



5181

Exemption from Compulsory Instruction

Policy 5181

Original Adoption: 04/25/1967 (as School Excuse)

Effective Date: 03/28/2012

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I. PURPOSE

The State of Minnesota has delegated to the Board of Education the ability to exempt a student and his or her parents from the compulsory instruction law upon application and appropriate findings by the Board. The purpose of this policy is to establish when such applications for exemption must or may be made, how they are made and the procedural rights of parents, students and the District when such applications have been made.

II. DEFINITIONS

For the purposes of this policy, the following terms shall have the following definitions:

- A. “student” shall mean any person subject to the Minnesota Compulsory Instruction law. This shall include any person under age seven (7) or over age sixteen (16) whose parent has enrolled the student in the district, and who has not been officially withdrawn.
- B. “parent” shall mean any natural or adoptive parent, legal guardian or other person having legal responsibility for the care and custody of the child.
- C. “school year” shall mean the school term defined annually by the Board of Directors.

III. CRITERIA FOR EXEMPTION

- A. No exemption shall be granted without sufficient cause.
- B. Sufficient cause may be shown by evidence that the student’s mental or physical health precludes the student from attending school or precludes the student’s application to study.
- C. The Board of Directors may consider other causes on a case by case basis.

IV. APPLICATIONS FOR EXEMPTION

- A. Only a parent, as defined in this policy, may apply for an exemption from compulsory instruction.
- B. An application must be made in the following situations:
 - 1. where an exemption is requested for an entire school year;



2. where an exemption is requested because there is no definite plan for the student's return to school;
 3. where an exemption is requested because the student's physical or mental condition causes or probably will cause him or her to be absent more than sixty (60) days in a school year.
 4. where an exemption is requested when a student's cumulative absences for any reason exceed sixty (60) days in a school year (a retroactive application).
- C. An application may be made for a request for an exemption for any period during a school year that does not meet the criteria of paragraph III.B. 1-4.
- D. All applications shall be for an individual child. In no instances shall children be categorically granted an exemption. A parent may submit simultaneously applications for multiple children.
- E. All applications shall be reduced to writing.
- F. Any applications based on the student's mental or physical condition shall provide supporting opinions from a physician or licensed mental health professional.
- G. The Board may require other supporting information for any request.
- H. Applicants for exemption for students aged less than seven (7) years who have previously been determined to be eligible for special education services shall be notified that the student remains eligible to be enrolled in Early Childhood Special Education services, and may remain so enrolled until the student's seventh birthday.
- I. Applications for exemption for students aged under seven (7) years who have previously been determined to be eligible for special education services where the applicant declines to enroll the student in Early Childhood Special Education Services shall include a waiver from the parent for the special education services identified in the student's Individual Education Program (IEP) or Individual Family Support Plan (IFSP) for the period of the exemption.
- J. Applications for exemption for students aged seven and above who have previously been determined to be eligible for special education services shall include a waiver from the parent for the special education services identified



in the student's Individual Education Program (IEP) or Individual Family Support Plan (IFSP) for the period of the exemption.

K. All applications shall be submitted to the Superintendent.

V. PROCEDURES AND PROCEDURAL RIGHTS OF PARENTS AND STUDENTS

A. The Superintendent shall review all applications for exemption and shall make a recommendation to either approve or deny the application to the Board of Directors.

B. The Superintendent shall notify the applicant of the recommendation to be made to the Board of Directors in writing at least ten (10) days prior to the meeting at which the Board of Directors shall hear the application.

1. If the Superintendent recommends that the application not be approved, the written notice shall include the reasons for that recommendation.
2. The Superintendent shall, in the notice of the hearing on the application inform the parent of:
 - (a) The right of the parent to request a hearing,
 - (b) time, date and location of the hearing meeting,
 - (c) the right of the parent to be represented by counsel,
 - (d) the right of the parent to present relevant evidence.

C. The Board of Directors shall make all determinations on applications for exemption in a special, closed meeting of the Board. All decisions shall be supported by written findings and reasons for its decision.

D. If the student is permitted an exemption from compulsory instruction by the Board of Directors, the Clerk of the Board shall direct the Superintendent to inform the Commissioner of Education, as required by law.

Legal References:

Minn. Stat. §120A.22, Subd. 12 (Compulsory Instruction : Legitimate Exemptions)

Cross References:

MPS Policy 5100 (Attendance)
MPS Policy 5120 (Age of Entrance)
MPS Policy 5182 (Nonattendance)
MPS Policy 8110 (Purposes and Role of the Board)
MPS Policy 8210 (Meetings of the Board of Directors)