

Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines

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Failure to ensure education

Chronic school absences may be an indicator of other concerns in a family, such as unaddressed mental health or substance use issues of a child or parent, or undisclosed forms of other child maltreatment. Failure to ensure education [Minnesota Statutes 260E.03, subd. 15(a)(4)] means persons responsible for children's care have not ensured they are enrolled in school, and attending school according to expectations of school districts; children are not in compliance with statutory requirements defined in Minnesota Statutes 120A.22 and 260C.163, subd. 11. Children's absence from school is presumed to be due to parents', guardians', or custodians' failure to comply with compulsory instruction laws [Minn. Stat. 260C.163, subd. 11 (a)-(b)] if:

- Children are under age 12, and
- School made appropriate efforts to resolve a child's attendance problems, such as sending letters, phone and in-person contact with child's parents or guardian.

Failure to ensure education does not include parents' refusal to provide their children with sympathomimetic medications, such as those frequently used to treat Attention Deficit Disorder (ADD) or Attention Deficit Disorder with Hyperactivity (ADHD). [Minnesota Statutes 260E.03, subd. 15(a)(4)].

When children are age 12 and older, and enrolled in school, it is a truancy matter unless there is information to suggest parental responsibility. Generally, accept truancy cases under child welfare, rather than child protection.

Failure to ensure education includes youth not enrolled or attending school and have not legally withdrawn from school, and information suggests homelessness contributed to youth's education status.

The ages children are required to attend school are in Minnesota Statutes 120A.22, subd. 5, and 260C.007, subd. 19. This includes:

- Children under age 7 enrolled in half-day or full-day kindergarten are subject to mandatory attendance requirements and must receive instruction.
- Parents may withdraw children from school for good cause by notifying the district as provided in Minnesota Statutes 120A.22, subd. 6 (c). Good cause includes, but is not limited to, enrollment of a pupil in another school or the immaturity of child.
- Every child between ages 7 and 17 must receive instruction. If children are not enrolled in school and are required to be, that qualifies as a screened-in report

- Students age 17 are required to attend school unless legally withdrawn. Steps to withdraw students legally at age 17 are in Minnesota Statutes 120A.22, subd. 8. Student and parent or guardian must:
 - Attend a meeting with school personnel to discuss educational opportunities available to students, including alternative education opportunities
 - Sign a written notice of intention to withdraw a child from school.

See statutory standards for school attendance in Minnesota Statutes 260C.007, subd. 19, stated in terms of limits allowed for unexcused absences, which are:

- Unexcused absences for seven days for children in elementary school
- Absences of one or more class periods on seven school days if children are in middle, junior high or high school
- Those age 17 have the same standards as middle and junior high school students, unless lawfully withdrawn from school.

When a local welfare agency has an open child protection service, including assessment, investigation or case management, additional reports of absences beyond the threshold above seven days for children in elementary school; or one or more class periods on seven school days if in middle, junior high or high school, should be added to existing totals, not initiating a new report. If children have seven unexcused absences and a new report is made of an additional unexcused absence, children have eight unexcused absences.

When a local welfare agency has an existing child protection workgroup open and receives additional reports that a child has unexcused absences beyond the thresholds above, reports are screened in and referred to open child protection assessment or case management workgroup. If no current open child protection assessment, investigation or case management workgroup for educational neglect, a new report initiates a new assessment or investigation, assuming it meets criteria.

For situations where a school has excused multiple absences and/or caregiver reports that child is out due to repetitive undocumented illness, it may be necessary to gather more information from the school. Communicating with school support staff (school caseworker, counselor or nurse) or school administrator (principal, assistant principal, dean) may be needed to inquire how absences are affecting educational progress, and if there are specific developmental needs of child. A school may require a doctor's note or documentation of a chronic medical condition to continue to excuse absences.

Home schooling is a legal option and not considered educational neglect, providing a family has followed through with meeting requirements of their school district.