

## School Attendance Age Limitations

The following flow charts were developed to provide assistance on questions regarding the age limitation for students eligible for education services. Because different statutes apply, there is a flow chart for regular education students and another for students with an individualized education program (IEP). If you have questions about the flow charts, contact [MARSS](mailto:marss@state.mn.us) (marss@state.mn.us).

### Relevant statutes

#### [Section 120A.20, Admission to Public School](#)

##### Subdivision 1

- (c) A pupil who becomes age 21 after enrollment is eligible for continued free public school enrollment until at least one of the following occurs: (1) the first September 1 after the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the pupil's withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end of the school year.

#### [Section 121A.41, Definitions](#)

##### Subdivision 7. Pupil.

- (a) "Pupil" means any student:
- (1) without a disability under 21 years of age; or
  - (2) with a disability under 21 years old who has not received a regular high school diploma or for a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year; and
  - (3) who remains eligible to attend a public elementary or secondary school.

#### [Section 125A.03, Special Instruction for Children with a Disability](#)

- (b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent ...

#### [Section 124D.59, subdivision 2a. English learner; interrupted formal education.](#)

Consistent with subdivision 2, an English learner includes an English learner with an interrupted formal education who meets three of the following five requirements:

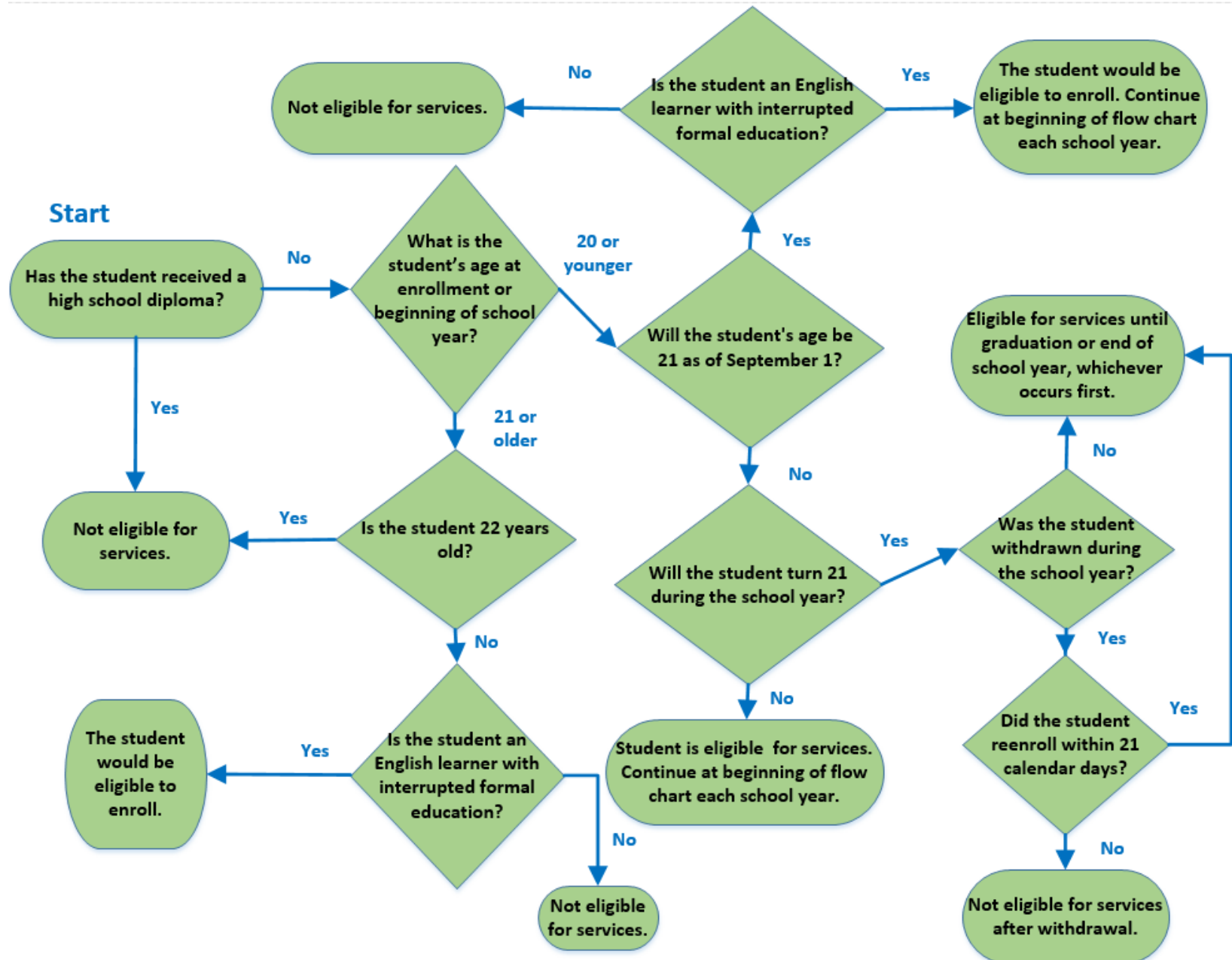
- (1) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;
- (2) enters school in the United States after grade 6;
- (3) has at least two years less schooling than the English learner's peers;
- (4) functions at least two years below expected grade level in reading and mathematics; and
- (5) may be preliterate in the English learner's native language.

