

redevelopment authority pursuant to section 462.425 or other law. The county authority shall not exercise its powers in a municipality where a municipal housing and redevelopment authority is established pursuant to section 462.425, except as provided in this subdivision. If a municipal housing and redevelopment authority requests the county housing and redevelopment authority to exercise any power or perform any function of the municipal authority, the county authority may do so.

Subd. 3. LOCAL APPROVAL. If a housing or redevelopment project is undertaken in Hennepin county pursuant to this section, the governing body of the city must approve the project before it is undertaken.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Hennepin county board.

Approved May 20, 1987

CHAPTER 178—H.F.No. 432

An act relating to education; modifying certain provisions of the compulsory attendance laws; establishing new compulsory attendance requirements; amending Minnesota Statutes 1986, sections 121.11, subdivision 7; 123.935, subdivision 7; 127.19; and 127.20; proposing coding for new law in Minnesota Statutes, chapter 120; repealing Minnesota Statutes 1986, sections 120.10, subdivisions 1, 2, 2a, and 2b; and 120.12.

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

Section 1. **[120.101] 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. 2. APPLICABILITY. This section and sections 2; 3; 120.10, subdivisions 3 and 4; 120.11; 120.13; 120.14; 120.15; 120.16; 127.19; and 127.20 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. In sections 1 to 3, "parent" means a parent, guardian, or other person having legal custody of a child.

Subd. 4. SCHOOL DEFINED. For the purpose of compulsory attendance, a "school" means a public school, as defined in section 120.05, or a nonpublic school, church or religious organization, or home-school in which a child is provided instruction in compliance with sections 1 and 2.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 5. AGES AND TERMS. Every child between seven and 16 years of age shall receive instruction for at least 170 days each year. 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 at least equivalent to 170 half days. A parent may withdraw a child under the age of seven from enrollment at any time.

Subd. 6. CURRICULUM. 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, and government; and
- (4) health and physical education.

Instruction, textbooks, and materials must be in the English language. Another language may be used as set forth in section 126.07.

Subd. 7. 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 123.935, subdivision 7, or recognized by the state board of education;
- (5) hold a baccalaureate degree; or
- (6) be the parent of a child who is assessed according to the procedures in subdivision 8.

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

Subd. 8. 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.

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(b) To the extent the examination in paragraph (a) does not provide assessment in all of the subject areas in subdivision 6, 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 7, clauses (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 shall 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 123.935, subdivision 7, or recognized by the state board of education, is exempt from the requirements of this subdivision.

Sec. 2. [120.102] REPORTING.

Subdivision 1. REPORTS TO SUPERINTENDENT. The person in charge of providing instruction to a child shall 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, age 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 1, subdivision 7;

(3) an annual instructional calendar showing that instruction will occur at least 170 days; and

(4) for each child instructed by a parent who meets only the requirement of section 1, subdivision 7, clause (6), a quarterly report card on the achievement of the child in each subject area required in section 1, subdivision 6.

Subd. 2. AVAILABILITY OF DOCUMENTATION. The person in charge of providing instruction to a child must make available documentation indicating that the subjects required in section 1, subdivision 6, are being taught. This documentation must include class schedules, copies of materials used for instruction, and descriptions of methods used to assess student achievement.

Subd. 3. EXEMPTIONS. A nonpublic school, person, or other institution that is accredited by an accrediting agency, recognized according to section 123.935, or recognized by the state board of education, is exempt from the requirements in subdivisions 1 and 2, except for the requirement in subdivision 1, clause (1).

Subd. 4. REPORTS TO THE STATE. A superintendent shall make an annual report to the commissioner of education. The report must include the following information:

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(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 1 and this section; and

(3) the names, ages, and addresses of children whom the superintendent has determined are not in compliance with section 1 and this section.

Sec. 3. [120.103] ENFORCEMENT AND PROSECUTION.

Subdivision 1. ON-SITE VISITS. A superintendent or the superintendent's designee may make an annual on-site visit, at a mutually agreed upon time, to an unaccredited nonpublic school, home, or other institution where children are receiving instruction. Upon mutual agreement between the parties, the superintendent or the superintendent's designee may also visit an accredited nonpublic school, person, or other institution providing instruction. The purpose of these visits shall be limited to monitoring compliance with the requirements of section 1. If the superintendent determines that there is evidence of noncompliance with the requirements of sections 1 and 2, the superintendent may make additional visits during the school year.

Subd. 2. ALTERNATIVE TO VISITS. In lieu of the visit authorized in subdivision 1, a parent who is providing instruction may present the documentation required in section 2, subdivision 2, to the superintendent.

Subd. 3. NOTICE TO PARENTS. The superintendent shall notify the parent, in writing, if a child is alleged to be receiving instruction in violation of sections 1 and 2. The written notification shall 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 shall request fact-finding and mediation services from the commissioner of education.

