

## CHAPTER 120A

## EDUCATION CODE; COMPULSORY ATTENDANCE

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**120A.05 DEFINITIONS.**

*[For text of subds 1 to 8, see M S 1998]*

**Subd 9 Elementary school.** "Elementary school" means any school with building, equipment, courses of study, class schedules, enrollment of pupils ordinarily in prekindergarten through grade 6 or any portion thereof, and staff meeting the standards established by the commissioner

The commissioner of children, families, and learning shall not close a school or deny any state aids to a district for its elementary schools because of enrollment limitations classified in accordance with the provisions of this subdivision

*[For text of subd 10, see M S 1998]*

**Subd 11 Middle school.** "Middle school" means any school other than a secondary school giving an approved course of study in a minimum of three consecutive grades above 4th but below 10th with building, equipment, courses of study, class schedules, enrollment, and staff meeting the standards established by the commissioner of children, families, and learning

*[For text of subd 12, see M S 1998]*

**Subd 13 Secondary school.** "Secondary school" means any school with building, equipment, courses of study, class schedules, enrollment of pupils ordinarily in grades 7 through 12 or any portion thereof, and staff meeting the standards established by the commissioner of children, families, and learning

*[For text of subd 14, see M S 1998]*

**Subd 15 [Obsolete]**

*[For text of subd 16, see M S 1998]*

**Subd 17 Vocational center school.** "Vocational center school" means any school serving a group of secondary schools with approved areas of secondary vocational training and offering vocational secondary and adult programs necessary to meet local needs and meeting standards established by the commissioner of children, families, and learning

**History:** 1998 c 398 art 5 s 55

**120A.22 COMPULSORY INSTRUCTION.**

*[For text of subds 1 to 9, see M S 1998]*

**Subd 10 Requirements for instructors.** A person who is providing instruction to a child must meet at least one of the following requirements

- (1) hold a valid Minnesota teaching license in the field and for the grade level taught,
- (2) be directly supervised by a person holding a valid Minnesota teaching license,
- (3) successfully complete a teacher competency examination,
- (4) provide instruction in a school that is accredited by an accrediting agency, recognized according to section 123B 445, or recognized by the commissioner,
- (5) hold a baccalaureate degree, or
- (6) be the parent of a child who is assessed according to the procedures in subdivision

Any person providing instruction in a public school must meet the requirements of clause (1)

**Subd 11 Assessment of performance.** (a) Each year the performance of every child 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.

*[For text of subs 12 and 13, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

#### 120A.24 REPORTING.

**Subdivision 1 Reports to superintendent.** The person in charge of providing instruction to a child must submit the following information to the superintendent of the district in which the child resides:

(1) by October 1 of each school year, the name, birth date, and address of each child receiving instruction,

(2) the name of each instructor and evidence of compliance with one of the requirements specified in section 120A 22, subdivision 10,

(3) an annual instructional calendar, and

(4) for each child instructed by a parent who meets only the requirement of section 120A 22, subdivision 10, clause (6), a quarterly report card on the achievement of the child in each subject area required in section 120A 22, subdivision 9.

*[For text of subd 2, see M S 1998]*

**Subd 3 Exemptions.** A nonpublic school, person, or other institution that is accredited by an accrediting agency, recognized according to section 123B 445, or recognized by the commissioner, is exempt from the requirements in subdivisions 1 and 2, except for the requirement in subdivision 1, clause (1).

*[For text of subd 4, see M S 1998]*

**History:** 1998 c 398 art 5 s 55, 1999 c 241 art 6 s 1

#### 120A.30 ATTENDANCE OFFICERS.

The board of any district may authorize the employment of attendance officers, who must investigate truancy or nonattendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and district rules regarding school attendance. When any attendance officer learns of any case of habitual truancy or continued nonattendance of any child required to attend school, the officer must immediately notify the person having control of the child to send and keep the child in school. The attendance officer must also refer a habitual truant child as defined in section 260C 007, subdivision 19, and the child's parent or legal guardian to appropriate services and procedures under chapter 260A,

if available within the school district. Attendance officers or other designated school officials must ensure that the notice required by section 260A.03 for a child who is a continuing truant is sent. The officer must act under the general supervision of the superintendent.

**History:** 1999 c 139 art 4 s 2

#### **120A.40 SCHOOL CALENDAR.**

(a) Except for learning programs during summer, flexible learning year programs authorized under sections 124D.12 to 124D.127, and learning year programs under section 124D.128, a district must not commence an elementary or secondary school year before September 1, except as provided under paragraph (b). Days devoted to teachers' workshops may be held before September 1. Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.

(b) A district may begin the school year on any day before September 1 to accommodate a construction or remodeling project of \$400,000 or more affecting a district school facility.

**History:** 1999 c 241 art 9 s 2