

## **TRUANCY LAWS**

### **Mandatory Attendance**

Every child between seven and 16 years of age must receive instruction.

See Minn. Stat. Section 120A.22 Subd. 5

### **Parental Responsibility**

The parent of a child is primarily responsible for assuring that the child acquire knowledge and skills that are essential for effective citizenship.

See Minn. Stat. Section 120A.22. Subd. 1

### **Continuing Truant**

Continuing truant means a child who is subject to the compulsory instruction requirements of section 120A.22 and is absent from instruction in a school, as defined in section 120A.05, without a valid excuse within a single school year for:

- (1) three days if the child is in elementary school; or
- (2) three or more class periods on three days if the child is in middle school, junior high school, or high school.

See Minn. Stat. Section 260A.02 Subd. 3

- *Written notice sent to parents*

### **Notification to Parents**

Upon a child's initial classification as a continuing truant, the school attendance officer or other designated school official **shall** notify the child's parent or legal guardian by first class mail or other reasonable means, of the following:

- (1) that the child is truant;
- (2) that the parent/guardian should notify the school if there is a valid excuse for the child's absences;
- (3) that the parent/guardian is obligated to compel the attendance of the child at school pursuant to 120A.22 and parents/guardians who fail to meet this obligation may be subject to prosecution under 120A.34;
- (4) that this notification serves as notification required by 120A.34;

- (5) that alternative educational programs and services may be available in the district;
- (6) that the parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
- (7) that if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under chapter 260C;
- (8) that if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to section 260C.201; and,
- (9) that it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.**

See Minn. Stat. Section 260A.03

### **Habitual Truant**

Habitual Truant means a child under the age of 16 years who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school, or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under section 120A.22, Subd. 8.

See Minn. Stat. Section 260C.007 Subd. 19

- *7 days do not need to be consecutive*
- *Intend to miss school*
- *Truancy is not a delinquent act*
- *Truancy focuses on the child*
- *Truancy Orders can include the parent and child*
- *For children ages 12-18, responsibility of child to go to school, can be rebutted by clear and convincing evidence that the child's truancy is due to the failure of parent to comply with compulsory instruction laws*

### **Withdrawal from School**

Any student between 16 and 18 years old who seeks to withdraw from school, and the student's parent or guardian must:

- (1) attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities; and
- (2) sign a written election to withdraw from school.

See Minn. Stat. Section 120A.22. Subd. 8

- *Children cannot independently drop out of school*

#### **Excused Absences**

- Sickness
- Funeral
- DR's Appointments (including Mental health)
- Religious Holidays
- Extreme family Emergency

#### **Unexcused Absences**

- Staying home to babysit
- Too tired
- Travel
- Needed at home
- Weather
- Missed the bus/kicked off the bus
- Overslept
- Child not immunized
- Family has no clean clothes
- Did not feel like going to school
- Boredom
- Work

#### **Educational Neglect**

A child is in need of protection or services because the child is without the necessary food, clothing, shelter, **education**, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care.

See Minn. Stat. Section 260C.007. Subd. 6(3)

- *Educational Neglect focuses on the parent*
- *For child under 12, it is the responsibility of the parent to make sure they attend school, can be rebutted by clear and convincing evidence that the child is a habitual truant*
- *Educational neglect is a mandated Child Protection report under the Reporting Act. See Minn. Stat. Section 626.556. Subd. 2(c)(4)*

#### **Truancy Dispositions**

- Counsel the child or child's parent, guardian, or custodian
- Placed on probation under conditions prescribed by the courts
- Group foster care
- House arrest/ home detention
- Random UA's
- Require the child to return to school or attend an alternative school
- Require the child to pay a fine up to \$100

- Order the child to participate in community service
- Order a CD evaluation and completion of a CD program
- Drug Awareness Program
- Order a Psych assessment and participation in therapy
- If in BIC and public safety, the court **may** order cancellation of child's DL or permit for any period up to child's 18<sup>th</sup> birthday-if no DL then a denial of driving privileges for any period up to child's 18<sup>th</sup> birthday
- Order the parent/guardian to deliver the child to school every day
- Other treatment programs deemed appropriate by the court (In home services)
- If the child is 14+ and is adjudicated CHIPS and the child was previously dealt with by SARB, the Court **shall** order cancellation or denial of driving privileges for any period up to child's 18<sup>th</sup> birthday

See Minn. Stat. Section 260C.201 Subd. 1(5)(b)

Other CHIPS dispositions:

- Out of Home Placement
- Transfer of legal custody
  - good moral character
  - Group foster care
- Independent Living

See Minn. Stat. Section 260C.201 Subd. 1

### **Criminal Penalties**

Any person who fails or refuses to provide for instruction of a child of whom the person has legal custody . . . or any person who induces or attempts to induce any child unlawfully to be absent from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a petty misdemeanor.

See Minn. Stat. Section 120A.34

- *Petty Misdemeanor means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more that \$300 may be imposed.*

See Minn. Stat. Section 609.02 Subd. 4a

Any person who by act, word, or omission encourages, causes, or contributes to the need for protection or services is guilty of a gross misdemeanor.

See Minn. Stat. Section 260C. 425

- *Gross Misdemeanor means any crime which is not a felony or misdemeanor. The maximum fine which may be imposed for a Gross Misdemeanor is \$3,000.*

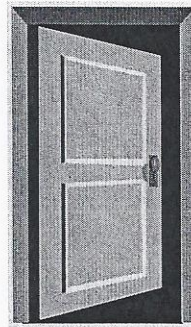
See Minn. Stat. Section 609.02 Subd. 4 and 609.03 (2).

Whoever intentionally causes or contributes to a child being a habitual truant as defined in 260C.007 Subd. 19 and is at least 18 years old and more than 24 months older than the child may be charged with a felony.

See Minn. Stat. Section 609.26 Subd. 1(7)

- *Felony means a crime for which a sentence of imprisonment for more than 1 year may be imposed.*

See Minn. Stat. Section 609.02 Subd. 2



Truancy leads to Delinquency  
Truancy leads to teen pregnancy  
Truancy leads to kids dropping out of school  
Truancy leads to chemical use

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