

CHAPTER 132

ADMISSION AND ATTENDANCE

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132.01 ADMISSION TO PUBLIC SCHOOL; AGE LIMITATIONS; PUPILS. All schools supported in whole or in part by state school funds shall be styled public schools and admission to and tuition therein shall be free to all persons between the ages of five and 21 years, in the district in which such pupil resides. The school board of any district may, by resolution, exclude all children under six years of age, and may also adopt rules and regulations for the admission of children who become six years of age during the school year after the commencement thereof.

[R. L. s. 1279; 1921 c. 61; 1941 c. 169 art. 12 s. 1] (2741)

132.02 ATTENDANCE; NEARER SCHOOL. Subdivision 1. **Right to attend adjoining district.** The children of any person in this state not resident within the limits of any incorporated city or village of this state, and residing more than two miles by the nearest traveled road from the school house in the district where such children reside, are hereby authorized to attend school at a school or school house in an adjoining district nearer to such residence than the school house in the district where such children reside, upon such reasonable terms as shall be fixed by the school board of such adjoining district, upon application of the parents or guardian of such children, provided that this section shall not apply where transportation is furnished by the home district.

Subd. 2. **Tuition; how determined and paid.** The school board of the child's resident district shall pay such tuition to the school board of the adjoining district in which the child is attending. If the boards of the districts involved do not agree upon the tuition rate for instruction of the nonresident child, either school board may apply to the commissioner of education to fix such rate giving ten days' notice to the other board and upon the expiration of ten days after such notice, the commissioner of education shall make an order binding on both districts fixing such tuition rate. Nothing herein contained shall be construed as repealing, amending, or modifying the provisions of section 125.06, subdivisions 7, 8, 11, 13, and 14.

[1911 c. 342 s. 1; 1937 c. 302 s. 1; 1941 c. 169 art. 12 s. 2; 1947 c. 356 s. 1] (2823)

132.03 ATTENDANCE; HIGH SCHOOL IN ADJOINING STATE. Any person under 21 years of age residing in any school district of this state not maintaining a secondary school who has successfully completed the elementary school may, with the consent of the school board of such district, attend any secondary school of a district in an adjoining state willing to admit him, which secondary school is nearer to his place of residence than any duly established secondary school in Minnesota, the distances being measured by the usual traveled routes. Any tuition charged by the district so attended shall be paid to the district attended by the county in which the person resides. This tuition shall not be more than (a) such district charges non-resident pupils of that state, (b) the average maintenance cost exclusive of transportation per pupil unit in average daily attendance in the school attended, nor (c) the tuition rate provided for in Minnesota Statutes 1949, Section 128.082, Subdivision 6. The method of certifying tuition for such pupils, the payment by the county, and the levying of taxes for such tuition shall be the same as is provided by Minnesota Statutes 1949, Section 128.088, for non-resident pupils attending Minnesota secondary schools.

Any pupil attending a secondary school in an adjoining state for whom tuition is paid from county funds is entitled to transportation services in accordance with Minnesota Statutes, Section 128.07, Subdivision 5.

[1927 c 135 s 1, 2; 1933 c 144; 1941 c 169 art 14 s 3; 1951 c 387 s 1] (2823-2, 2823-3)

132.04 SCHOOL CENSUS. A complete school census shall be taken in every school district annually between August 15 and September 15 of all children under 21 years of age, as of September 1, which census shall show the name and date of birth of each person required to be enumerated and the name and address of his parent, guardian, or other person having charge of such child, and such other data as the state board of education may require. The school census shall be taken by the clerk of the school board, or by some other person appointed by the school board. Such person taking such census shall make three copies thereof and certify to the school board the correctness of the enumeration and the information therein contained. The clerk shall retain the original in his office, send one copy to the county superintendent, and one copy to the principal teacher, principal, or city superintendent of the school district, before the first day of school of each school year, or as soon as the census has been taken. The school board shall fix the compensation for this work. Each child shall be counted in only one district, being that in which the child resides on September 15, and it shall be the responsibility of the county superintendent of schools to see that each child shall be counted only once.

[1911 c. 356 s. 7; 1913 c. 548 s. 1; 1939 c. 189; 1941 c. 169 art. 12 s. 4] (3086)

132.05 COMPULSORY ATTENDANCE. Subdivision 1. **Ages and term.** Every child between seven and 16 years of age shall attend a public school, or a private school, in each year during the entire time the public schools of the district in which the child resides are in session. No child shall be required to attend public school more than ten months during any calendar year.

