



Health and Human Services
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Carver County

TRUANCY PROGRAM

Truancy Pre-Diversion and Diversion Guide

2020-2021

School Year

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MINNESOTA STATUTES

Minnesota State Statute requires that children attend school.

Truancy is a violation of Minnesota State law.

2019

Chapter 120A. Education Code; Attendance; School Calendar

120A.22 Compulsory Instruction

Subd 1. 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.

Subd. 5. **Ages and terms.** (a) 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. Except as provided in subdivision 6, a parent may withdraw a child under the age of seven from enrollment at any time.

Subd. 8. **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

Chapter 260A. TRUANCY

260A.02 Definitions

Subd 3. **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, as defined in section 120A.05, 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.

Nothing in this section shall prevent a school district or charter school from notifying a truant child's parent or legal guardian of the child's truancy or otherwise addressing a child's attendance problems prior to the child becoming a continuing truant.

260A.03 NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A CONTINUING TRUANT

Upon a child's initial classification as a continuing truant, the school attendance officer or the 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
- (9) that it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

Chapter 260C. Juvenile Safety and Placement

260C.007 Habitual Truant

Subd.19"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.

*Allowing for a margin of error in attendance records, the school is required to report that the student is in violation of the compulsory attendance laws after seven unexcused absences. At this level, one final intervention is attempted (Truancy Diversion) in lieu of court.

Carver County
TRUANCY DIVERSION PROCESS

School Response

Step 1: 3 Unexcused Absences:

- School shall notify the parent or legal guardian.
- School meeting with the student.

Step 2: 5 Unexcused Absences:

Truancy Pre-Diversion (warning meeting)

- School personnel sends 2nd notification to parent/legal guardian **AND**
- Contact Ashley Kempf at akempf@co.carver.mn.us or Diane Wickenhauser at dwickenh@co.carver.mn.us to schedule a pre-diversion meeting.
- School personnel will also contact the parent/legal guardian regarding the truancy pre-diversion meeting.
 - The Pre-Diversion meeting is held at the school, with the Truancy Social Worker, school personnel, parent/ legal guardian and the referred student. The meeting takes approximately 30 minutes. Parents are *required* to attend the pre-diversion meeting, at the middle school level. Parents are *encouraged* to attend the pre-diversion meeting at the high school level.
 - A student support plan will be developed and signed by all parties
 - At this point there is not an open case with the county. This is the last attempt in case planning with the student to attend school, without having an open truancy case with Carver County.

Step 3: 7 Unexcused Absences:

Truancy Diversion (contract meeting)

- The school files the truancy referral with intake at Carver County Health and Human Services.
 - Filing needs to include the efforts the school has made to correct the attendance issue, as well as an updated attendance report.
 - Once the referral has been made, the school and the assigned Social Worker will be in contact to schedule a Truancy Contract Meeting with the student and parent/legal guardian.
 - These meetings are held at the school with the Social Worker, school personnel, student and parent/ legal guardian.
 - Truancy cases are open for approximately six school months.
 - A truancy contract is created and signed by all parties.
 - **Parent/Legal Guardian must attend the Truancy Contract Meeting.**

CARVER COUNTY POLICY FOR EXCUSED ABSENCES:

Any student between the ages of 7 and 17 years old, who accumulates 12-15 excused absences throughout a school year and their academics are being negatively affected by their attendance, can be referred to Carver County Health and Human Services to be considered for Educational Neglect. Excused absences can include, but are not limited to, parental excuses for students and/or excuses with a doctor note. The school is required to make initial efforts to remedy attendance issues with the parents and student (phone calls, meeting with parents, letters, etc) prior to making an Educational Neglect Referral.

15 DAY DROP STUDENTS

Any student who is dropped at 15 days AND the school has not received a request for records from another school, should file an educational neglect referral with Carver County intake, to be considered for educational neglect.

EDUCATIONAL NEGLECT DEFINED:

Failure to Ensure Education [Minn. 626.556, subd. 2(g) (4)]

Chronic school absences may be an indicator of other concerns in the family, such as unaddressed mental health or chemical health issues of the child or parent, or undisclosed forms of other child maltreatment. Failure to ensure education means the person responsible for a child's care has not ensured that a child is enrolled in school, and is attending school according to the expectations of the school district, and that a child is not otherwise in compliance with statutory requirements defined in M.S 120A.22 and M.S 260C.163, subd. 11.

