**CLEARWATER COUNTY**

 **TRUANCY PREVENTION PROGRAM**

1. THE TRUANCY PREVENTION PROGRAM is a diversion program of the Clearwater County Attorney’s Office in which juveniles and parents are afforded the opportunity to avoid court intervention by working with school personnel, probation, social workers, and other service providers to enhance attendance and remedy ongoing attendance problems. The program is conducted under the authority of Minnesota Statutes Chapters 120A, 260A, and 260C.
2. DEFINITIONS.
3. **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attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under Minnesota Statutes Section 120A.22, subdivision 8.
4. **Continuing truant** means a child who is subject to the compulsory instruction requirements of Minnesota Statutes Section 120A.22 and is absent from instruction in a school without 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.
5. **School attendance review board** means the group of people who will oversee referrals of continuing and habitual truant students and make recommendations for appropriate intervention and services.
	1. Each school district within the county shall have its own team. The team members may include: (1) one or more representatives of the school district, including, but not limited to, the truancy tracker and/or coordinator, school social worker, school counselor and/or school attendance officer; (2) a juvenile probation officer; (3) a Department of Human Services representative; (4) an Indian Child Welfare representative; and (5) a County Attorney representative.
	2. The school attendance board team shall meet at least monthly at a place and time convenient to the team members while school is in session or when necessary to consult and intervene concerning a particular case.
6. **Excessive excused absences** means that the parents have complied with the school policy regarding notification of a child’s absence from school, but the child has been excused a sufficient number of days such that his or her lack of attendance could bear on the ability to pass a class or attain the necessary skill and/or education standards set forth by the school.

III. PARTICIPATION IN THE PREVENTION PROGRAM.

1. School officials will review all attendance records and monitor at-risk children based on excessive unexcused tardies, absences, and suspensions, or who have been excessively absent from school.
2. When a child has become a continuing truant or has been excessively absent from school, the child shall be referred to the school attendance review team for consultation and intervention.
3. The child’s parents or guardians shall be notified of the child’s attendance problems by a letter from the school, sent by certified mail. The letter shall contain the following information: (1) that the child is truant or excessively absent from school; (2) that the parent or guardian should notify the school if there is a valid excuse for the child’s absences; (3) that the parent or guardian who is legally obligated to compel attendance of the child who fails to meet this obligation may be subject to prosecution; (4) that the parent or guardian should meet with school personnel to discuss solutions to the child’s truancy; (5) that the school can provide resources, including an age-appropriate mental health screening and truancy tracking, and make referrals to aid the parents or guardians; and (6) that if the child continues to be truant or excessively absent from school, the parent/guardian and child will be subject to juvenile court proceedings. A draft copy of the letter, entitled **LETTER 1**, is attached to this policy. Copies of the letter shall be sent to the Department of Human Services and Indian Child Welfare, if applicable.
4. The child, parent/guardians, and school may enter into a contract involving the use of the truancy tracker program to solve the child’s attendance problems.
5. The school shall document all contacts with parents or guardians, services recommended to the child and/or parents/guardians, services provided to the child, and referrals made. This information shall be forwarded to the County Attorney’s Office when court intervention is requested.
6. The child’s attendance shall continue to be monitored by the school and the attendance review team, if needed.

IV. PARTICIPATION IN THE TRUANCY TRACKER PROGRAM.

1. If the child has become a habitual truant or excessively absent from school, the child shall be referred to the school attendance review team for consultation, intervention, and possible referral to truancy tracker program.
2. The child’s parents or guardians shall be notified of the child’s excessive absence or habitual truant status by letter, sent by certified mail. The letter shall contain the following information: (1) that the child is habitually truant or his/her absences are jeopardizing the child’s ability to pass the class or attain the necessary skills and/or education standards set forth by the school; (2) that the parent or guardian who is legally obligated to compel attendance of the child who fails to meet this obligation may be subject to prosecution; (3) that the child and parents/guardians may be subject to court proceedings due to the child’s excessive absences or habitual truant status; (4) that the child and parents/guardian must meet with school officials and, if appropriate, a Probation Officer or a Department of Human Services representative and/or Indian Child Welfare representative to discuss and put into action a contract to solve the child’s truancy; and (5) that failure to cooperate to remedy the truancy will result the filing of a children in need of protection and services petition with the court. A draft copy of the letter, entitled **LETTER 2**, is attached to this policy. A copy of the letter shall be sent to the Sheriff’s Office, Department of Human Services and Indian Child Welfare, if applicable.
3. The child, parents/guardians, school, a Department of Human Services and/or Indian Child Welfare representative, may enter into a contract involving the use of the truancy tracker program and other services to solve the child’s truancy, attendance, and additional child protection/welfare problems. DHS and/or ICW will offer services as needed based on information gathered while developing a Case Plan.
4. If the child and/or parents/guardians fail to attend the contract meeting or otherwise are uncooperative with efforts to address the attendance or habitual truant status, or the attendance problems have not been resolved, the school shall send copies and records of all attempts to contact the family, including letters, telephone calls, and possible home visits, have been made to the County Attorney’s Office. This failure will result in court intervention.
5. Failure by the child and/or parents/guardians to attend the contract meeting after reasonable efforts are made by the school and others to gain cooperation, will result in prosecution and/or juvenile court intervention. **[this used to be LETTER 3 – we are filing at this point rather than sending a 3rd letter]**

