

# **BLUE EARTH COUNTY TRUANCY INTERVENTION PROGRAM**

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## **BLUE EARTH COUNTY TRUANCY INTERVENTION PROGRAM STATUTORY REFERENCE**

Through 2018 Legislation

**BLUE EARTH COUNTY TRUANCY INTERVENTION PROGRAM  
ESTABLISHMENT DOCUMENT**

- A. The Blue Earth County Truancy Intervention Program (TIP) is established pursuant to M.S.A. §260A.07 for the purpose of resolving habitual truancy and educational neglect matters without Court action.
- B. The Truancy Intervention Program will be effective upon approval by the Blue Earth County Attorney for habitual truancy and educational neglect matters.
- C. The Truancy Intervention Program is voluntary on the part of the parent(s) and child.
- D. The Truancy Intervention Program will only be available for parents, and for school children under 18 years of age, residing in Blue Earth County.
- E. Separate Memorandums of Understanding concerning the Truancy Intervention Program will be entered into between the Blue Earth County Attorney and other individuals, agencies, and departments as deemed necessary by the Blue Earth County Attorney.

## **BLUE EARTH COUNTY TRUANCY INTERVENTION PROGRAM GUIDELINES (AGE 11 AND UNDER)**

It is recommended that all schools follow the guidelines set forth below for notifying the parents, the Blue Earth County Attorney's Office, and/or Blue Earth County Human Services of any truancy related problems. **Students referred to this program must be a Blue Earth County Resident.**

All schools are required by Minnesota Statute to notify a parent(s) if their child becomes a continuing truant (**3 full-day unexcused absences**).

*Minnesota Statute §260A.03 provides: 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 or guardian should notify the school if there is a valid excuse for the child's absences; (3) that the parent or guardian is obligated to compel the attendance of the child at school pursuant to section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under section 120A.34; (4) that this notification serves as the notification required by section 120A.34; (5) that alternative educational programs and services may be available in the child's enrolling or resident district; (6) that the parent or 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.** (Emphasis added).*

**Attendance Alert Letter:** The Blue Earth County Attorney's Office requests that this letter be sent to families prior to any referrals to the Blue Earth County TIP.

If the Attendance Alert Letter has not resolved the student attendance issues, please follow these steps when referring cases to the Blue Earth County Attorney's Office or Blue Earth County Human Services.

### **STEP 1 – Initial Truancy Letter From County Attorney Office (3-5 unexcused absences):**

If a student reaches **three to five days with unexcused absences**, the school may request that the County Attorney's Office send a letter to the parent(s).

1. School sends **Initial Truancy Letter Referral Form** to the County Attorney's Office requesting a first letter be sent to the child and the child's parent(s). The form shall be completed and submitted with a current **attendance record**. Forms are available online. They should be filled out electronically and submitted by

email to: [attorney.truancy@blueearthcountymn.gov](mailto:attorney.truancy@blueearthcountymn.gov).

2. The County Attorney's Office will send a letter to the child and the child's parent(s). A copy will be e-mailed to the school.
3. The County Attorney's Office will send a copy of the letter to Blue Earth County Human Services and Blue Earth County Community Corrections.

**STEP 2 – Educational Neglect Referral (7 unexcused absences):**

If the above intervention efforts fail to correct the student truancy problem and the student reaches **seven days with unexcused absences**, the school shall make a verbal and written report of child maltreatment to Blue Earth County Human Services alleging educational neglect.

1. The school completes the **Educational Neglect Referral Form** and attaches all necessary documents listed in the form.
2. Blue Earth County Human Services will screen the report for a child maltreatment family assessment or family investigation.
3. At the completion of the assessment/investigation, the original mandated reporter will be notified of the outcome of the assessment/investigation and whether services will be provided.
4. If the assessment/investigation results in a determination of high risk of future maltreatment or the parent(s)/guardian refuses to cooperate in assuring school attendance, Human Services will consult with the County Attorney's Office to request an appropriate CHIPS Petition.

**Methods for Notification of Continued Unexcused Absences:**

If the child has additional unexcused absences, the school authority shall take action according to following applicable situation:

1. **Where a Petition has been filed and Child Adjudicated CHIPS:** Send a letter to the assigned social worker at Blue Earth County Human Services and attach a copy of the child's **attendance record**. The school should have a record of the assigned social worker. If they do not, send the letter to the Supervisor in the Family & Children Services Division.
2. **Petition filed and Child Not Yet Adjudicated:** If a petition has been filed with the Court and the child has not yet been adjudicated, notify the assigned social worker or the Supervisor in the Family & Children Services Division of any additional unexcused absences.
3. **No Petition:** If a petition has not been filed with the Court, notify the assigned social worker or the Supervisor in the Family & Children Services Division so an appropriate referral can be made for additional action.

