

What if we have to go to Court

If the parents/student fail to cooperate with the truancy diversion, the requested petition will be filed with the court. Once the truancy petition is filed, the parent may not legally withdraw the student from school. The court has the authority to order a range of consequences (including but not limited to):

- Student may lose driving privileges until 18 years old.
- Student or Parent may be fined, cited for contempt, arrested, and detained.
- A child can be placed on house arrest and/or electronic home monitoring (EHM) making student unable to leave home except to attend school or when accompanied by the parent. Parents are responsible for the cost of EHM.
- A child can be ordered to attend a school chosen by the court.
- A child can be ordered to undergo evaluation or treatment for chemical dependency.
- A child can be ordered to undergo mental health evaluation.
- A child can be ordered to perform work squad or community service.
- A child can be removed from the home and placed in a shelter, foster care, group home, or short-term residential facility. Parents are responsible for the cost of placement.
- A child can be placed in long-term residential treatment. Parents are responsible for the cost of placement.
- The court can impose any other activities or treatment programs it deems appropriate.
- The most far reaching consequences for truancy are not the court sanctions. Children who do not attend school are more likely to become involved in delinquent and ultimately criminal behaviors. These young people are severely limiting their opportunities and truancy can be the beginning of a lifetime of problems.

A high school graduate can expect to earn \$338,047 more in his or her life-time than a high school dropout.

Responsibility of the School

- Address problems identified as barriers to the student's ability to attend and learn.
- Maintain accurate attendance records and document communication with the student and legal parents or guardians about attendance.
- When the child is 12 and younger, make a referral to Watonwan County Human Services. (exceeding 7 unexcused absences)
- When the child is 12 or older, send the information to the Watonwan County Attorney's Office. (exceeding 7 unexcused absences)
- Attend child's diversion meeting and notify a social worker or probation officer if the contract is not being followed.
- Inform the student and parents/guardian of the legal requirement for school attendance and the consequences if they fail to meet the requirements.

Responsibility of the Parent

- Send your child to school
- Ensure your child has completed required homework
- Monitor your child's attendance and progress in school
- Inform the school when your child may need to miss school for an acceptable reason
- Attend a diversion meeting with your child and follow the recommendations of the contract. Contact the social worker if the contract is not being followed.

Responsibility of the Student

- Attend school - everyday, every class, and on time.
- Complete required school work
- Ask for assistance when needed
- Attend a diversion meeting and follow the requirements of the contract

High school dropouts are two and a half times more likely to be on welfare than high school graduates

**Watonwan County
Human Services**

Educational Neglect & Truancy

This brochure is designed to help parents and students better understand the issue of Educational Neglect & Truancy.

**Watonwan County Human Services
715 2nd Ave. S., PO Box 31
St. James, MN 56081**

School Attendance

IT IS THE LAW Minnesota State Law requires that children attend school. For students under the age of 12, it is presumed that it is a **parental responsibility** to ensure the child's attendance. Between the age of 12 and through the 17th year, it is primarily the **student's responsibility** to get to school on a daily basis. Children who are 17 must be lawfully withdrawn from school by their parent or guardian. Children cannot independently "drop out" of school. (MS 120A.22)

MS 120A.22 Sub 12

Attendance: A student is required to attend school each and every day and each and every class period. If they miss a school day or part of a day, for legitimate reasons, a parent or guardian must request an excused absence. Excused absences include (but not limited to): Sickness (school may verify) Medical or Mental Health appointments, Religious holidays, Family emergency (death, house fire, etc.). Unexcused Absences include (but not limited to): Missing the bus, Employment, Need for sleep or rest, Babysitting, Cold weather.

Educational Neglect Intervention

By Minnesota State Statute, a child is in need of protection or services when a child is without the necessary food, clothing, shelter, **and education,...**

When a child, under the age of 12, has accumulated 7 unexcused absences the school will call Social Services along with sending written proof to make a report and a referral will also be made to child protection.

MS 260C.163 Sub 1 1; MS 260C.007 Sub 19

Truancy Intervention Services

"The parents, school, and community are all partners in working toward the goal of school attendance and educational success. The law is designed to provide a variety of intervention and services to support families and children in school and in combating truancy and educational neglect." (FGDM, Diversion, CMH, CW)



Continuing Truant When a child ages 12 through 17 has reached **five (5) unexcused absences**, the child is considered "**continuing truant**". At this point, the school will send a mandatory letter to the legal parents, school personnel, and social services or probation. School will schedule a meeting with the student, legal parent(s), and a county official.

This "**Pre-Diversion**" meeting will address what other issues may be occurring and the consequences for further truantries and absences, Parents will sign a form acknowledging their attendance at the meeting.

MS 260C.163 Sub 1 1; MS 260C.007 Sub 19

Tardy

Student is late for a class period. (MN Statute does not allow for the addition of tardy days or class periods to equal an absence.)

Absent*

Student is not present for the day or for a class period. A parent or guardian may request that a child's absence from school be excused. School has the right to accept or deny a request for an excused absence.

*For details as to what constitutes an excused absence please refer to the specific school policy.

Withdrawal and School Transfers

Withdrawing a student from school or transferring to another school will not stop truancy or court proceedings. When a petition is filed with the court, the judge becomes the authority to make school attendance decisions.

Watonwan County, the school, and Watonwan Court will consider the child to be enrolled at the current school until a request for records is received from the new school (including on-line schools), or the child is legally withdrawn, or the parent completes the home school procedure with the school district in which the child lives.