REPORTING PROCESS:

1. School staff will fill out the Educational Neglect referral form, including the requested documents outlined to the referral.
2. Email or fax the referral to Intake at: 952-361-1660 or CSSIntakereports@co.carver.mn.us
3. Any further questions please call 952-361-1600 and ask to speak to Intake.

SCHOOL TRUANCY REFERRAL FORM

Referral Date:		Student's Name:	
DOB:	Age:	Gender:	Grade:
Address:		Phone #:	
Hispanic Heritage: <input type="checkbox"/> Yes <input type="checkbox"/> No		Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No	
IEP: <input type="checkbox"/> Yes <input type="checkbox"/> No		504 Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Preferred Language:		Interpreter Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Race: <input type="checkbox"/> Caucasian <input type="checkbox"/> Black/AA <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input type="checkbox"/> Other			
Student Lives With:			

Guardian Name:	
Relationship to Student:	
Address:	
Preferred Language:	Interpreter Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Phone – Cell/Other:	Email:

Guardian Name:	
Relationship to Student:	
Address:	
Preferred Language:	Interpreter Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Phone – Cell/Other:	Email:

School:	District:
Contact Person:	Title:
Phone:	

Supplemental Questions

1. *Pre-Referral Efforts:*

- School Consequences Meeting with student
 Communication with parents Pre-Diversion meeting with the County
 Other – Please explain: _____

2. *Strengths:* Please list the student's strengths and interests.

3. *Attendance History:*

a) When did the student begin to have attendance problems?

b) Student's involvement with other agencies and/or referral is made:
ex: probation, child protection, mental health, chemical health, etc.

c) Mental Health Concerns:

- Unknown Suspected Confirmed

d) Chemical Health Concerns:

- Unknown Suspected Confirmed

e) Attendance impact on the student – Check all that apply:

- Academics
- Social Connections: Friends and/or school staff
- Parent/Child Conflict
- Mental Health
- Chemical Health
- Legal Consequences
- Safety and Stability
- Runaway
- Other: _____

****ATTACH ATTENDANCE RECORDS & ANY RELEVANT INFORMATION**

TRUANCY EXPECTATIONS

THE STUDENT/CLIENT SHALL:

1. Improve school attendance over a period of time, which is also demonstrated in academic progress.
2. Take responsibility and accountability for your class attendance-including clearing up any mistakes that may be on your attendance report.
3. Meet with the Social Worker on a monthly basis.
4. Respond to all correspondences from the Social Worker within 48 hours.

THE PARENT/GUARDIAN SHALL:

1. Contact the school and the Social Worker if your child does not go to school by 9:00am that same day.
2. For all illness absences:
 - a. Have your child seen by a doctor and provide school with written verification by doctor/medical provider including their return to school date OR
 - b. Send your child to school to be checked by school staff/nurse and released if ill.
 - c. A release of information may be requested to ensure the doctor is aware of school absences.
3. Attend all meetings scheduled by the school, the Social Worker, County Attorney's Office and court services.
4. Actively participate in case planning to work towards case closure.
5. Respond to all correspondences from the Social Worker within 48 hours.

THE SOCIAL WORKER SHALL:

1. Have ongoing conversations with guardian/student/school staff regarding attendance and academic progress.
2. Respond to all correspondences from guardians, students and network members within 48 hours.
3. Have monthly meetings with the student.
4. Provide consequences/rewards for not following/following the contract.
5. Case Plan with the student and family to work towards case closure.
6. Make appropriate referrals to service providers, as needed.
7. Consult with the County Attorney's Office if a court petition needs to be filed due to not following the contract.

