

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding student absences.

**Question 1: Under Minnesota law, is a student's absence due to a parent's illness/medical appointments considered a legitimate reason for nonattendance?**

Answer: Minnesota has a state law that addresses compulsory instruction. See Minn. Stat. 120A.22. This statute includes legitimate reasons why a student can miss school. School districts may also have an attendance policy that includes other legitimate reasons to be excused from school. See Minn. Stat. § 120A.22, Subd. 12.

Minnesota Statute states the following:

Legitimate exemptions. A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The school district may state in its school attendance policy that it may ask the student's parent or legal guardian to verify in writing the reason for the child's absence from school. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse. The board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:

- (1) that the child's physical or mental health is such as to prevent attendance at school or application to study for the period required, which includes:
  - (i) child illness, medical, dental, orthodontic, or counseling appointments;
  - (ii) family emergencies;
  - (iii) the death or serious illness or funeral of an immediate family member;
  - (iv) active duty in any military branch of the United States;
  - (v) the child has a condition that requires ongoing treatment for a mental health diagnosis; or
  - (vi) other exemptions included in the district's school attendance policy;

- (2) that the child has already completed state and district standards required for graduation from high school; or
- (3) that it is the wish of the parent, guardian, or other person having control of the child, that the child 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. This school for religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

Minnesota Statutes, section 120A.22, subdivisions 12-13. The school district ultimately determines whether or not the parent has demonstrated one of the listed exemptions, or one of the school district's additional exemptions. If you are unable to resolve this on the school level, the next step would be to contact the district superintendent.

**Question 2: For funding purposes, is a school district required to drop a student from its enrollment rolls and treat the student as withdrawn when a student has missed school for 15 consecutive school days?**

Answer: Yes, for funding purposes, if a student has missed 15 consecutive school days during the regular school year or five consecutive school days during summer school or intersession classes of flexible school year programs without receiving instruction in the home or hospital setting, the school district must drop the student from its enrollment roll and classify the student as withdrawn for funding purposes. See Minn. Stat. § 126C.05, Subd. 8. However, this student remains eligible for admission to the public school under Minnesota Statute section 120A.20, and the district's obligations for child find and provision of special education services for children with a disability is not negated by the funding statute.

**Question 3: What is a school district's responsibility when a student is absent due to illness or injury?**

Answer: If a student is absent or predicted to be absent from school for 15 consecutive or intermittent days, the student is entitled to regular and special education services consistent with Minnesota Rules 3525.2325. Examples include students with chronic or acute illnesses, such as asthma, cancer and mental health disorders. Examples of student absences due to injury would include students injured in car accidents, sport activities, crimes involving violence or other types of incidents resulting in injuries. See Minn. R. 3525.2325.

**Question 4: Who is responsible to provide the educational services during student absences due to illness or injury and where must the services be provided?**

**Answer:** The educational services must be provided at the facility where the student is located, such as home, hospital or day treatment center. The district where the facility is located is responsible to provide the educational services. See Minn. Stat. §§ 120A.22, Subd. 12-13; Minn. Stat. § 125A.515, Subd. 10 and Minn. R. 3525.2325.

**Authority:** Minn. Stat. §§ 120A.22, Subd. 12-13; Minn. Stat. § 126C.05, Subd. 8; Minn. Stat. § 125A.515, Subd. 10; and Minn. R. 3525.2325.