CHAPTER 120A

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EDUCATION CODE

120A.01 CITATION, EDUCATION CODE.

Chapters 120A to 129C may be cited as the "Education Code."

History: *Ex1959 c 71 art 1 s 1; 1975 c 162 s 1; 1998 c 397 art 1 s 58; art 11 s 3*

120A.02 DEPARTMENT OF EDUCATION.

(a) The Department of Education is established.

(b) The Department of Education shall carry out the provisions of chapters 120A to 129C and other related education provisions under law.

History: *2000 c 254 s 1; 2003 c 130 s 7,12; 2004 c 294 art 5 s 20*

120A.03 MISSION STATEMENT.

The mission of public education in Minnesota, a system for lifelong learning, is to ensure individual academic achievement, an informed citizenry, and a highly productive work force. This system focuses on the learner, promotes and values diversity, provides participatory decision making, ensures accountability, models democratic principles, creates and sustains a climate for change, provides personalized learning environments, encourages learners to reach their maximum potential, and integrates and coordinates human services for learners. The public schools of this state shall serve the needs of the students by cooperating with the students' parents and legal guardians to develop the students' intellectual capabilities and lifework skills in a safe and positive environment. It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

History: *1991 c 265 art 7 s 1; 1995 c 248 art 11 s 9; 1Sp1997 c 4 art 7 s 2; 1998 c 366 s 56; 1998 c 397 art 1 s 58*

120A.05 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter the terms defined in this section have the meanings given them.

Subd. 2. **Auditor.** "Auditor" means county auditor.

Subd. 3. **Board.** "Board" means a school board.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of education.

Subd. 5. **Common district.** "Common district" means any school district validly created and existing as a common school district or joint common school district as of July 1, 1957, or pursuant to the terms of the Education Code.

Subd. 6. **County board.** "County board" means a board of county commissioners.

Subd. 7. **Department.** "Department" means the Department of Education.

Subd. 8. **District.** "District" means a school district.

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.

Subd. 10. **Independent district.** "Independent district" means any school district validly created and existing as an independent, consolidated, joint independent, county or a ten or more township district as of July 1, 1957, or pursuant to the Education Code.

Subd. 10a. **Kindergarten.** "Kindergarten" means a program designed for pupils five years of age on September 1 of the calendar year in which the school year commences that prepares pupils to enter first grade the following school year.

Subd. 11. **Middle school.** "Middle school" means any school other than a secondary school giving an approved course of study in a minimum of two 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 education.

Subd. 11a. **Prekindergarten.** "Prekindergarten" means a program designed for pupils younger than five years of age on September 1 of the calendar year in which the school year commences that prepares pupils to enter kindergarten the following school year.

Subd. 12. **School district tax.** "School district tax" means the tax levied and collected to provide the amount of money voted or levied by the district or the board for school purposes.

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 education.

Subd. 14. **Special district.** "Special district" means a district established by a charter granted by the legislature or by a home rule charter including any district designated a special independent school district by the legislature.

Subd. 15. [Obsolete]

Subd. 16. **Superintendent.** "Superintendent" means superintendent of the school district involved.

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 education.

History: *Ex1959 c 71 art 1 s 2,5; 1961 c 562 s 7; 1971 c 25 s 31; 1971 c 118 s 1; 1978 c 616 s 1; 1984 c 463 art 5 s 1; 1987 c 258 s 1; 1Sp1995 c 3 art 16 s 13; 1997 c 162 art 1 s 2; 1998 c 397 art 1 s 1-6,58; art 11 s 3; 1998 c 398 art 5 s 55; 2003 c 130 s 8,9,12; 1Sp2003 c 9 art 2 s 1; art 5 s 3; 1Sp2005 c 5 art 1 s 1; 2024 c 109 art 9 s 1,2*

120A.10 SCHOOL LAW QUESTIONS TO ATTORNEY GENERAL.

If there be any doubt as to the proper construction of any part of the state school laws, the commissioner, at the request of any public officer, shall submit such question to the attorney general, who shall give a written opinion thereon and such opinion shall be binding until annulled or overruled by a court.

History: *Ex1959 c 71 art 2 s 17; 1986 c 444*

SCHOOL ATTENDANCE

120A.20 ADMISSION TO PUBLIC SCHOOL.

Subdivision 1. **Age limitations; pupils.** (a) All schools supported in whole or in part by state funds are public schools. Admission to a public school is free to any person who: (1) resides within the district that operates the school; (2) is under 21 years of age or who meets the requirements of paragraph (c); and (3) 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 is governed by a single set of reasonable rules and regulations promulgated by the school board.

