

Le Sueur County Truancy Diversion Program

Effective September 1, 2022

Brent Christian
Le Sueur County Attorney

Contents

Truancy Statutory Reference	1
Compulsory Instruction	1
Continuing Truant.....	2
Habitual Truancy	3
Le Sueur County Truancy Guidelines (Age 11 and Under)	4
Le Sueur County Truancy Diversion Program (Age 12 and Over)	5
Three Day Truancy Notification Letter.....	8
Five Day Truancy Notification Letter.....	9
School Support Plan	10
Truancy Referral Form.....	13

Truancy Statutory Reference

Through 2021 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 may also withdraw the pupil from enrollment in the school for good cause (enrollment in another school or immaturity of the child) and the pupil is no longer subject to compulsory attendance.
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 to Compulsory Instruction.** 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 (up to 3 hours per week), or other exemptions 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
- (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.** A sample letter is attached that may be used to satisfy this requirement. 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)

Le Sueur County Truancy Guidelines

(Children Aged 11 and Under)

Reports of educational neglect for children under 12, shall be made to the Le Sueur County Department of Human Services intake worker.

Intake Phone Number: 507-357-8288

Intake Email: cpintake@co.le-sueur.mn.us

SCHOOL RESPONSE

1 to 2 Days of Unexcused Absences:

- Track and address unexcused absences early; notify parent/guardian by phone
- Support high-risk students through transition periods
- Ask parent/student if the student has a current case manager
 - Notify case manager

2 to 3 Days of Unexcused Absences:

- Engage parents; continue to engage student
- Send 1st notification letter to parent/guardian (3-Day Letter)
- Minimum of 2-3 documented attempts to contact parent regarding absences: email, phone calls, text messages, office visits, home visits

The school must send the 3-Day Truancy Letter to the parent/guardian immediately after the 3rd unexcused absence. (Per State Statute: 260A.03 and 260A.07)

4 to 5 Days of Unexcused Absences:

- Send 2nd notification letter to parent/guardian (5-Day Letter)
- Request school meeting to identify & address contributing truancy factors

7+ Days of Unexcused Absences:

- Reports of educational neglect for children under 12 that have seven unexcused absences shall be made to the Le Sueur County Department of Human Services on-call intake worker at 507-357-8288.

LE SUEUR COUNTY RESPONSE

- Le Sueur County Department of Human Services will investigate the report and consult with the Le Sueur County Attorney's Office if appropriate.

Le Sueur County Truancy Diversion Program

(Children Aged 12 and Over)

Students referred to this program must be a Le Sueur County resident.

SCHOOL RESPONSE

1 to 2 Days of Unexcused Absences:

- Track and address unexcused absences early; notify parent/guardian by phone
- Support high-risk students through transition periods
- Meet with student, acknowledge absent school day, assess reasons, and provide support
- Ask parent/student if the student has a current case manager or a probation officer
 - Notify case manager or probation officer of absences

2 to 3 Days of Unexcused Absences:

- Engage parents; continue to engage student
- Send 1st notification letter to parent/guardian (3-Day Letter)
- Minimum of 2-3 documented attempts to contact parent regarding absences: email, phone calls, text messages, office visits, home visits
- Consult with Human Services School Liaison or truancy social worker assigned to school with questions: **there should be no case specific information unless a release is signed**

The school must send the 3-Day Truancy Letter to the parent/guardian immediately after the 3rd unexcused absence. (Per State Statute: 260A.03 and 260A.07)

4 to 5 Days of Unexcused Absences:

- Send 2nd notification letter to parent/guardian (5-Day Letter)
- Request school meeting to implement the School Support Plan
- Complete School Support Plan with student and parent(s)/guardian(s); identify & address contributing truancy factors

5+ Days of Unexcused Absences:

