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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1176**

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The bill was read for the first time and referred to the Committee on E-12 Education

1.1 A bill for an act  
1.2 relating to education; allowing for admission to public schools for students  
1.3 over 21 years of age; amending Minnesota Statutes 2006, sections 120A.20,  
1.4 subdivision 1; 124D.02, subdivision 2; 124D.05, subdivision 1; 124D.52,  
1.5 subdivision 1; 124D.68, subdivisions 2, 3, 6; 126C.05, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2006, section 120A.20, subdivision 1, is amended to  
1.8 read:

1.9 Subdivision 1. **Age limitations; pupils.** (a) All schools supported in whole or in  
1.10 part by state funds are public schools. Admission to a public school is free to any person  
1.11 who: (1) resides within the district that operates the school; (2) is under ~~21~~ 23 years of  
1.12 age or who meets the requirements of paragraph (c); and (3) satisfies the minimum age  
1.13 requirements imposed by this section. Notwithstanding the provisions of any law to the  
1.14 contrary, the conduct of all students under ~~21~~ 23 years of age attending a public secondary  
1.15 school is governed by a single set of reasonable rules and regulations promulgated by the  
1.16 school board.

1.17 (b) A person shall not be admitted to a public school (1) as a kindergarten pupil,  
1.18 unless the pupil is at least five years of age on September 1 of the calendar year in which  
1.19 the school year for which the pupil seeks admission commences; or (2) as a 1st grade  
1.20 student, unless the pupil is at least six years of age on September 1 of the calendar year in  
1.21 which the school year for which the pupil seeks admission commences or has completed  
1.22 kindergarten; except that any school board may establish a policy for admission of  
1.23 selected pupils at an earlier age.

1.24 (c) A pupil who becomes age ~~21~~ 23 after enrollment is eligible for continued free  
1.25 public school enrollment until at least one of the following occurs: (1) the first September

2.1 1 after the pupil's ~~21st~~ 23rd birthday; (2) the pupil's completion of the graduation  
2.2 requirements; (3) the pupil's withdrawal with no subsequent enrollment within 21 calendar  
2.3 days; or (4) the end of the school year.

2.4 Sec. 2. Minnesota Statutes 2006, section 124D.02, subdivision 2, is amended to read:

2.5 Subd. 2. **Secondary school programs.** The board may permit a person who is over  
2.6 the age of ~~21~~ 23 or who has graduated from high school to enroll in a class or program at a  
2.7 secondary school if there is space available. In determining if there is space available,  
2.8 public school students eligible for free enrollment under section 120A.20, subdivision 1,  
2.9 and shared-time students shall be given priority over students seeking enrollment pursuant  
2.10 to this subdivision, and students returning to complete a regular course of study shall be  
2.11 given priority over other students seeking enrollment pursuant to this subdivision. The  
2.12 following are not prerequisites for enrollment:

2.13 (1) residency in the school district;

2.14 (2) United States citizenship; or

2.15 (3) for a person over the age of ~~21~~ 23, a high school diploma or equivalency  
2.16 certificate. A person may enroll in a class or program even if that person attends evening  
2.17 school, an adult or continuing education, or a postsecondary educational program or  
2.18 institution.

2.19 Sec. 3. Minnesota Statutes 2006, section 124D.05, subdivision 1, is amended to read:

2.20 Subdivision 1. **Attending school in another state.** Any person under ~~21~~ 23 years  
2.21 of age residing in any district not maintaining a secondary school who has successfully  
2.22 completed the elementary school may, with the consent of the board of such district,  
2.23 attend any secondary school of a district in an adjoining state willing to admit the person,  
2.24 if the secondary school is nearer to the place of residence than any established secondary  
2.25 school in Minnesota, the distances being measured by the usual traveled routes. Any  
2.26 tuition charged by the district so attended must be paid to the district attended by the  
2.27 district in which the person resides. This tuition must not be more than (a) the district  
2.28 charges nonresident pupils of that state, (b) the average maintenance cost exclusive of  
2.29 transportation per pupil unit in average daily membership in the school attended, nor (c)  
2.30 the tuition rate provided for in section 123A.488, subdivision 2.

2.31 Any pupil attending a secondary school in an adjoining state for whom tuition is  
2.32 paid from district funds is entitled to transportation services in accordance with Minnesota  
2.33 Statutes.

3.1 Sec. 4. Minnesota Statutes 2006, section 124D.52, subdivision 1, is amended to read:

3.2 Subdivision 1. **Program requirements.** (a) An adult basic education program is a  
 3.3 day or evening program offered by a district that is for people over 16 years of age who do  
 3.4 not attend an elementary or secondary school. The program offers academic instruction  
 3.5 necessary to earn a high school diploma or equivalency certificate.

3.6 (b) Notwithstanding any law to the contrary, a school board or the governing body of  
 3.7 a consortium offering an adult basic education program may adopt a sliding fee schedule  
 3.8 based on a family's income, but must waive the fee for participants who are under the age  
 3.9 of ~~21~~ 23 or unable to pay. The fees charged must be designed to enable individuals of  
 3.10 all socioeconomic levels to participate in the program. A program may charge a security  
 3.11 deposit to assure return of materials, supplies, and equipment.