Human Services will complete attendance checks on all students once a report has been screened in for child maltreatment family assessment or family investigation, or the child has been adjudicated under a CHIPS petition. Information regarding continued absences will be copied to the County Attorney's Office

## **BLUE EARTH COUNTY TRUANCY INTERVENTION PROGRAM GUIDELINES (AGE 12 AND OVER)**

It is recommended that all schools follow the guidelines set forth below for notifying the parents, the Blue Earth County Attorney's Office, and/or referring the child to the Blue Earth County Truancy Intervention Program (TIP). **Students referred to this program must be a Blue Earth County resident.**

All schools are required by Minnesota Statute to notify a parent(s) if their child becomes a continuing truant (**3 unexcused absences**).

*Minnesota Statute §260A.03 provides: 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 or guardian should notify the school if there is a valid excuse for the child's absences; (3) that the parent or guardian is obligated to compel the attendance of the child at school pursuant to section 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under section 120A.34; (4) that this notification serves as the notification required by section 120A.34; (5) that alternative educational programs and services may be available in the child's enrolling or resident district; (6) that the parent or 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.** (Emphasis added).*

**Attendance Alert Letter:** A letter notifying the parents/guardian of their student's status should be used to satisfy this requirement. The Blue Earth County Attorney's Office requests that this letter be sent to families prior to any referrals to the Blue Earth County TIP.

If the Attendance Alert Letter has not resolved a student's attendance issues, please follow these steps when referring cases to the Blue Earth County TIP:

### **STEP 1 – TIP Informational Meeting (3- 5 days with unexcused absences):**

#### **STUDENTS AGE 12-17.5:**

If a student age 12 to 17.5 reaches **three to five unexcused absences**, the student should be referred to a TIP Informational Meeting, sponsored by Patrick McDermott, Blue Earth County Attorney.

1. School submits **TIP Informational Program Meeting Referral Form** to County Attorney's Office. Form shall be completed and submitted with a

current **attendance record**. Forms and attachments should be emailed to the County Attorney's Office.

2. County Attorney's Office sends a letter to the parent(s)/student regarding the TIP Informational Meeting with date and time of meeting (a copy will be e-mailed to the school).
3. The County Attorney's Office requests that the school remind students to attend the TIP Informational Meeting.
4. At the TIP Informational Meeting, parents/guardians and student(s) will be asked to sign in.
5. It is highly recommended that schools follow-up with parents / students who do not attend the TIP Informational Meeting.

**Other Recommended School Interventions:**

Prior to and while students are being referred to the TIP Informational Meeting, schools should also incorporate any other truancy interventions to help prevent continued absences:

1. School identifies the top 15 students (or approximately 1% of school population – look at attendance records from the previous fall) most likely to be at risk for early absences. If they are absent **even one time**, it is recommended that the following interventions begin:
  - a. School speaks with parent;
  - b. School speaks with student;
  - c. Utilize mentorship programs, small group discussions, and targeted communications to these top 15 students to gain the attention of the student.
2. Schedule a conference with students who are beginning to have truancy issues;
3. Schedule a meeting with the parent(s) at the onset of truancy issues (it is recommended that parents be reminded of the invitation in the Attendance Alert Letter to attend classes with child for one day);
4. **In-School Attendance Contract**: This is an optional step for appropriate cases where an informal attendance contract is deemed beneficial by the school. This step can actually be utilized at any stage of the process prior to court intervention.

5. It is recommended that schools begin the process of identifying members of the community necessary for an effective intervention for the student. This could be a family member, coach, mentor, guidance counselor, police officer, elder, pastor, etc.
6. Have open communication with Blue Earth County Human Services about any and all intervention efforts. This will prevent the duplication of services and improve the effectiveness of the intervention.
7. Please document all intervention efforts. This information may be needed later in the process.

**STEP 2 – Student Meets Criteria as a Habitual Truant (7-10 days with unexcused absences):**

**STUDENTS AGE 12 – 16:**

If the above intervention efforts fail to correct a student's truancy problem and the student reaches meeting the legal definition of a *habitual truant* a petition should be filed with the County Attorney's Office along with an attendance record for the student.

**TRUANCY DIVERSION- STUDENT ATTENDANCE REVIEW TEAM (SART)**

If the student meets eligibility requirements for truancy diversion the County Attorney's officer will not file the petition with the Court, rather they will initiate the diversion process by inviting the student and parent/guardian to participate in an Student Attendance Review Team (SART) Conference.

