

Truancy Statutory Reference

Through 2023 Legislation

Compulsory Instruction

- **Parental responsibility.** The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship.

[Minn. Stat. §120A.22, subd. 1](#)

- **Ages and terms.** Every child between seven and 17 years of age must receive instruction unless the child has graduated. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction.

[Minn. Stat. §120A.22, subd. 5](#)

- **Children under seven.** Once a pupil under the age of seven is enrolled in kindergarten or a higher grade in a public school, the pupil is subject to the compulsory attendance provisions of this chapter and section [120A.34](#), unless the board of the district in which the pupil is enrolled has a policy that exempts children under seven from this subdivision.

A parent or guardian may withdraw the pupil from enrollment in the school for good cause (enrollment in another school or immaturity of the child) by notifying the district. A pupil under the age of seven who is withdrawn from enrollment in the public school is no longer subject to the compulsory attendance provisions.

[Minn. Stat. §120A.22, subd. 6](#)

- **Withdrawal from school.** Any student who is 17 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.

[Minn. Stat. §120A.22, subd. 8](#)

- **Legitimate Exceptions.** A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year.

The school district may state in its school attendance policy that it may ask the student's parent or legal guardian to verify in writing the reason for the child's absence from school.

A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse.

The school board determines policies regarding child illness, medical, dental, orthodontic, counseling appointments, family emergencies, death or illness of a family member, military service, religious instruction, or other exceptions included in the district's school attendance policy.

[Minn. Stat. §120A.22, subd. 12](#)

Continuing Truant

- **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 without valid excuse within a single school year for:

- (1) three days if the child is in elementary school; or

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

A school district may notify a truant child's parent or legal guardian of the child's truancy or otherwise address a child's attendance problems prior to the child becoming a continuing truant.

[Minn. Stat. §260A.02, subd. 3](#)

- **“Continuing Truant” Notification Letter from School.** 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. [Minn. Stat. §260A.03](#)

Attendance Alert Letter. *The Le Sueur County Attorney's office requires that this letter be sent to families prior to any referrals to the Le Sueur County Attorney's Office.*

Habitual Truancy

- **Habitual Truant.** "Habitual truant" means a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school under section [120A.22, subdivision 8](#).

[Minn. Stat. § 260C.007, subd. 19](#)

- **Presumption for child 12 and older.** 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.

[Minn. Stat. §260C.163, subd. 11\(a\)](#)

- **Presumption for child 11 and under.** A child's absence from school is presumed to be due to the parent's, guardian's, or custodian's failure to comply with compulsory instruction laws if the child is under 12 years old and the school has made appropriate efforts to resolve the child's attendance problems.

[Minn. Stat. §260C.163, subd. 11\(a\)](#)