3.12 (c) Each approved adult basic education program must develop a memorandum of  
 3.13 understanding with the local workforce development centers located in the approved  
 3.14 program's service delivery area. The memorandum of understanding must describe how  
 3.15 the adult basic education program and the workforce development centers will cooperate  
 3.16 and coordinate services to provide unduplicated, efficient, and effective services to clients.

3.17 (d) Adult basic education aid must be spent for adult basic education purposes as  
 3.18 specified in sections 124D.518 to 124D.531.

3.19 (e) A state-approved adult basic education program must count and submit student  
 3.20 contact hours for a program that offers high school credit toward an adult high school  
 3.21 diploma according to student eligibility requirements and competency demonstration  
 3.22 requirements established by the commissioner.

3.23 Sec. 5. Minnesota Statutes 2006, section 124D.68, subdivision 2, is amended to read:

3.24 Subd. 2. **Eligible pupils.** A pupil under the age of ~~21~~ 23 or who meets the  
 3.25 requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in  
 3.26 the graduation incentives program, if the pupil:

3.27 (1) performs substantially below the performance level for pupils of the same age  
 3.28 in a locally determined achievement test;

3.29 (2) is at least one year behind in satisfactorily completing coursework or obtaining  
 3.30 credits for graduation;

3.31 (3) is pregnant or is a parent;

3.32 (4) has been assessed as chemically dependent;

3.33 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;

3.34 (6) has been referred by a school district for enrollment in an eligible program or  
 3.35 a program pursuant to section 124D.69;

- 4.1 (7) is a victim of physical or sexual abuse;
- 4.2 (8) has experienced mental health problems;
- 4.3 (9) has experienced homelessness sometime within six months before requesting a
- 4.4 transfer to an eligible program;
- 4.5 (10) speaks English as a second language or has limited English proficiency; or
- 4.6 (11) has withdrawn from school or has been chronically truant; or
- 4.7 (12) is being treated in a hospital in the seven-county metropolitan area for cancer or
- 4.8 other life threatening illness or is the sibling of an eligible pupil who is being currently
- 4.9 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary
- 4.10 of the seven-county metropolitan area.

4.11 Sec. 6. Minnesota Statutes 2006, section 124D.68, subdivision 3, is amended to read:

4.12 Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2

4.13 may enroll in area learning centers under sections 123A.05 to 123A.08.

4.14 (b) A pupil who is eligible according to subdivision 2 and who is between the ages

4.15 of 16 and ~~21~~ 23 may enroll in postsecondary courses under section 124D.09.

4.16 (c) A pupil who is eligible under subdivision 2, may enroll in any public elementary

4.17 or secondary education program.

4.18 (d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic,

4.19 nonsectarian school that has contracted with the serving school district to provide

4.20 educational services. However, notwithstanding other provisions of this section, only a

4.21 pupil who is eligible under subdivision 2, clause (12), may enroll in a contract alternative

4.22 school that is specifically structured to provide educational services to such a pupil.

4.23 (e) A pupil who is between the ages of 16 and ~~21~~ 23 may enroll in any adult basic

4.24 education programs approved under section 124D.52 and operated under the community

4.25 education program contained in section 124D.19.

4.26 Sec. 7. Minnesota Statutes 2006, section 124D.68, subdivision 6, is amended to read:

4.27 Subd. 6. **Dissemination of information.** A district must disseminate information,

4.28 developed by the department, about the graduation incentives program to residents in the

4.29 district who are under the age of ~~21~~ 23.

4.30 Sec. 8. Minnesota Statutes 2006, section 126C.05, subdivision 1, is amended to read:

4.31 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the

4.32 age of ~~21~~ 23 or who meets the requirements of section 120A.20, subdivision 1, paragraph

4.33 (c), in average daily membership enrolled in the district of residence, in another district

5.1 under sections 123A.05 to 123A.08, 124D.03, 124D.06, 124D.07, 124D.08, or 124D.68;  
5.2 in a charter school under section 124D.10; or for whom the resident district pays tuition  
5.3 under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88,  
5.4 subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be  
5.5 counted according to this subdivision.

5.6 (a) A prekindergarten pupil with a disability who is enrolled in a program approved  
5.7 by the commissioner and has an individual education plan is counted as the ratio of the  
5.8 number of hours of assessment and education service to 825 times 1.25 with a minimum  
5.9 average daily membership of 0.28, but not more than 1.25 pupil units.

5.10 (b) A prekindergarten pupil who is assessed but determined not to be disabled is  
5.11 counted as the ratio of the number of hours of assessment service to 825 times 1.25.

5.12 (c) A kindergarten pupil with a disability who is enrolled in a program approved  
5.13 by the commissioner is counted as the ratio of the number of hours of assessment and  
5.14 education services required in the fiscal year by the pupil's individual education program  
5.15 plan to 875, but not more than one.

5.16 (d) A kindergarten pupil who is not included in paragraph (c) is counted as .557 of a  
5.17 pupil unit for fiscal year 2000 and thereafter.

5.18 (e) A pupil who is in any of grades 1 to 3 is counted as 1.115 pupil units for fiscal  
5.19 year 2000 and thereafter.

5.20 (f) A pupil who is any of grades 4 to 6 is counted as 1.06 pupil units for fiscal  
5.21 year 1995 and thereafter.

5.22 (g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

5.23 (h) A pupil who is in the postsecondary enrollment options program is counted  
5.24 as 1.3 pupil units.