(b) A person shall not be admitted to a 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 1st 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 under section 124D.02.

(c) A pupil who becomes age 21 after enrollment is eligible for continued free public school enrollment until at least one of the following occurs: (1) the first September 1 after the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the pupil's withdrawal with no subsequent enrollment within 21 calendar days; (4) the end of the school year; or (5) in the case of a student with a disability as defined under section 125A.02, the pupil's 22nd birthday.

Subd. 2. **Education, residence, and transportation of homeless.** (a) Notwithstanding subdivision 1, a district must not deny free admission to a homeless pupil solely because the district cannot determine that the pupil is a resident of the district.

(b) The school district of residence for a homeless pupil shall be the school district in which the parent or legal guardian resides, unless: (1) parental rights have been terminated by court order; (2) the parent or guardian is not living within the state; or (3) the parent or guardian having legal custody of the child is an inmate of a Minnesota correctional facility or is a resident of a halfway house under the supervision of the commissioner of corrections. If any of clauses (1) to (3) apply, the school district of residence shall be the school district in which the pupil resided when the qualifying event occurred. If no other district of residence can be established, the school district of residence shall be the school district in which the pupil currently resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner of education.

(c) Except as provided in paragraph (d), the serving district is responsible for transporting a homeless pupil to and from the pupil's district of residence. The district may transport from a permanent home in another district but only through the end of the academic school year. When a pupil is enrolled in a charter school, the district or school that provides transportation for other pupils enrolled in the charter school is responsible for providing transportation. When a homeless pupil with or without an individualized education program attends a public school other than an independent or special school district or charter school, the district of residence is responsible for transportation.

(d) For a homeless pupil with an individualized education program enrolled in a program authorized by an intermediate school district, special education cooperative, service cooperative, or education district, the serving district at the time of the pupil's enrollment in the program remains responsible for transporting that pupil for the remainder of the school year, unless the initial serving district and the current serving district mutually agree that the current serving district is responsible for transporting the homeless pupil.

Subd. 3. [Repealed, 2006 c 263 art 1 s 17]

Subd. 4. **Verification of age for admission to public school.** Public schools may request documentation that verifies a pupil falls within the school's minimum and maximum age requirements for admission to publicly funded prekindergarten, preschool, kindergarten, or grades 1 through 12. Documentation may include a passport, a hospital birth record or physician's certificate, a baptismal or religious certificate, an adoption record, health records, immunization records, immigration records, previously verified school records, early childhood screening records, Minnesota Immunization Information Connection records, or an affidavit from a parent.

History: *Ex1959 c 71 art 1 s 6; 1967 c 173 s 1; 1974 c 529 s 1; 1984 c 463 art 5 s 2; 1Sp1985 c 12 art 7 s 2; 1987 c 258 s 12; 1988 c 718 art 6 s 1; 1989 c 246 s 2; 1989 c 329 art 7 s 1; 1993 c 224 art 4 s 7; 1996*

c 412 art 13 s 3; 1998 c 397 art 1 s 7,8,58; art 11 s 3; 1998 c 398 art 2 s 3; 2006 c 263 art 1 s 1; 2012 c 239 art 1 s 1; 2013 c 116 art 1 s 1; 1Sp2019 c 11 art 1 s 1; 1Sp2020 c 8 art 5 s 1; 2023 c 55 art 7 s 1

120A.21 ENROLLMENT OF A STUDENT IN FOSTER CARE.

A student placed in foster care must remain enrolled in the student's prior school unless it is determined that remaining enrolled in the prior school is not in the student's best interests. If the student does not remain enrolled in the prior school, the student must be enrolled in a new school within seven school days.

History: *1Sp2020 c 2 art 1 s 4*

120A.22 COMPULSORY INSTRUCTION.

Subdivision 1. **Parental responsibility.** The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship.

Subd. 1a. **Noncustodial parent access to records.** Upon request, a noncustodial parent has the right of access to, and to receive copies of, school records and information, to attend conferences, and to be informed about the child's welfare, educational progress, and status, as authorized under section 518.17, subdivision 3. The school is not required to hold a separate conference for each parent.

Subd. 2. **Applicability.** This section and sections 120A.24; 120A.26; 120A.32; and 120A.34 apply only to a child required to receive instruction according to subdivision 5 and to instruction that is intended to fulfill that requirement.

