Appendix A: CP006 Draft Legislation

A bill for an act

relating to education; student attendance; referring to statutes governing student attendance; proposing coding for new law in Minnesota Statutes, chapter 120A.

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

Section 1. **[120A.37] ATTENDANCE PROVISIONS CODED ELSEWHERE.**

Subdivision 1. **Scope.** The sections referred to in subdivisions 2 through 11 are codified outside this section. Those sections include many but not all the sections governing student attendance.

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 between-building bus transportation 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 under 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 can 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 sections 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.04, 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 subdivision 15. Neglect includes failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11.

Subd. 10. **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.