- If School Support Plan has not been completed, hold meeting with student, parent, and school staff to **develop the School Support Plan**
- Document all attempts to schedule the School Support Plan meeting if the family is unresponsive to requests, in order to provide the necessary documentation to Le Sueur County in the event of a truancy referral
- Continue to coordinate with current case manager/probation agent if the student is open with either of these services
- **Obtain written consent to coordinate services** with the Human Services School Liaison or the Le Sueur County Department of Human Services

1 to 45 Days – From Initiation of School Support Plan

- Delay truancy referral for this time period to allow services/supports/interventions to take effect
- Maintain personal contact with student and parent(s)
- Review effectiveness of School Support Plan and revise as appropriate

45+ Days – Since Initiation of School Support Plan

- Noticeable improvements on attendance, a truancy referral may not be necessary
- **No improvement; assessed as habitual truant and refer case to Le Sueur County Attorney's Office**
 - Include all requirements of the referral (listed on the Le Sueur County Truancy Referral Form)

Note:

- Referrals made prior to the 45 day School Support Plan period must provide documentation explaining the reasons for the early referral

LE SUEUR COUNTY TRUANCY REFERRAL RESPONSE

County Attorney's Office Response

- When the County Attorney's Office receives the Truancy Referral Form, they screen the referral to make certain the student does not have an open probation file.
 - If the student has an open probation file, the case will be referred to the student's probation agent to address truancy.
 - If the student does not have an open probation file, the case will be referred to the Le Sueur County Department of Human Services.

Department of Human Services Response

- When the Department of Human Services receives the Truancy Referral Form, they screen the referral to make certain the following requirements exist before accepting the referral:
 - **The minimum number of unexcused absences have been met (7 full days or equivalent class periods), which is shown in the attached attendance record**
 - **Truancy referral includes: Truancy Referral Form, School Support Plan (including date and signature of parent(s)/guardian(s), student, and school staff present during meeting), current attendance record, and two Truancy Notification Letters (dated and addressed with the listed unexcused absences dates)**

- **The School Support Plan was given 45 days to work. If the school submits the truancy referral before the 45 days has passed or without a completed School Support Plan, the school must supply documentation explaining the early referral.**
- **When requirements are not met** or the Department of Human Services needs further clarification, they will contact the school with either a notice of determination or to gather further information. The schools will be given two weeks to respond to the request for additional information and if the information is not received, the referral will be closed.
- **When the requirements are met**, a truancy worker will be assigned and the Department of Humans Services will consult with the County Attorney's Office to determine whether the case is appropriate for Truancy Diversion.

Acceptance into Truancy Diversion Program

- DHS will contact parent(s)/guardian(s) to discuss diversion verses court intervention
 - Send parent(s)/guardian(s) 7-Day Letter
- Complete necessary paperwork and complete a Diversion Contract with both the student and the parent(s)/guardian(s)
- Refer to providers and other assessments/therapy as agreed upon
- Complete monthly progress meetings to review attendance and to update plans that are not successful
- Students who have markedly improved or perfect attendance for 3 consecutive months will meet the closing requirements for the Le Sueur County Truancy Diversion Program and the truancy matter will be closed.
- Students that continue to be truant may be referred to the Le Sueur County Attorney's Office for possible court intervention

Court Intervention

- Student(s)/parent(s)/guardian(s) who decline to participate in the diversion program or who are not eligible for the diversion program will be referred back to the County Attorney's Office for possible court intervention

SCHOOL LETTERHEAD

DATE

Dear Parent(s)/Guardian(s) of (Student Name):

Pursuant to Minnesota law, a child who misses three full days of elementary school or three or more class periods on three days in middle, junior high or high school, without a valid excuse is considered a “continuing truant.” School records indicate that your child has been absent without lawful excuse on (dates missed). We have not received notice that any of these absences have been excused. In the event that there is a valid excuse for your child’s absence, you should notify the school immediately.

In Minnesota, the parent/guardian of a child is obligated to compel a child to attend school or face criminal prosecutions under Minn. Stat. §120A.34 (Compulsory Attendance Statute). The criminal penalty is a petty misdemeanor and this letter serves as your notice.