Subd. 3. **Parent defined; residency determined.** (a) In this section and sections 120A.24 and 120A.26, "parent" means a parent, guardian, or other person having legal custody of a child.

(b) In sections 125A.03 to 125A.24 and 125A.65, "parent" means a parent, guardian, or other person having legal custody of a child under age 18. For an unmarried pupil age 18 or over, "parent" means the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator.

(c) For purposes of sections 125A.03 to 125A.24 and 125A.65, the school district of residence for an unmarried pupil age 18 or over who is a parent under paragraph (b) and who is placed in a center for care and treatment, shall be the school district in which the pupil's biological or adoptive parent or designated guardian resides.

(d) For a married pupil age 18 or over, the school district of residence is the school district in which the married pupil resides.

(e) If a district reasonably believes that a student does not meet the residency requirements of the school district in which the student is attending school, the student may be removed from the school only after the district sends the student's parents written notice of the district's belief, including the facts upon which the belief is based, and an opportunity to provide documentary evidence of residency in person to the superintendent or designee, or, at the option of the parents, by sending the documentary evidence to the superintendent, or a designee, who will then make a determination as to the residency status of the student.

Subd. 4. **School defined.** For the purpose of compulsory attendance, a "school" means a public school, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, church or religious organization, or home school in which a child is provided instruction in compliance with this section and section 120A.24.

Subd. 5. **Ages and terms.** (a) Every child between seven and 17 years of age must receive instruction unless the child has graduated. 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.

(c) A pupil 16 years of age or older who meets the criteria of section 124D.68, subdivision 2, and under clause (5) of that subdivision has been excluded or expelled from school or under clause (11) of that subdivision has been chronically truant may be referred to an area learning center. Such referral may be made only after consulting the principal, area learning center director, student, and parent or guardian and only if, in the school administrator's professional judgment, the referral is in the best educational interest of the pupil. Nothing in this paragraph limits a pupil's eligibility to apply to enroll in other eligible programs under section 124D.68.

Subd. 6. **Children under seven.** (a) Once a pupil under the age of seven is enrolled in kindergarten or a higher grade in a public school, the pupil is subject to the compulsory attendance provisions of this chapter and section 120A.34, unless the board of the district in which the pupil is enrolled has a policy that exempts children under seven from this subdivision.

(b) In a district in which children under seven are subject to compulsory attendance under this subdivision, paragraphs (c) to (e) apply.

(c) A parent or guardian may withdraw the pupil from enrollment in the school for good cause by notifying the district. Good cause includes, but is not limited to, enrollment of the pupil in another school, as defined in subdivision 4, or the immaturity of the child.

(d) When the pupil enrolls, the enrolling official must provide the parent or guardian who enrolls the pupil with a written explanation of the provisions of this subdivision.

(e) A pupil under the age of seven who is withdrawn from enrollment in the public school under paragraph (c) is no longer subject to the compulsory attendance provisions of this chapter.

(f) In a district that had adopted a policy to exempt children under seven from this subdivision, the district's chief attendance officer must keep the truancy enforcement authorities supplied with a copy of the board's current policy certified by the clerk of the board.

Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.

(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action under sections 121A.40 to 121A.56. The district, the charter school, or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.

Subd. 8. **Withdrawal from school.** Any student who is 17 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.

Subd. 9. **Knowledge and skills.** Instruction must be provided in at least the following subject areas:

(1) basic communication skills including reading and writing, literature, and fine arts;

(2) mathematics and science;

(3) social studies including history, geography, economics, government, and citizenship; and

(4) health and physical education.

Instruction, textbooks, and materials must be in the English language. Another language may be used pursuant to sections 124D.59 to 124D.61.

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) provide instruction in a school that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner;

(4) hold a baccalaureate degree; or

(5) be the parent of a child who is assessed according to the procedures in subdivision 11.

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 ages seven through 16 and every child ages 16 through 17 for which an initial report was filed pursuant to section 120A.24, subdivision 1, after the child is 16 and 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) or (2).

(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.

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

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

(i) child illness, medical, dental, orthodontic, or counseling appointments, including appointments conducted through telehealth;

(ii) family emergencies;

(iii) the death or serious illness or funeral of an immediate family member;

(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, instruction conducted by a Tribal spiritual or cultural advisor, or a school for religious instruction conducted and maintained by a church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This 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. A child may be absent from school on days that the child attends upon instruction according to this clause.

