

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 661

(SENATE AUTHORS: CARLSON)

DATE
01/31/2019

D-PG

Introduction and first reading
Referred to E-12 Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to religious holidays; modifying student absence from school for religious
1.3 holidays; requiring employee leave for religious holidays; amending Minnesota
1.4 Statutes 2018, sections 120A.35; 120A.40; proposing coding for new law in
1.5 Minnesota Statutes, chapter 181.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 120A.35, is amended to read:

1.8 **120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS OBSERVANCE.**

1.9 Reasonable efforts must be made by a school district to accommodate any pupil who
1.10 wishes to be excused from a curricular activity for a religious observance. A school board
1.11 must provide annual notice to parents of the school district's policy relating to a pupil's
1.12 absence from school for religious observance.

1.13 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

1.14 Sec. 2. Minnesota Statutes 2018, section 120A.40, is amended to read:

1.15 **120A.40 SCHOOL CALENDAR.**

1.16 (a) Except for learning programs during summer, flexible learning year programs
1.17 authorized under sections 124D.12 to 124D.127, and learning year programs under section
1.18 124D.128, a district must not commence an elementary or secondary school year before
1.19 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops
1.20 may be held before Labor Day. Districts that enter into cooperative agreements are
1.21 encouraged to adopt similar school calendars.

1.22 (b) A district may begin the school year on any day before Labor Day:

2.1 (1) to accommodate a construction or remodeling project of \$400,000 or more affecting
2.2 a district school facility;

2.3 (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a
2.4 district that qualifies under clause (1); or

2.5 (3) if the district agrees to the same schedule with a school district in an adjoining state.

2.6 (c) A school board may consider the community's religious observance when adopting
2.7 an annual school calendar.

2.8 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

2.9 Sec. 3. **[181.9445] LEAVE FOR RELIGIOUS HOLIDAYS.**

2.10 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
2.11 the meanings given them.

2.12 (b) "Employee" means an individual who performs services for hire for an employer.

2.13 Employee does not include an independent contractor.

2.14 (c) "Employer" means a person or entity that employs one or more employees and
2.15 includes an individual, corporation, partnership, association, nonprofit organization, group
2.16 of persons, the state, county, town, city, school district, or other governmental subdivision.

2.17 Subd. 2. Leave. An employer must grant at least two days of unpaid leave per calendar
2.18 year for a reason of faith or conscience or an organized activity conducted under the auspices
2.19 of a religious denomination, church, or religious organization, unless the employee's absence
2.20 would impose an undue hardship on the employer. An employee must provide reasonable
2.21 notice to the employer in requesting the leave.