(Name of school) and the (name of school district) may have alternative educational programs and services available for your child. You have the right to meet with the appropriate school personnel to discuss solutions to your child’s truancy. It is our hope that you will contact the school to set up such a meeting.

It is also recommended that the parent/guardian of a truant student accompany the student to school and attend classes with the child for one day. Please feel free to contact the school to make arrangements for such a visit.

If your child continues to be truant, you and your child may be subject to juvenile court proceedings under Minnesota Statutes Chapter 260C. If your child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child’s driving privileges pursuant to Minn. Stat. §260C.201.

Upon receipt of this letter please contact _____ at _____ so we may address your child’s school attendance. Please note that the contents of this letter are required pursuant to Minn. Stat. §260A.03 and this letter serves as your legal notice of truancy.

Sincerely,

Name
Title
School Name
Address
City/State
Phone Number

SCHOOL LETTERHEAD

DATE

Dear Parent(s)/Guardian(s) of (Student Name):

School records indicate that your child has been absent without lawful excuse on (insert dates missed). Your child is considered a “continuing truant” under Minnesota law because your child has been absent from school without lawful excuse during three or more class periods on three or more days. In the event that there is a valid excuse for your child’s absences, you should notify the school immediately.

In an attempt to assist your child, we are holding a meeting with you and your child. Hopefully, after the meeting we will have a better understanding of why your child has been missing school and we can agree on a School Support Plan to improve your child’s attendance. If you are unavailable at the meeting time, please immediately contact (insert name) at (insert phone number) to reschedule the meeting.

Meeting Date
Meeting Time
Meeting Location

If your child continues to be truant, you and your child may be subject to juvenile court proceedings under Minnesota Statutes Chapter 260C. If your child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child’s driving privileges pursuant to Minn. Stat. §260C.201.

Sincerely,
Name
Title
School Name
Address
City/State
Phone Number

School Support Plan

Student Name: _____

Meeting Date: _____

Names of those present: _____

Academic Environment

- yes no Learning Disability
- yes no Emotional/Behavioral Disability
- yes no 504 Accommodation Plan (If yes, date of last review _____)
- yes no Individual Education Plan (If yes, date of last review _____)
- yes no Behavior Problems (If yes, grade behavior problems first noted: _____)

Check all that occur at school

- | | |
|--|---|
| <input type="checkbox"/> Attention/concentration problems | <input type="checkbox"/> Physical aggression towards peers |
| <input type="checkbox"/> Physical aggression towards school staff | <input type="checkbox"/> Property destruction or misuse |
| <input type="checkbox"/> Leaves class without permission | <input type="checkbox"/> Refuses to complete classroom activities |
| <input type="checkbox"/> Swearing at peers or staff | <input type="checkbox"/> Frequently interrupts in class |
| <input type="checkbox"/> Avoids large groups or chaotic activities | <input type="checkbox"/> Theft |
| <input type="checkbox"/> Quits group activities | <input type="checkbox"/> Isolates self during school day |
| <input type="checkbox"/> Resists or refuses school supports | <input type="checkbox"/> Victim of teasing and/or bullying |
| <input type="checkbox"/> Lacks feeling of school belonging | <input type="checkbox"/> Panics when called upon in class |
| <input type="checkbox"/> Conflicted relationships with school staff | <input type="checkbox"/> Instigates bullying or teasing of peers |
| <input type="checkbox"/> Trouble keeping up with school work | <input type="checkbox"/> Complaints of frequent headaches or nausea |
| <input type="checkbox"/> At high risk of failing the majority/many classes | <input type="checkbox"/> Leaves school building or grounds without permission |
| <input type="checkbox"/> Suspected chemical use/possession at school | <input type="checkbox"/> Leaves class to visit nurse and/or bathroom frequently |
| <input type="checkbox"/> Little or no social connections | <input type="checkbox"/> Resists school discipline measures/consequences |
| <input type="checkbox"/> Other: _____ | |