(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.

Subd. 13. **Reporting attendance.** (a) A district must count a student as in attendance on each day the student receives supervision, instruction, or services from school staff during scheduled school hours. Nothing in this section removes district responsibility to continue to comply with reporting requirements in section 126C.05 for the purposes of funding.

(b) The principal must issue and keep a record of attendance, under rules established by the board.

History: *Ex1959 c 71 art 1 s 10 subds 2,3; 1961 c 567 s 1; 1967 c 82 s 1; 1969 c 161 s 1,2; 1974 c 326 s 1; 1975 c 162 s 3; 1977 c 306 s 14; 1977 c 447 art 7 s 2,3; 1978 c 616 s 2; 1978 c 706 s 1; 1980 c 609 art 3 s 2; 1Sp1985 c 12 art 7 s 3; 1986 c 444; 1986 c 472 s 1-3; 1987 c 178 s 1,9; 1988 c 718 art 7 s 19,20; 1989 c 296 s 1,2; 1991 c 265 art 7 s 2; 1993 c 224 art 9 s 13,14; 1994 c 465 art 2 s 9,10; 1994 c 647 art 4 s 1; art 9 s 3; 1Sp1995 c 3 art 9 s 3,4; 1Sp1997 c 4 art 6 s 1-2; art 7 s 3; 1998 c 397 art 1 s 29-35,58; art 11 s 3; 1998 c 398 art 2 s 5; art 5 s 4; art 5 s 55; 2000 c 489 art 10 s 1,21; 2002 c 352 s 8; 1Sp2005 c 5 art 2 s 3; 2006 c 263 art 2 s 1; 2007 c 146 art 2 s 2; 2009 c 96 art 2 s 2; art 10 s 1; 2012 c 239 art 1 s 2; art 2 s 1; 2013 c 116 art 3 s 1-4; 2014 c 272 art 3 s 2; art 9 s 1; 1Sp2017 c 5 art 2 s 1; 2023 c 55 art 2 s 1; 2024 c 85 s 17; 2024 c 109 art 8 s 1; 1Sp2025 c 10 art 1 s 1,2*

120A.24 REPORTING.

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 and every child ages 16 through 17 for which an initial report was filed pursuant to this subdivision after the child is 16 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.

Subd. 2. **Availability of documentation.** (a) The person or nonpublic school in charge of providing instruction to a child must maintain documentation indicating that the subjects required in section 120A.22, subdivision 9, are being taught and proof that the tests under section 120A.22, subdivision 11, have been administered. This documentation must include class schedules, copies of materials used for instruction, and descriptions of methods used to assess student achievement.

(b) The parent of a child who enrolls full time in public school after having been enrolled in a nonpublic school that is not accredited by a state-recognized accrediting agency must provide the enrolling public school or school district with the child's scores on any tests administered to the child under section 120A.22, subdivision 11, and other education-related documents the enrolling school or district requires to determine where the child is placed in school and what course requirements apply. This paragraph does not apply to a shared time student who does not seek a public school diploma.

(c) The person or nonpublic school in charge of providing instruction to a child must make the documentation in this subdivision available to the county attorney when a case is commenced under section 120A.26, subdivision 5; chapter 260C; or when diverted under chapter 260A.

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 subdivision 2.

Subd. 4. **Reports to the state or county.** (a) A superintendent must make an annual report to the commissioner of education by December 1 of the total number of nonpublic children reported as residing in the district. The report must include the following information:

(1) the number of children residing in the district attending nonpublic schools or receiving instruction from persons or institutions other than a public school;

(2) the number of children in clause (1) who are in compliance with section 120A.22 and this section; and

(3) the number of children in clause (1) who the superintendent has determined are not in compliance with section 120A.22 and this section.

(b) No later than 15 school days after the beginning of each academic term, a school principal must report to the superintendent a list of names and last known addresses of all students who were enrolled in the school for the previous term, are not enrolled in the school for the current term, and were otherwise eligible for enrollment, unless the school has been notified that the student has enrolled in another school. The superintendent must immediately make the list received from the principal available to an authorized representative of a county agency whose statutory purpose is to enroll students in school.

(c) A school district must notify the local welfare agency of any student dropped from the school's roll under section 126C.05, subdivision 8, paragraph (a), for unexcused absences exceeding 15 consecutive school days. The notice to the local welfare agency must include the student's most recent contact information on file with the school. The school must also send an email, letter, or otherwise contact the student's family to encourage the student to reenroll in the school's programming.