1. Parent(s)/guardian will receive a certified letter from the County Attorney's Office confirming the date and time of the SART Conference (copy to school);
2. At the SART Conference the student and parents/guardians will be informed that their student is a habitual truant and that they can avoid the filing of a petition with the court by agreeing to participate in a SART Contract and complying with the requirements of such contract;
3. If the student does not agree to entered in the SART contract or fails to comply with the requirements of the SART contract the County Attorney's Office will file the truancy petition with the Court.

## **TRUANCY PETITION FILED WITH COURT**

### **STUDENTS AGE 12-17:**

When a student age 12 to 17 reaches **seven to ten unexcused absences** the school should refer the student to court:

1. Schools will complete the **Referral Form - Truancy Petition** and attach a current attendance record. The form should be sent to the County Attorney's office and a Truancy Petition will be prepared and filed.
2. Court will schedule hearings within 10 days of filing the petition.
3. Schools will be notified of court hearings.

### **TRUANCY COURT PROCESS**

1. Expedited Truancy Hearings:
  - a. Generally scheduled every Wednesday afternoon at 3:00 p.m.;
  - b. School official will be requested to appear once a student has denied the unexcused absences and a court trial is scheduled.
  - c. Court may impose one or all of the following consequences:
    - i. Parents could be required to deliver child to school every morning;
    - ii. Students could lose driving privileges until 18<sup>th</sup> birthday;
    - iii. Students could be fined up to \$100;
    - iv. Students could be ordered under house arrest including the use of Electronic Home Monitoring (EHM);
    - v. Student could be removed from his or her home and placed in foster care or a short-term residential facility;
    - vi. Student could be placed in long-term residential treatment;
    - vii. Require parents or another adult to attend school with student.

## Blue Earth County Truancy Intervention Program

### Legal Consequences of Habitual Truancy (12+)

- I. **Definition:** “Habitual Truant” means a child under the age of 18 years who is absent from school without lawful excuse for seven school days or one or more class periods on seven school days. (MN Statute § 260C.007, subd. 19)
- II. **Presumption:** A child’s absence from school without lawful excuse, when the child is 12 years old or older, is presumed to be due to the child’s intent to be absent from school unless it can be shown that the child’s absence is due to the failure of the child’s parent/guardian to comply with compulsory instruction laws. (MN Statute § 260C163, subd.11(a))

Minnesota State Law requires that you attend school every day. It is your responsibility to get out of bed and to school every day **ON TIME!** If you oversleep, you are truant. If you miss the bus, you are truant. If you are late for any reason but illness, you are truant. **Any time you are not in school, without a valid excuse, you are truant.**

If you continue to miss school any or all of the following consequences may happen:

- A. A Child in Need of Protection or Services (CHIPS) petition may be filed in Juvenile Court. Your parents will be named on the petition, and the proceedings will be open to the public.
- B. You may be given community work services hours.
- C. You can be put on house arrest. House arrest means that you cannot leave your house without a parent except to go to school.
- D. You may be required to attend family or individual counseling.
- E. You may be required to participate in a chemical use assessment and follow recommendations. The Court can require random UA’s.
- F. You may be fined up to \$100.00.
- G. The Court can order a transfer of legal custody of you to Blue Earth County Human Services for placement outside of your home. Your parents can be required to pay a fee for your placement.
- H. Your parents can be required to deliver you to school at the beginning of each school day for a period of time specified by the Court.
- I. The Court may revoke or delay all driving privileges up until your 18th birthday.
- J. The Court can require you to perform any other activities or participate in any other treatment programs it deems appropriate.

## **BLUE EARTH COUNTY TRUANCY INTERVENTION PROGRAM**

### **TIMELINE SUMMARY**

1. School sends a letter to parents notifying them of truancy problem after 3 unexcused absences.
2. School submits a TIP Referral Form to County Attorney's Office if absences continue (3-5 unexcused absences).
3. If the student (age 12 and older) continues to have unexcused absences and meets criteria as a habitual truant the school shall forward a truancy petition to the County Attorney's Office.
4. Where a student meets eligibility for truancy diversion the County Attorney's Officer shall schedule a Student Attendance Review Team Conference (SART).
5. The County Attorney's Office shall file the truancy petition with the court where:
  - A. The student does not meet eligibility for SART intervention
  - B. The student does not agree to or declines to enter into the SART Contract
  - C. The student is unsuccessfully terminated from the SART program due to the student's failure to comply with the conditions of the contract.
6. Educational Neglect Referrals - There is no deadline for educational neglect referrals for students age 11 and under.