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 shall notify the county attorney of the alleged violations. The superintendent shall 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 sections 1, 2, or 3. A criminal complaint may be filed in any court in the county exercising criminal jurisdiction and shall name the persons neglecting or refusing to comply with sections 1, 2, or 3. After the complaint has been filed, a warrant shall be issued and proceedings in trial shall commence as provided by law in misdemeanor cases.

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Sec. 4. [120.104] REPORT TO LEGISLATURE.

The commissioner of education shall report to the education committees of the legislature by February 1 of each even-numbered year on the implementation of the compulsory education requirements, including an assessment of the activities of the state board of education and the nonpublic education council relating to recognizing educational accrediting agencies.

Sec. 5. Minnesota Statutes 1986, section 121.11, subdivision 7, is amended to read:

Subd. 7. **GENERAL SUPERVISION OVER EDUCATIONAL AGENCIES.** The state board of education shall exercise general supervision over public schools and public educational agencies in the state, classify and standardize public elementary and secondary schools, and prepare for them outlines and suggestive courses of study. The board shall establish rules relating to examinations, reports, acceptances of schools, courses of study, and other proceedings in connection with elementary and secondary schools applying for special state aid. The state board may recognize educational accrediting agencies for the sole purposes of sections 1, 2, and 3.

Sec. 6. Minnesota Statutes 1986, section 123.935, subdivision 7, is amended to read:

Subd. 7. **NONPUBLIC ADVISORY COMMITTEE EDUCATION COUNCIL.** ~~By September 1, 1985,~~ The commissioner shall appoint a 15-member advisory committee council on nonpublic schools education. The 15 members shall be representative of the represent various areas of the state, represent various methods of providing nonpublic education, and shall be knowledgeable about nonpublic schools education. The compensation, removal of members, filling of vacancies, and terms and committee expiration date are governed by section ~~15.059~~ 15.0575. The committee council shall advise the commissioner and the state board on nonpublic school matters under this section, and. The council may recognize educational accrediting agencies, for the sole purpose of sections 1, 2, and 3. When requested by the commissioner or the state board, ~~on the council may submit its advice about~~ other nonpublic school matters.

Sec. 7. Minnesota Statutes 1986, section 127.19, is amended to read:

127.19 OFFICERS, TEACHERS; NEGLECT OF DUTY; PENALTY.

Any school officer, truant officer, public or nonpublic school teacher of a ~~public or private school, school,~~ principal of, district superintendent or person providing instruction other than a parent refusing, wilfully failing, or neglecting to perform any duty imposed by the provisions of law relating to the compulsory attendance in school of children of school age shall be sections 1 to 3 and 120.10 to 120.16 is guilty of a misdemeanor; and, upon conviction thereof, shall be punished for each offense by a fine of not to exceed more than \$10 or by imprisonment in the county jail for not to exceed more than ten days. All such

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fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

Sec. 8. Minnesota Statutes 1986, section 127.20, is amended to read:

127.20 VIOLATIONS; PENALTIES.

Any person who ~~shall fail~~ fails or ~~refuse~~ refuses to ~~send to or keep in school~~ any provide for instruction of a child of whom the person has legal ~~charge or control~~ custody, and who is required by law to ~~attend school~~ section 1, subdivision 5, to receive instruction, when notified so to do by a truant officer or other official ~~as hereinbefore provided~~, or any person who induces or attempts to induce any such 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 misdemeanor; and, upon conviction ~~thereof~~, shall be punished by a fine of not ~~to exceed~~ more than \$50, or by imprisonment ~~in the county jail~~ for not more than 30 days. All ~~such~~ fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

Sec. 9. INSTRUCTION TO REVISOR.

The revisor of statutes is requested to renumber Minnesota Statutes 1986, section 120.10, subdivisions 3 and 4, as subdivisions in section 1, and make any necessary cross-reference corrections before the next edition of Minnesota Statutes is published.

Sec. 10. REPEALER.

Minnesota Statutes 1986, sections 120.10, subdivisions 1, 2, 2a, and 2b; and 120.12 are repealed.

Approved May 20, 1987

CHAPTER 179—H.F.No. 574

An act relating to manufactured homes; defining terms; clarifying the termination of a park lease for substantial annoyance to other residents; allowing certain new or amended rule violations to be cured; regulating park closings; requiring a closure statement; providing for a public hearing; clarifying remedies; requiring a feasibility study by the metropolitan council; amending Minnesota Statutes 1986, sections 327C.01, by adding subdivisions; 327C.02, subdivision 5, and by adding a subdivision; 327C.09, subdivisions 1, 4, and 5; and 327C.11, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 327C; repealing Minnesota Statutes 1986, section 327C.09, subdivision 9.

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

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