[Section 124D.68, Graduation Incentives Program](#)

Subdivision 2. Eligible pupils.

(b) For fiscal years 2020 and 2021, a pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, and is an English learner with an interrupted formal education according to section [124D.59, subdivision 2a](#), is eligible to participate in the graduation incentives program under section [124D.68](#) and in concurrent enrollment courses offered under section [124D.09, subdivision 10](#), and is funded in the same manner as other pupils under this section.

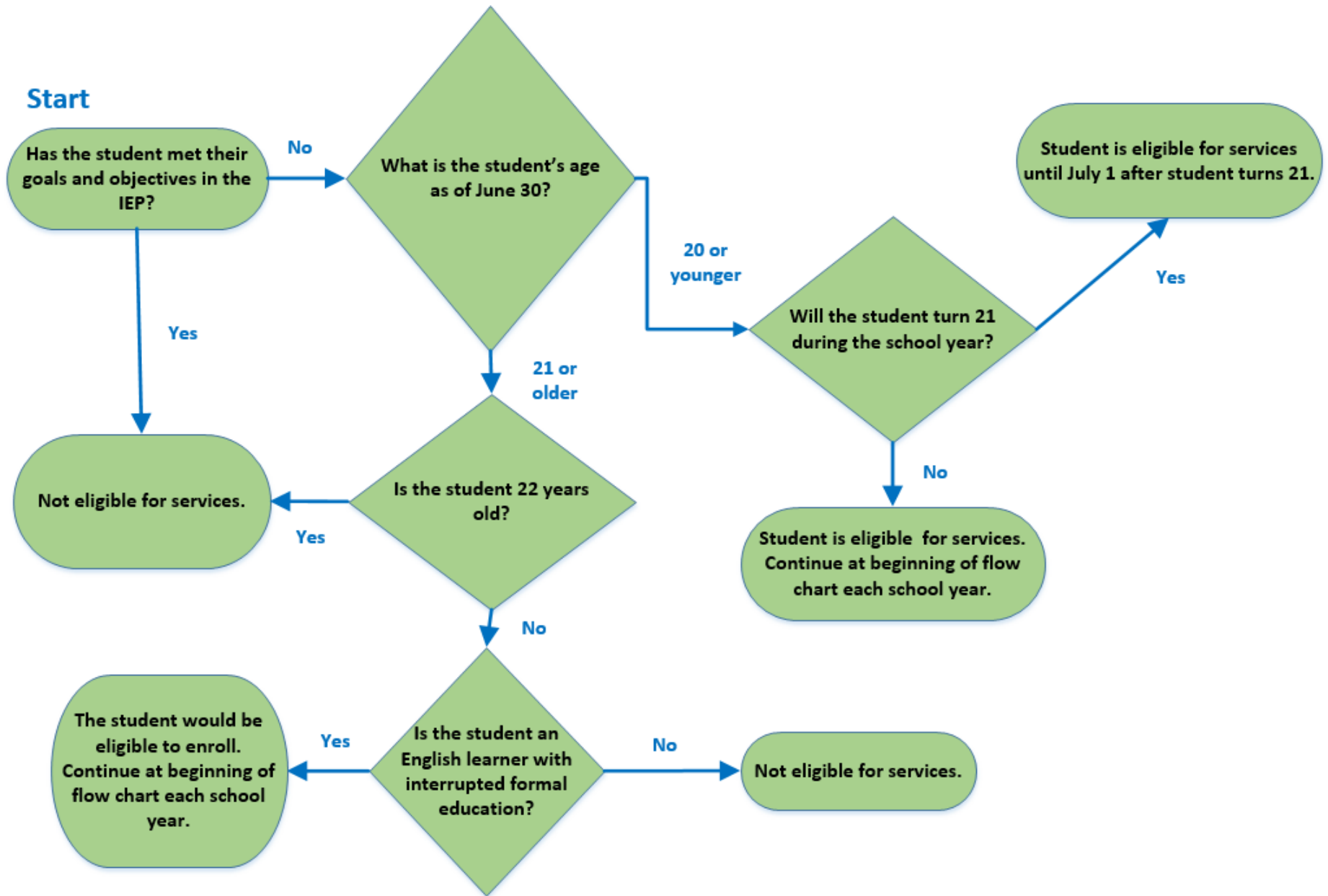
## Situation 1: Students without an IEP



### **School Attendance Age Limitation for Student without an IEP**

- 1) If the student has a diploma, (excluding GED): Not eligible for services.
- 2) Age 22 at time of enrollment or beginning of school year: Not eligible for services.
- 3) Age 21 at time of enrollment or beginning of school year: If student is an English learner with limited formal education, eligible for services. If student is not an English learner, the student would not be eligible for services.
- 4) Age 20 or younger:
  - a) Student will be 21 on or before September 1. If student is an English learner with limited formal education, eligible for services. If student is not an English learner, the student would not be eligible for services.
  - b) If the student will be 21 during the school year and is an English learner with limited formal education, eligible for services.
  - c) Student will be 21 during the school year.