(d) After receiving notification under paragraph (c), the local welfare agency must inform the school if the agency is unable to contact the student or student's family. If the local welfare agency is unable to contact the student or student's family, the district must notify the Department of Education that the student has been dropped from the school's roll, and that the local welfare agency is unable to contact the student or student's family. The notice to the department must include the student's most recent contact information on file with the school.

Subd. 5. **Obligations.** Nothing in this section alleviates the obligations under section 120A.22.

History: *1987 c 178 s 2; 1993 c 224 art 9 s 15; 1Sp1995 c 3 art 16 s 13; 1998 c 397 art 1 s 37-39,58; art 11 s 3; 1998 c 398 art 5 s 55; 1999 c 241 art 6 s 1; 1Sp2003 c 9 art 2 s 2; 1Sp2011 c 11 art 1 s 2; 2012 c 239 art 1 s 3,4; 2013 c 116 art 3 s 5; 1Sp2025 c 10 art 1 s 3*

120A.26 ENFORCEMENT AND PROSECUTION.

Subdivision 1. [Repealed, 1Sp2011 c 11 art 1 s 37]

Subd. 2. [Repealed, 1Sp2011 c 11 art 1 s 37]

Subd. 3. **Notice to parents.** The superintendent must notify the parent, in writing, if a child is alleged to be receiving instruction in violation of sections 120A.22 and 120A.24. The written notification must include a list of the specific alleged violations.

Subd. 4. **Fact-finding and mediation.** If the specified alleged violations of the compulsory attendance requirements are not corrected within 15 days of receipt of the written notification, the superintendent must request fact-finding and mediation services from the commissioner.

Subd. 5. **Notice to county attorney.** If the alleged violations are not corrected through the fact-finding and mediation process under subdivision 4, the superintendent must notify the county attorney of the alleged violations. The superintendent must notify the parents, by certified mail, of the superintendent's intent to notify the county attorney of the alleged violations.

Subd. 6. **Criminal complaint; prosecution.** The county attorney in the county in which the alleged violations have occurred has jurisdiction to conduct a prosecution for violations of this section, section 120A.22, or section 120A.24. A criminal complaint may be filed in any court in the county exercising criminal jurisdiction and must name the persons neglecting or refusing to comply with this section, section 120A.22, or section 120A.24. After the complaint has been filed, a warrant must be issued and proceedings in trial must commence as provided by law in misdemeanor cases.

History: *1987 c 178 s 3; 1Sp1995 c 3 art 16 s 13; 1998 c 397 art 1 s 40-43,58; art 11 s 3*

120A.28 [Repealed, 2012 c 239 art 2 s 21]

120A.30 [Repealed, 2014 c 272 art 8 s 4]

120A.32 OFFICERS, TEACHERS; NEGLECT OF DUTY; PENALTY.

Any school officer, truant officer, public or nonpublic school teacher, principal, district superintendent, or person providing instruction other than a parent refusing, willfully failing, or neglecting to perform any duty imposed by sections 120A.22, 120A.26, 120A.35, 120A.41, and 123B.03 is guilty of a misdemeanor. All persons found guilty shall be punished for each offense by a fine of not more than $10 or by imprisonment

for not more than ten days. All fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

History: *Ex1959 c 71 art 8 s 19; 1975 c 162 s 36; 1986 c 444; 1987 c 178 s 7; 1989 c 209 art 2 s 1; 1991 c 199 art 2 s 14; 1998 c 397 art 1 s 55,58; art 11 s 3; 2014 c 272 art 9 s 2*

120A.34 VIOLATIONS; PENALTIES.

Any person who fails or refuses to provide for instruction of a child of whom the person has legal custody, and who is required by section 120A.22, subdivision 5, to receive instruction, when notified so to do by a truant officer or other official, or any person who induces or attempts to induce any child unlawfully to be absent from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a petty misdemeanor. Any fines collected shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

History: *Ex1959 c 71 art 8 s 20; 1986 c 444; 1987 c 178 s 8; 1989 c 296 s 3; 1993 c 224 art 14 s 14; 1995 c 226 art 3 s 8; 1998 c 397 art 1 s 56,58; art 11 s 3; 2002 c 220 art 6 s 7*

120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS AND CULTURAL OBSERVANCES.

Reasonable efforts must be made by a school district to accommodate any pupil who wishes to be excused from a curricular activity for a religious observance or American Indian cultural practice, observance, or ceremony. A school board must provide annual notice to parents of the school district's policy relating to a pupil's absence from school under this section.