V. THE CONTRACT MEETING.

1. A school official will facilitate the contract meeting between the school and the child and his/her parents/guardians. Additional attendees will include a representative from, the Department of Human Services and/or Indian Child Welfare, and may include Probation. During the meeting the following will occur: (1) the truancy tracker program will be explained to the child and parent/guardian; (2) the consequences for failing to cooperate with the program and/or improve the truant behavior are outlined; (3) an age-appropriate mental health screening will be required; (4) services recommended as a result of the age-appropriate mental health screening and/or consultation with other professionals shall be included in the contract; (5) a tracker will be assigned to the case; (6) review dates and times will be scheduled; and (7) the contract, which shall contain a release of information, shall be signed by all parties in attendance.
2. Failure of the child and/or parents/guardians to attend the contract meeting will result in a referral to the County Attorney’s Office for juvenile court intervention or prosecution of the parent.
3. A contract meeting may occur for any child that has excessive absences from school, even if the child’s absences have been excused. The purpose of this meeting is to ensure the active participation of parents/guardians in the child’s schooling. Utilization of the truancy tracker program and referrals to other services is allowed for children who are excessively absent.

VI. CASE MONITORING.

1. A review meeting may be scheduled by the truancy tracker at the time of the contract meeting, depending of the child’s progress, to review school attendance progress. Parties at the review may include school officials, parents, Probation, Department of Human Services and Indian Child Welfare representatives, other professional service providers, and the child.
2. Responsibilities of the Tracker:
	1. Attend contract meeting and fill out pertinent forms, including daily

log, student identification form, and a chronological case record.

* 1. Monitor the child’s attendance on a daily basis.
	2. Meet with the child at school intensively and as the case requires.

 This may include meeting the child at the bus, between class periods, or after lunch to ensure the child gets to class on time.

* 1. Meet with the child’s parents/guardians as needed to improve the

 child’s attendance.

* 1. Meet with Probation, Department of Human Services representatives, or Indian Child Welfare representatives as needed to improve the child’s attendance.
	2. Schedule and convene all necessary contract review meetings.
	3. Document, in detail, all personal, telephone, and collateral contacts made in relation to the case.
	4. Document all efforts made, including outside referrals and services, to improve the child’s attendance.
1. The child shall be discharged from the program when the child has met the conditions set forth in the contract.
2. The child’s attendance is monitored from one school year to the next, unless the child is successfully discharged from the program. The contract obligates the parents and child(ren) to fulfill the terms of the contract from year to year, negating the obligation for Letters 1 and 2 to be sent. Instead, a reminder letter will be sent to the child and parents, detailing the requirements of the child’s attendance and requiring the parents to attend a meeting with the school, DHS and/or ICW.

VII. FAILURE TO PARTICIPATE OR COOPERATE IN THE TRACKER PROGRAM.

 a. If the school deems that the child is not cooperating with the tracker

 program as evidenced by continued truant behavior or there is not sufficient improvement in the child’s attendance or if the parents/guardians fail to cooperate with the contract meeting, the school may request that the County Attorney’s Office petition the court for intervention. The attendance review team may make a recommendation to the County Attorney’s Office regarding the filing of a Petition.

 b. The following information will be sent to the County Attorney’s Office:

 i. A proposed truancy petition, duly notarized.

 ii. Copies of all documentation as to efforts to intervene, including:

 1. Copies of letters sent to parents/guardians pursuant to this program.

 2. School records of telephone contacts, home visits, and other meetings/conferences with the child and/or parents/guardians.