    - (i) If the student remained enrolled during the school year, the student is eligible for services until graduation or end of school year, whichever occurs first.
    - (ii) If the student withdraws and re-enrolls within 21 calendar days, the student is eligible for services until graduation or end of school year, whichever occurs first.
    - (iii) If the student withdraws, without re-enrollment within 21 calendar days, the student is not eligible for services after withdrawal.
  - d) The student will not turn 21 during the school year. Student is eligible for services. Continue at beginning of flow chart for each school year.

## Situation 2: Students with an IEP



### **School Attendance Age Limitation for Student with an IEP**

- 1) If the student has met their goals and objectives in the IEP, not eligible for services.
- 2) Age 22 as of June 30: Not eligible for services.
- 3) Age 21 as of June 30: If student is an English learner with limited formal education, eligible for services. If student is not an English learner, the student would not be eligible for services.
- 4) Age 20 or younger.
  - a) Student will not turn 21 during the school year. Student is eligible for services until the goals and objectives of the IEP have been met. Continue at beginning of flow chart for each school year.
  - b) Student will turn 21 during the school year. If the student is an English learner, the student will be eligible for services. Continue at beginning of flow chart for each school year.
  - c) Student will turn 21 during the school year. The student is not an English learner, the student will be eligible for services until July 1 after the student turns 21.