History: *1989 c 60 s 1; 1998 c 397 art 1 s 58; 1Sp2021 c 13 art 1 s 1; 2024 c 109 art 2 s 2*

120A.36 SCHOOL ATTENDANCE.

Attendance at a particular public school is a privilege not a right for a pupil.

History: *1996 c 412 art 4 s 1; 1998 c 397 art 1 s 58*

120A.37 ATTENDANCE PROVISIONS CODED ELSEWHERE.

Subdivision 1. **Scope.** (a) The sections referred to in subdivisions 2 to 12 are codified outside this section. Those sections include many but not all the sections governing student attendance.

(b) The inclusion or exclusion of a provision related to attendance in this section is not intended to have any substantive legal effect. The cross-references used in this section are intended solely to indicate the contents of the cross-referenced section and are not part of the cross-referenced statute. The cross-references are not substantive and may not be used to construe or limit the meaning of any statutory language. Users of this section must consult the language of each cross-referenced law to fully understand the scope and effect of the statute.

Subd. 2. **Age of instruction.** (a) Compulsory instruction requirements based on age are governed by section 120A.22, subdivision 5.

(b) Limitation on admission to a public school based on age is governed by section 120A.20.

Subd. 3. **District of residence.** (a) Admission to a public school operated by a district is free to a child who resides within the district in accordance with section 120A.20.

(b) A student may attend a school operated by a district in which the student does not reside in accordance with section 124D.03. A nonresident district may terminate the enrollment of a nonresident student if the student is a habitual truant or has been absent without lawful excuse in accordance with section 124D.03, subdivision 12.

Subd. 4. **Nonpublic school student reporting.** The person or nonpublic school in charge of providing instruction to a child must submit a report to the superintendent of the district in which the child resides, and maintain documentation in accordance with section 120A.24.

Subd. 5. **Transportation.** (a) A school board must provide transportation for enrolled students residing within the district in accordance with section 123B.88. A district may provide bus transportation between buildings along school routes for students attending programs at an area learning center in accordance with section 123B.88, subdivision 13.

(b) A school district may revoke a student's bus riding privileges in accordance with sections 121A.59 and 123B.91.

(c) A school district transporting students must do so using a school bus, including a multifunction school activity bus or a type III vehicle, in accordance with chapters 169 and 171. A district may use a vehicle that otherwise qualifies as a type III vehicle where the operator does not meet the requirements of section 171.321 to transport students in a nonscheduled situation in accordance with section 169.454, subdivision 13.

Subd. 6. **Students with disabilities.** (a) A school board must provide transportation for a student with a disability in accordance with the Individuals with Disabilities Education Act, section 123B.88, and chapter 125A.

(b) A district must provide a student with disabilities a free appropriate public education in accordance with the Individuals with Disabilities Education Act, and special instruction and services under chapter 125A.

Subd. 7. **Funding.** A school district may use its unrestricted general fund money or its reserved basic skills revenue for programs to reduce truancy in accordance with section 126C.15.

Subd. 8. **Absences.** (a) A parent or guardian may apply to a district to have a child excused from attendance, and the district may approve the application in accordance with section 120A.22, subdivision 12. An excused absence may include absence so that the child may attend, for up to three hours a week, instruction by a Tribal spiritual or cultural adviser, or a school for religious instruction. Section 120A.22, subdivision 12, identifies the persons to whom a parent may apply for an excused absence.

(b) A district must make reasonable efforts to accommodate a student who wishes to be excused from a curricular activity for a religious observance or American Indian cultural practice, observance, or ceremony, in accordance with section 120A.35.

Subd. 9. **Removal from attendance roll.** A student who has been absent from school for 15 consecutive school days during the regular school year is dropped from the roll and classified as withdrawn in accordance with section 126C.05.

Subd. 10. **Truancy.** (a) Truancy programs are governed by chapter 260A.

(b) A student who is absent from school without valid excuse within a single school year for three days if the child is in elementary school, or three or more class periods if the child is in middle school, junior high school, or high school, is a continuing truant in accordance with section 260A.02, subdivision 3.

(c) A district must notify the child's parent or guardian that the child is a truant in accordance with section 260A.03.

(d) Truancy programs may include community-based projects, truancy service centers, and school attendance review boards, in accordance with section 260A.04.