 3. The child’s attendance record and grades, verified for accuracy.

 4. The child’s detention/suspension record, if any, with explanation.

 5. Records concerning the child’s participation in the tracker program with a summary given by the tracker.

 6. Copies of POSIT screening results, referrals made to service providers and the outcome of those referrals, including services the child and/or the child’s parents/guardians received.

 iii. A recommendation letter from the attendance review team, if

 made, with reasons for the recommendation.

1. The County Attorney’s Office may also request data from the Sheriff’s

 Office, the Department of Human Services, Indian Child Welfare, and any other accessible and relevant data from the school outlining services offered and provided, contacts made, referrals made, and any recommendations the responding agency may have for the child and/or family. The County Attorney’s Office will notify the Department of Human Services of the filing of the Petition.

1. When the County Attorney’s Office receives a request to file a petition

 accompanied by the supporting documentation, the County Attorney’s Office may choose one or more of the following actions:

 i. File Educational Neglect charges against the parents/guardians if there is probable cause to believe that they are responsible for the child’s continued truant behavior;

 ii. File a Child in Need of Protection or Services Petition with the District Court or Tribal Court alleging that the child is truant or other appropriate subdivision; or

 iii. Refer the request for a petition back to the school and/or the Department of Human Services for additional information, efforts, and/or documentation.

 iv. The County Attorney’s Office reserves the right to file a petition at any time.

VIII. TRUANCY PETITIONS CONCERNING CHILDREN OVER THE AGE OF 16.

 a. Under Minnesota Statutes Section 260C.007, subdivision 19, a habitual truant includes a child who is 16 or 17 years of age who has the requisite number of absences and who has not been withdrawn from school by the child’s parents/guardians.

 b. As in cases involving children under the age of 16, intermediate interventions, including utilization of the truancy tracker program and referrals to other services, will be attempted to remedy the child’s attendance problems.

 c. If intermediate and remedial interventions are unsuccessful, a Child in Need of Protection or Services Petition concerning a 16 or 17 year old habitual truant may be signed by the child’s parents/guardians. This is necessary to ensure the parent’s/guardian’s active participation in remedying the child’s attendance problems. The County Attorney’s Office will work with the child’s parents/guardians and the school to file the appropriate petition. Nothing in this section prohibits the school from filing a truancy petition.

 IX. POST ADJUDICATION DUTIES AND ROLES.

 a. School:

 i. School officials/truancy trackers will continue to monitor the child’s attendance and behavior.

 ii. The tracker coordinators will have contact with DHS on a weekly basis to discuss Court order compliance and service recommendations.

 iii. The tracker coordinator and/or other school official shall provide a detailed report for the Court for any review or violation hearings. Pursuant to the Rules of Juvenile Protection Procedure, the reports shall be filed with the Court not later than five days prior to the hearing.

 iv. If the school believes that a violation of the Court order has occurred, the school shall contact the Department of Human Services or Indian Child Welfare, and provide written, verified documentation of the alleged violation.

 v. Disciplinary matters should be dealt with by school officials according to their policy or the child’s IEP/504 plan, if applicable.

 vi. Behavior issues that rise to the level of criminal activity shall immediately be reported to law enforcement for appropriate intervention.

 vii. The County will not respond to, nor will it seek Orders addressing, disciplinary issues within the school setting.

 b. Department of Human Services:

 i. The Department of Human Services shall coordinate the development and implementation of a case service plan by meeting with the child and the child’s family during and after the contract meeting.

 ii. DHS shall meet with the child’s family to review the age-appropriate mental health screening and current service status.

 iii. DHS may request and review records from the school, including IEP/504 plans, and attendance, academic, and discipline records.

 iv. Assistance may be offered to the school to address behavior issues through the assessment of the need for additional services and/or outside referrals.

 v. DHS and/or ICW shall provide case management services to assist the child and child’s family in complying with the Court’s order to address the truant behavior.

 vi. If the school believes that a violation of the Court order has occurred, the Coordinator shall contact the Case Manager and provide written documentation of the alleged violation.

 vii. The Case Manager shall provide a detailed written report to

 the Court for any review or violation hearings.

 viii. Case Managers can request assistance from Probation for

 enforcement of the Court Order after exhausting all remedies to seek compliance.

The following agencies hereby agree to participate in the implementation of the Clearwater County Attorney’s Office Truancy Prevention Program:

***Clearwater County Attorney’s Office Clearwater County Dept. of Human Services***

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***Department of Corrections***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_

***Bagley Public Schools Clearbrook-Gonvick Public Schools***

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