Subd. 2. **School.** A school, to satisfy the requirements of compulsory attendance, must be one in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects. A foreign language may be taught when such language is an elective or a prescribed subject of the curriculum, but not to exceed one hour in each day.

Subd. 3. **Legitimate exemptions.** Such child may be excused from attendance upon application of his parent, guardian, or other person having control of such child, to any member of the school board, truant officer, principal, or city superintendent, for the whole or any part of such period, by the school board of the district in which the child resides, upon its being shown to the satisfaction of such board:

(1) That such child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

(2) That such child has already completed the studies ordinarily required in the ninth grade; or

(3) That it is the wish of the parent, guardian, or other person having control of such child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof, such school to be conducted and maintained in a place other than a public school building, and in no event, in whole or in part, at public expense; provided, that a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church; or

(4) That there is no public school within reasonable distance of his residence, or that conditions of weather and travel make it impossible for the child to attend. Any child, 14 years of age or over, whose help may be required in any permitted occupation in or about the home of his parent or guardian may be excused from attendance between April 1 and November 1 in any year, but this shall not apply to any city of the first or second class.

The clerk or any authorized officer of the school board shall issue and keep a record of such excuses, under such rules as the board may from time to time establish.

[1911 c 356 s 1; 1919 c 320; 1923 c 78; 1941 c 169 art 12 s 5; 1953 c 372 s 1, 2] (3080)

132.06 DUTIES OF SCHOOL BOARD AND TEACHERS. It shall be the duty of each school board, through its clerk or other authorized agent or employee, to report the names of children between six and 16 years of age, with the excuses, if

any, granted in such district, to the superintendent or principal teacher thereof, within the first week of school, and any subsequent excuses granted shall be forthwith reported in the same manner. The superintendent or principal teacher shall provide the teachers in the several schools under his supervision, with the necessary information for the respective grades of school, relating to the list of pupils with excuses granted. On receipt of the list of such pupils of school age and the excuses granted, the superintendent or principal teacher shall report the names of children not excused, who are not attending school, with the names and addresses of their parents, to the county superintendent of schools within five days after receiving the clerk's report. The several teachers in a graded elementary or high school shall report to the principal or to the city superintendent, in like manner.

[1911 c. 356 s. 2; 1941 c. 169 art. 12 s. 6] (3081)

132.07 COMPULSORY ATTENDANCE; HOW ENFORCED. Subdivision 1. **Notice to parents and county attorney.** The county superintendent of schools shall forthwith notify the parent, guardian, or person in charge to send such child, of whose unexcused absence he has been informed, to school and upon his neglect or refusal to comply with the notification, the county superintendent shall, upon receipt of information of such non-compliance, notify the county attorney of the facts in each case. The principal of a graded elementary school or the superintendent of a district maintaining a high school, or a city superintendent, shall proceed in like manner as provided in this section respecting the county superintendent of schools. Notification by registered mail shall be considered sufficient notice.

Subd. 2. **Private schools.** It shall be the duty of the principal, teacher, or other person in charge of any private school to make reports at such times and containing such information as is herein required respecting public schools. Such report shall be made to the county superintendent of schools in whose county such private school is located, except that where such private school is located in a city or in a district maintaining a high school, or a graded elementary school, such reports shall be made to the city superintendent of schools or to the superintendent or principal of the high or graded elementary school.

Subd. 3. **Criminal complaint; prosecution.** The county superintendent, city superintendent, principal of graded elementary school, or superintendent of a district maintaining a high school, as the case may be, shall make and file a criminal complaint against persons neglecting or refusing to comply with the provisions of sections 132.05 to 132.08 relating to the sending of children to school, in any court in the county having jurisdiction of the trial of misdemeanors and, upon the making of such complaint, a warrant shall be issued and proceedings and trial be had as provided by law in cases of misdemeanor. All prosecutions under sections 132.05 to 132.08 shall be conducted by the county attorney of the county wherein the offense is committed.

[1911 c. 356 s. 3; 1921 c. 488; 1923 c. 73; 1941 c. 169 art. 12 s. 7] (3082)

132.08 DUTIES AND POWERS OF INDUSTRIAL COMMISSION. The industrial commission and its assistants shall assist in the enforcement of the provisions of sections 132.05 to 132.08 and have authority to examine the excuses granted thereunder, to make investigation into the causes for which excuses have been granted, and to revoke and cancel any that may be found to be granted without proper or sufficient cause.