POSSIBLE CONSEQUENCES FOR NON-COMPLIANCE WITH THE TRUANCY PROGRAM:

1. Four hours of Community Work Service (CWS) for the first unexcused absence and 2 additional hours for every absence after that.
 - a. If hours are not done by the assigned due date, the Social Worker may assign additional CWS hours.
 - b. Failure to complete CWS hours could result in a referral for Electronic Home Monitoring (EHM) in lieu of the assigned CWS hours.
 - c. Truancy cases **will not** be closed with pending CWS hours.
2. A minimum of 14 days on Electronic Home Monitoring (EHM), paid for by the student/guardian. Every day of non-compliance/violations while on EHM will result in an extra day of EHM.
 - a. EHM Fees: \$82.00 for the first 2 weeks, plus an activation fee of \$30.00. An additional charge of \$6.00 per day will accrue after 14 days.
 - b. Violations include, but are not limited to: allowing your EHM to lose a charge, absent or late to school/class and failure to follow your approved schedule.
 - c. All schedules while on EHM need to be approved by the Social Worker. Schedules need to be approved 24 hours in advance and before 4:30pm on Friday, for the upcoming weekend.
3. Random drug testing as requested by the worker. Refusal to comply with a drug test could be considered positive. The worker may request a hair follicle test, nail test or a sweat patch at any time at the students'/guardians' expense.
4. Safety Network Meetings or Family Group Decision Making meetings with extended family and friends.
5. The student and guardian could be invited to a mandatory meeting with the County Attorney's Office to discuss what the court process would look like.
6. Further non-compliance with the truancy contract OR if there is an immediate safety concern, the worker could consult with the County Attorney's Office about filing a CHIPS (Child in need of protection or services) Petition. If a CHIPS petition is filed and accepted, a court date will be scheduled and the guardian and student will be summoned to attend court.
 - a. Guardians are responsible for all court fees/guardian ad litem (GAL) fees and attending all court hearings. GAL fees are approximately \$1000.00
 - b. Guardians will be obliged to follow the same court order as their child and could be asked to participate in any recommended services.
 - c. Attorney(s) and a Guardian ad Litem will be assigned to the case and will be required to meet with the child and guardians prior to every court hearing. Attorneys and GAL will be involved in case planning.



HEALTH AND HUMAN SERVICES

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Carver County Health and Human Services Truancy Contract

Student Name: _____

Effective from: _____ Effective to: _____

Reason for Referral (Harm Statement):

Truancy Concerns (Danger Statement):

CCHHS is worried about students who miss school, as research shows that school absence is a risk factor for substance use, criminal behavior, poor grades, development of poor life habits, and lack of social skills, friendships and connection to the school.

Goals to Be Achieved:

- Goal 1: Improved school attendance over a period of time, which is also seen in academic progress.
- Goal 2: Minimal worry about safety concerns, which could include, but are not limited to: substance abuse, mental health concerns and/or additional at risk behaviors at home, school & in the community.
- Goal 3: _____

Steps to achieve these goals:

Scaling Question:

_____	0	_____	10
_____	0	_____	10
_____	0	_____	10

Case Closure: The length of the case will be dependent on the confidence, willingness and ability to comply with the truancy contract, by all parties involved.

Agency Bottom Lines:

- ✓ Student shall attend school on time, every day and to every class. Any absences shall be excused by a doctor, the school nurse or school staff.
- ✓ Improved behavior at home, in the school and in the community, such as: no reports of violent behaviors or threats, no reports of drug use, no reports of running away, skipping school or breaking the law.
- ✓ Social worker and student shall meet at least one time a month.
- ✓ Parents shall accurately report the student's attendance/behavior to the Social Worker and School Staff.
- ✓ Follow all Truancy Expectations.

****Failure to comply with the truancy contract will result in alternative plans that may include, but are not limited to: Community work service, random drug testing, electronic home monitoring, family network meetings and potential court action that could lead to out of home placement.**

We could not agree on these goals/actions:

_____ This plan is also considered as the TCM service plan and signatures below are indicating that TCM services will be provided. The Truancy Social Worker will meet face to face with the student at least once a month or with additional service providers or parents as identified in this plan.

Signatures

Signature:	Date:	This plan was explained to me.	I received a copy of this plan.
Student Name: _____ Signature: _____		_____ Yes _____ No	_____ Yes _____ No
Parent/Guardian Name: _____ Signature: _____		_____ Yes _____ No	_____ Yes _____ No
Parent/Guardian Name: _____ Signature: _____		_____ Yes _____ No	_____ Yes _____ No
Social Worker Name: _____ Signature: _____		_____ Yes _____ No	_____ Yes _____ No
Supervisor Name: _____ Signature: _____		_____ Yes _____ No	_____ Yes _____ No