(e) A county attorney may establish a truancy mediation program under section 260A.07. A school district may refer a student who is a truant to the county attorney if the student continues to be a truant after the district has notified the parent or guardian that the child is a truant under section 260A.03. Disclosure of student data to the county attorney for purposes of addressing truancy is governed by section 13.32, subdivision 3, paragraph (c); section 260A.07; and chapter 260E.

Subd. 11. **Maltreatment.** (a) The definition of "child in need of protection or services," which includes a habitual truant, is governed by section 260C.007, subdivision 6. The definition of "habitual truant" is governed by section 260C.007, subdivision 19.

(b) Presumptions regarding the intent of the parent when a child is absent from school for purposes of determining compliance with compulsory instruction laws are governed by section 260C.163, subdivision 11.

(c) Habitual truancy may also be considered reportable maltreatment of a minor under chapter 260E. Maltreatment under section 260E.03, subdivision 12, includes neglect under section 260E.03, subdivision 15. Neglect includes failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11.

Subd. 12. **Criminal penalties.** (a) A person who fails or refuses to provide for instruction of a child who is required to receive instruction when notified to do so by a truant officer or other official, or who meets other conditions, is guilty of a petty misdemeanor in accordance with section 120A.34.

(b) A person who causes or contributes to a child being a habitual truant may be charged with a felony in accordance with section 609.26.

History: *1Sp2025 c 10 art 1 s 4*

120A.38 CLASSROOM PLACEMENT; PARENT DISCRETION.

(a) A parent or guardian of twins or higher order multiples may request that the children be placed in the same classroom or in separate classrooms if the children are in the same grade level at the same school. The school may recommend classroom placement to the parents and provide professional education advice to the parents to assist them in making the best decision for their children's education. A school must provide the placement requested by the children's parent or guardian, unless the school board makes a classroom placement determination following the school principal's request according to this section. The parent or guardian must request the classroom placement no later than 14 days after the first day of each school year or 14 days after the first day of attendance of the children during a school year if the children are enrolled in the school after the school year commences. At the end of the initial grading period, if the school principal, in consultation with the children's classroom teacher, determines that the requested classroom placement is disruptive to the school, the school principal may request that the school board determine the children's classroom placement.

(b) For purposes of this section, "higher order multiples" means triplets, quadruplets, quintuplets, or more.

History: *2005 c 33 s 1*

SCHOOL CALENDAR

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 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops may be held before Labor Day. 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 Labor Day:

(1) to accommodate a construction or remodeling project of $400,000 or more affecting a district school facility;

(2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a district that qualifies under clause (1); or

(3) if the district agrees to the same schedule with a school district in an adjoining state.

History: *Ex1959 c 71 art 7 s 12; 1967 c 890 s 2; 1974 c 326 s 15; 1978 c 764 s 89; 1985 c 51 s 1; 1987 c 258 s 7; 1990 c 562 art 8 s 33; 1991 c 265 art 9 s 57; 1Sp1995 c 3 art 16 s 13; 1998 c 397 art 6 s 117; art 11 s 3; 1998 c 398 art 6 s 29; 1999 c 241 art 9 s 2; 1Sp2005 c 1 art 4 s 31; 2009 c 96 art 1 s 2*

120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.

(a) A school board's annual school calendar must include at least 425 hours of instruction for a kindergarten student, 935 hours of instruction for a student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not including summer school. The school calendar for all-day kindergarten must include at least 850 hours of instruction for the school year. The school calendar for a prekindergarten student under section 142D.08, if offered by the district, must include at least 350 hours of instruction for the school year. A school board's annual calendar must include at least 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule has been approved by the commissioner under section 124D.126.

(b) A school board's annual school calendar may include plans for up to five days of instruction provided through online instruction due to inclement weather. The inclement weather plans must be developed according to section 120A.414.

History: *1Sp1997 c 4 art 6 s 3; 1998 c 397 art 1 s 36; art 6 s 124; 2000 c 500 s 1; 1Sp2003 c 9 art 2 s 3; 1Sp2011 c 11 art 1 s 3; 2013 c 116 art 1 s 2; 2015 c 21 art 1 s 14; 2016 c 189 art 27 s 1; 1Sp2017 c 5 art 1 s 1; 2024 c 80 art 4 s 26; 2024 c 115 art 1 s 1; art 16 s 42*

120A.414 E-LEARNING DAYS.