[1911 c. 356 s. 6; 1941 c. 169 art. 12 s. 8] (3085)

132.09 TRUANT OFFICERS. The board of any district may appoint and remove at pleasure truant officers, who shall investigate all cases of truancy or non-attendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and school regulations respecting truant, incorrigible, and disorderly children and school attendance. When any truant officer learns of any case of habitual truancy or continued non-attendance of any child hereby required to attend school he shall immediately notify the person having control of such child to forthwith send to and keep him in school. He may arrest without warrant and take to school any such child and shall act under the general supervision of the board, or, when directed by the board, under that of the city or district superintendent.

He shall transmit annually on or before the first day of July, each year, to the state commissioner of education, a report of the number of cases of truancy and

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non-attendance investigated by him and the disposition made in each case. Such officer shall receive a salary, fixed by the board appointing him, but no fees.

[*R. L. s. 1448; 1911 c. 284 s. 1; 1941 c. 169 art. 12 s. 9*] (3087)

132.10 SCHOOLS FOR TRUANTS AND DELINQUENTS. Such boards may maintain ungraded schools for the instruction of children of the following classes between eight and 16 years of age:

- (1) Habitual truants;
- (2) Those incorrigible, vicious, or immoral in conduct; and
- (3) Those who habitually wander about the streets or other public places during school hours without lawful employment.

All such children shall be deemed delinquent and the board may compel their attendance at such truant school, or any department of the public schools, as the board may determine, and cause them to be brought before the juvenile court of the county for appropriate discipline.

[*R. L. s. 1449; 1909 c. 400 s. 5; 1917 c. 239 s. 1; 1941 c. 169 art. 12 s. 10*] (3088)

132.11 INVESTIGATION AND AID TO CHILDREN. Every board of education or school board of any school district shall investigate, or cause to be investigated by a truant officer or other authorized officer, all cases reported to it, or coming to its knowledge, of any child within its jurisdiction required by law to attend school that it is claimed to be unable to do so by reason of the fact that the services of such child are required for the support of himself or to assist in the support or care of others legally entitled to his services, such persons being unable to support or care for themselves. When such board of education or school board shall report to the auditor of the county in which the school district is situated the facts as ascertained by them and that relief is necessary, thereupon the board of county commissioners may, after investigation, furnish such relief as will enable the child to attend school during the entire school year, such relief to be furnished by such board of county commissioners, from the poor fund of such county, and the board of education or school board of the school district shall furnish for the use of such child the necessary textbooks free of charge.

[*1921 c. 429 s. 1; 1941 c. 169 art. 12 s. 11*] (3090)

132.12 REPORTS; CHILDREN RECEIVING AID. The truant officer or other authorized officer shall notify the teacher to whom any child receiving aid under the provisions of section 132.11 may be assigned and it shall be the duty of the teacher having charge of such child to report monthly to the board of education, or the school board of the school district, through the superintendent of schools, the progress such child is making in his school work, and the record of attendance, together with such other information as may be deemed necessary. Such truant officer, or other authorized officer, shall receive the same compensation for the time engaged under the provisions of sections 132.11 and 132.12 as he receives for similar services performed by him and be paid in the same manner.

[*1921 c. 429 s. 2; 1941 c. 169 art. 12 s. 12*] (3091)

132.13 OFFICERS, TEACHERS; NEGLECT OF DUTY; PENALTY. Any school officer, truant officer, teacher of a public or private school, graded elementary school principal, city superintendent or county superintendent of schools refusing, wilfully failing, or neglecting to perform any duty imposed upon him by the provisions of sections 132.05 to 132.08 shall be guilty of a misdemeanor; and, upon conviction thereof, punished for each offense by a fine of not to exceed \$10.00 or by imprisonment in the county jail for not to exceed ten 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.

[*1911 c. 356 s. 5; 1941 c. 169 art. 12 s. 13*] (3084)

132.14 VIOLATIONS; PENALTIES. Any person who shall fail or refuse to send to or keep in school any child of whom he has legal charge or control, and who is required by law to attend school, 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 absent himself 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, punished by a fine of not to exceed \$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.

[*R. L. s. 1451; 1941 c. 169 art. 12 s. 14*] (3089)