature intends that it is the goal of the permanent school fund to secure the maximum long-term economic return from the school trust lands consistent with the fiduciary responsibilities imposed by the trust relationship established in the Minnesota Constitution, with sound natural resource conservation and management principles, and with other specific policy provided in state law.

**History:** *1985 c 116 s 2*