Interventions (past and current)

Please check each intervention school has attempted

- After unexcused absence occurs school staff attempt to engage student at time of return regarding reason for absence
- Met with parent(s) & student regarding absences (Date(s): _____)
- Explained attendance laws & provided Le Sueur County Truancy Brochure to student & parent(s) (Date: _____)
- Contacted parent(s) on each day of absence
- Completed home visit (Date(s): _____)
- Behavior plan completed with student
- Alternative programs (ALC, Work Release, etc)
Name of program: _____
- Parent(s) were present: yes no
- Enlisted assistance of Liaison Officer or Police
- School-Linked Mental Health Referral/Services
- Provided incentives/rewards for good attendance
- Arranged tutoring/academic mentoring services
Start date: _____ End date: _____
- What kind? _____
- Arranged for alternatives to out-of-school suspension
- Engaged in in-school social/support group
Group type/name: _____
- Referred parent(s)/student to community programs
- Encouraged involvement in extracurricular activities
Which activities? _____
- What programs? _____
- Arranged AM sign-in procedures with staff
- Transportation alternatives
- Modified class schedule
- Modified homework schedule/deadlines
- Arranged student visits with school counselor
- Initiated Special Education testing (Date: _____)
- Created or Modified 504 Accommodation Plan
- Modified Individual Education Plan (IEP)
- Other Interventions: _____

Notifications

Check which of the following required letters were mailed to the student's parent(s) regarding truancy concerns

- 1st Truancy Warning Letter Sent to Parent(s) Date: _____
- 2nd Truancy Warning Letter Sent to Parent(s) Date: _____

Student/Family Strengths
Check all statements that are true

- | | |
|--|---|
| <input type="checkbox"/> Family has reliable transportation | <input type="checkbox"/> Good communication between school and parent(s) |
| <input type="checkbox"/> Family has stable housing | <input type="checkbox"/> Student has demonstrated academic success in past |
| <input type="checkbox"/> Family utilizes school resources
Which? _____ | <input type="checkbox"/> Student is involved in extra-curricular activities
Which? _____ |
| <input type="checkbox"/> Student has positive interactions with adults/peers | <input type="checkbox"/> Student is able to resolve minor problems |
| <input type="checkbox"/> Student is respectful of school staff | <input type="checkbox"/> Student complies with school staff requests |
| <input type="checkbox"/> Family has access to appropriate treatment options | <input type="checkbox"/> Family has access to appropriate medical care |
| <input type="checkbox"/> Family does not have language barriers | <input type="checkbox"/> Student has shown ability to advocate for self |
| <input type="checkbox"/> Family able to meet financial needs | <input type="checkbox"/> Parent(s) and student talk daily about progress |
| <input type="checkbox"/> Student spends time with friends at school | <input type="checkbox"/> Student feels able to answer questions in class |
| <input type="checkbox"/> Student spends time with friends in community | <input type="checkbox"/> Parent(s) advocate for student's needs |
| <input type="checkbox"/> Parent(s) attend(s) school conferences | <input type="checkbox"/> Family meets cultural needs of family/community |
| <input type="checkbox"/> Parent(s) and student understand school attendance requirements | |
| <input type="checkbox"/> Student and parent(s) can describe why education is important | |
| <input type="checkbox"/> Family spends time enjoying leisure activities together during the evenings and/or weekends | |
| <input type="checkbox"/> Family and/or student have a support system of extended family | |

Name:	Relationship:
Name:	Relationship:

- Student has a support system outside of the family (This may include school staff)

Name:	Relationship:
Name:	Relationship:

- Additional strengths: _____
- _____

Health Status
Check all that apply

- Family has special circumstances or needs that may contribute to child's absences or academic achievement
 (Examples: chemical use, illness of family member, death of family member, recent separation of parent(s), etc.) Please describe:

- Is the student involved in counseling and/or any other treatment services? (select below)

<input type="checkbox"/> Psychological Testing Completion Date: _____	Outcome: _____ Provider Name & Contact Info: _____
<input type="checkbox"/> Counseling Frequency: _____	Type (individual, family, group): _____ Provider Name & Contact Info: _____
<input type="checkbox"/> Medication Taken As Prescribed? <input type="checkbox"/> yes <input type="checkbox"/> no	Type of Medication: _____ Can Medication Affect School Attendance? <input type="checkbox"/> yes <input type="checkbox"/> no
<input type="checkbox"/> Other Services: _____	

- Health Conditions. Please describe the relevance to school attendance/success: _____
- _____

- Exhibits emotion and/or behaviors indicating possible: Depression Anxiety ADHD Mood Disorder
 Oppositional/Defiant Social Phobia Post Traumatic Stress Suicidal Ideation or Self-Harm
 Other: _____

- Exhibits behaviors indicating possible chemical/alcohol use: Smells of Marijuana, Smoke, Alcohol Lethargic
 Possession Physical Appearance Deterioration Slurred Speech Hostile/Irritable Personality Change
 Sudden Loss of Inhibition Other: _____

Next Steps to Increase School Attendance (if needed use back of page to document additional steps)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Signatures and Date:

Student: _____	Date: _____
Parent: _____	Date: _____
Parent: _____	Date: _____
School Representative: _____	Date: _____
Other: _____	Date: _____
Other: _____	Date: _____
Other: _____	Date: _____

The parties shall meet and review the terms of this support plan in approximately 45 days. If the contract is not being followed, the matter may be referred to the Le Sueur County Attorney's Office for further action. If the school submits a referral before 45 days have passed, the school must explain the reason for early referral on the Truancy Referral Form.

Le Sueur County Truancy Referral Form

Student Information

Name: _____ Date of Birth: _____
First Middle Last

Address: _____ City: _____ State: MN Zip Code: _____

Gender Male Female Telephone Number: _____ Native American child? yes no

Has there been involvement with a county social worker during the past year? yes no unknown

Social Worker Name: _____ Contact Number: _____ County: _____

Is the child currently on probation? yes no unknown

Agent Name: _____ Contact Number: _____ County: _____

School Information

School Name: _____ Telephone Number: _____

Contact Name: _____ Email Address: _____

School Address: _____

Student's Current Grade Level: _____ (for 9th-12th Grade) credits earned to date: _____

Required credits to graduate: _____ On track to graduate? yes no Anticipated Graduation Date: _____

Parent(s)/Guardian(s) Information

Name	Relationship to Child	Primary Language
------	-----------------------	------------------

Address	Apt. #	City/State/Zip
---------	--------	----------------

Home Phone	Cell Phone	Work Phone
------------	------------	------------

Name	Relationship to Child	Primary Language
------	-----------------------	------------------

Address	Apt. #	City/State/Zip
---------	--------	----------------

Home Phone	Cell Phone	Work Phone
------------	------------	------------

Required Documentation Attached

- Attendance Record (include an explanation of codes & highlight dates of unexcused absences)
- Copy of 3 day letter
- Copy of 5 day letter
- Copy of School Support Plan

Other Applicable Documents Attached

- Letter notifying parent(s) of required medical documentation
- Individual Education Plan (IEP)
- 504 Accommodation Plan
- Current Disciplinary Record
- Copy of Attendance Policy (Required for all online schools)

Please use the space below to provide a written explanation if the truancy referral is submitted before the 45 days expectation or to note any other comments or concerns. (attach additional pages if necessary)

Print Name/Title of School Representative

Phone

Signature of School Representative

Date

Return this form to:
 Le Sueur County Attorney's Office
 65 South Park Avenue
 Le Center MN, 56057
 Phone: (507) 357-2278
 Fax: (507) 357-2270