

## MINNESOTA

**Compulsory Attendance Ages:** “between 7 and 16 years of age.” Minn. Stat. Ann. § 120A.22 Subd.5. “Once a pupil under the age of seven is enrolled in kindergarten or a higher grade in a public school, the pupil is subject to the compulsory attendance provisions . . . unless the board of the district in which the pupil is enrolled has a policy that exempts children under seven from this subdivision.” Minn. Stat. Ann. § 120A.22 Subd.6(a).

**Required Days of Instruction:** None.

**Required Subjects:** Reading, writing, literature, fine arts, math, science, history, geography, government, health, and physical education. Minn. Stat. Ann. § 120A.22 subd.9.

**Home School Statute:** Minn. Stat. Ann. § 120A.22 Subd. 10.

1. “The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship.” Minn. Stat. Ann. § 120A.22 Subd. 1.
2. The home instructor must satisfy one of the following six requirements:
  - a. hold a Minnesota teaching license in the field and grade taught,
  - b. or be directly supervised by a licensed teacher,
  - c. or successfully complete a teacher competency exam,
  - d. or provide instruction in a school that is accredited or recognized by the state board,
  - e. or hold a baccalaureate degree,
  - f. or be the parent of a child who is assessed according to procedures in subdivision 11 and the standardized test section below.
3. The parent-instructor must report to the local superintendent the name, date of birth, and address of each child taught by October 1<sup>st</sup> of each school year. The report must include:
  - a. the name of the instructor and evidence of meeting the requirements of part 2 above,
  - b. if the parent teaches under 2(f) above, a quarterly report of the achievement of each child in the required subjects listed above must also be submitted.

4. Parents must be prepared to document that the required subjects are being taught. This documentation must include class schedules, copies of materials used for instruction and description of method used to assess student achievement indicating that the subjects required are being taught. Minn. Stat. Ann. § 120A.24, Subd.2.
5. **On-Site Visits: Option 1:** A superintendent or the superintendent's designee may make an annual on-site visit to the home where the child is receiving instruction to determine if the school is in compliance with the law. This home visit cannot be mandatory because it would violate the 4<sup>th</sup> Amendment. Minn. Stat. Ann. § 120A.26 Subd.1. **Option 2:** In lieu of this visit, however, a parent who is providing instruction at home may choose to present the documentation identified in part 4, above. Minn. Stat. Ann. § 120A.26 Subd.1, 2.
6. The Minnesota Supreme Court ruled that Minnesota's former requirement that private and home school teachers have qualifications "essentially equivalent" to public school teachers was too vague to "serve as a basis for criminal conviction," and therefore, was an unconstitutional violation of due process under the 14th Amendment. *Newstrom v. State*, 371 N.W.2d 525, 533 (Minn. 1985). This decision resulted in the above law.

**Teacher Qualifications:** See #2 above.

**Standardized Tests:** Children not enrolled in an accredited program or public school "must be assessed using a nationally norm-referenced standardized achievement examination." The test, administration, and location of the test must be agreed to by the district superintendent. Minn. Stat. Ann. § 120A.22 Subd.11.

1. Minnesota law does not require homeschools that are accredited by a recognized Minnesota accrediting association to administer standardized tests. Minn. Stat. Ann. § 120A.22 Subd. 11(d). Accrediting associations such as TEACH or HBGAA are free to set their requirements for standardized testing.
2. Parents who do not meet teacher requirements 2(a), (b), or (c) above must assess their children in subject areas not covered by the test. Minn. Stat. Ann. § 120A.22 Subd.11(b).
3. Children who score below the thirtieth percentile, or one full grade below children of the same age, must be evaluated for learning problems. Minn. Stat. Ann. § 120A.22 Subd.11(c).
4. The test results do not have to be submitted to the school district.