Subdivision 1. **Days.** "E-learning day" means a school day where a school offers full access to online instruction provided by students' individual teachers due to inclement weather. A school district or charter school that chooses to have e-learning days may have up to five e-learning days in one school year. An

e-learning day is counted as a day of instruction and included in the hours of instruction under section 120A.41.

Subd. 2. **Plan.** A school board, including the board of a charter school, may adopt an e-learning day plan after meeting and negotiating with the exclusive representative of the teachers. If a charter school's teachers are not represented by an exclusive representative, the charter school may adopt an e-learning day plan after consulting with its teachers. The plan must include accommodations for students without Internet access at home and for digital device access for families without the technology or an insufficient amount of technology for the number of children in the household. A school's e-learning day plan must provide accessible options for students with disabilities under chapter 125A.

Subd. 3. **Annual notice.** A school district or charter school must notify parents and students of the e-learning day plan at the beginning of the school year.

Subd. 4. **Daily notice.** On an e-learning day declared by the school, a school district or charter school must notify parents and students at least two hours prior to the normal school start time that students need to follow the e-learning day plan for that day.

Subd. 5. **Teacher access.** Each student's teacher must be accessible both online and by telephone during normal school hours on an e-learning day to assist students and parents.

Subd. 6. **Other school personnel.** A school district or charter school that declares an e-learning day must continue to pay the full wages for scheduled work hours and benefits of all school employees for the duration of the e-learning period. During the e-learning period, school employees must be allowed to work from home to the extent practicable, be assigned to work in an alternative location, or be retained on an on-call basis for any potential need.

History: *1Sp2017 c 5 art 1 s 2; 2023 c 53 art 11 s 3; 2023 c 55 art 2 s 2; art 5 s 1*

120A.415 EXTENDED SCHOOL CALENDAR.

A school board that offers licensed kindergarten through grade 12 teachers the opportunity for more staff development training and additional salary under section 122A.40, subdivisions 7 and 7a, or 122A.41, subdivisions 4 and 4a, must adopt as its school calendar a total of 240 days of student instruction and staff development, of which the total number of staff development days equals the difference between the total number of days of student instruction and 240 days. A school board may schedule additional staff development days throughout the calendar year.

History: *1Sp2001 c 6 art 2 s 1*

120A.416 PAID LEAVE FOR SCHOOL CLOSURES.

(a) A school district or charter school that alters its calendar due to a weather event, public health emergency, or any other circumstance must continue to pay the full wages for scheduled work hours and benefits of all school employees for full or partial day closures, if the district or charter school counts that day as an instructional day for any students in the district or charter school. School employees may be allowed to work from home to the extent practicable. Paid leave for an e-learning day is provided under section 120A.414, subdivision 6.

(b) Notwithstanding paragraph (a), a school district or charter school that alters the calendar of a school-age care program, school youth recreation and enrichment program, or general community education program due to a weather event, public health emergency, or any other circumstance, while collecting a fee

for day of the closure, must continue to pay the full stipend or full wages for scheduled work hours and benefits of all employees in the school-age care program, school youth recreation and enrichment program, or general community education program.

History: *2024 c 115 art 5 s 9*

120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.

(a) The governing body of any district may contract with any of the teachers of the district for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Martin Luther King's birthday, Lincoln's and Washington's birthdays, Indigenous Peoples Day, and Veterans' Day. On Martin Luther King's birthday, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program must be devoted to a patriotic observance of the day. On Indigenous Peoples Day, at least one hour of the school program must be devoted to observance of the day. As part of its observance of Indigenous Peoples Day, a district may provide professional development to teachers and staff, or instruction to students, on the following topics:

(1) the history of treaties between the United States and Indigenous peoples;

(2) the history of federal boarding schools for Indigenous children;

(3) Indigenous languages;

(4) Indigenous traditional medicines and cultural or spiritual practices;

(5) the sovereignty of Tribal Nations;

(6) the contributions of Indigenous people to American culture, literature, and society; and

(7) current issues affecting Indigenous communities.

(b) A district may conduct a school program to honor Constitution Day and Citizenship Day by providing opportunities for students to learn about the principles of American democracy, the American system of government, American citizens' rights and responsibilities, American history, and American geography, symbols, and holidays. Among other activities under this paragraph, districts may administer to students the test questions United States Citizenship and Immigration Services officers pose to applicants for naturalization.

History: *Ex1959 c 71 art 7 s 13; 1984 c 656 s 2; 1998 c 397 art 6 s 118,124; 2016 c 189 art 25 s 2; 2023 c 55 art 4 s 2*