

This Document can be made available
in alternative formats upon request

State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **314**

January 26, 2009

Authored by Mariani

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

1.1 A bill for an act
1.2 relating to education; increasing the compulsory attendance age; amending
1.3 Minnesota Statutes 2008, sections 120A.22, subdivisions 5, 6; 120A.24,
1.4 subdivision 1; 260C.007, subdivision 19; repealing Minnesota Statutes 2008,
1.5 section 120A.22, subdivision 8.

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

1.7 Section 1. Minnesota Statutes 2008, section 120A.22, subdivision 5, is amended to
1.8 read:

1.9 Subd. 5. **Ages and terms.** (a) For the 2009-2010 through 2011-2012 school years,
1.10 every child between age seven and 16 years of age must receive instruction. For the
1.11 2012-2013 and later school years, every child between age seven or enrollment in first
1.12 grade and 18 years of age must receive instruction unless the child has completed the
1.13 requirements for graduation. Every child under the age of seven who is enrolled in a
1.14 half-day kindergarten, or a full-day kindergarten program on alternate days, or other
1.15 kindergarten programs shall receive instruction. ~~Except as provided in subdivision 6, a~~
1.16 ~~parent may withdraw a child under the age of seven from enrollment at any time.~~

1.17 (b) A school district by annual board action may require children subject to this
1.18 subdivision to receive instruction in summer school. A district that acts to require children
1.19 to receive instruction in summer school shall establish at the time of its action the criteria
1.20 for determining which children must receive instruction.

1.21 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and
1.22 later.

1.23 Sec. 2. Minnesota Statutes 2008, section 120A.22, subdivision 6, is amended to read:

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

2.6 (b) ~~In a district in which children under seven are subject to compulsory attendance~~
2.7 ~~under~~ This subdivision, ~~paragraphs (c) to (e)~~ does not apply to:

2.8 (1) a kindergarten student under age seven whose parent withdraws the child after
2.9 notifying the district; and

2.10 (2) a child under age seven enrolled in first grade whose parent withdraws the child
2.11 after notifying the district and enrolls the child in another school under subdivision 4.

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

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

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

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

2.24 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and
2.25 later.

2.26 Sec. 3. Minnesota Statutes 2008, section 120A.24, subdivision 1, is amended to read:

2.27 Subdivision 1. **Reports to superintendent.** The person in charge of providing
2.28 instruction to a child between the ages of seven and 16 must submit the following
2.29 information to the superintendent of the district in which the child resides:

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

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

2.34 (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.

EFFECTIVE DATE. This section is effective for the 2012-2013 school year and later.

Sec. 4. Minnesota Statutes 2008, 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 2012-2013 school year and later.

Sec. 5. **REPEALER.**

Minnesota Statutes 2008, section 120A.22, subdivision 8, is repealed effective for the 2012-2013 school year and later.