

Scott County Truancy Diversion Program

A Collaborative Effort between Scott County
Schools, County Attorney's Office, Community
Corrections and Health & Human Services

Presented on September 9, 2019

Presenters

Alison Jonell, Health and Human Services
Corinne Conrady, Community Corrections
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Bryce Ehrman, County Attorney's Office
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Agenda

- Overview of key truancy statutes
- Review of the truancy referral process and the necessary steps to be taken by the child's school
- Overview of the Revised Truancy Diversion Program
- Overview of the Child in Need of Protection or Services (CHIPS) court process as it relates to truancy
- Effective School Interventions to Increase Attendance

Compulsory Instruction – Minn. Stat. § 120A.22

- **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.”
- **Ages and terms:** Every child between seven and 17 years of age must receive instruction unless the child has graduated.

Exceptions to Compulsory Instruction - Minn. Stat. § 120A.22

- **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... unless the board of the district exempts children 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.
- **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.

Presumptions Regarding Truancy or Educational Neglect – Minn. Stat. § 260C.007 Subd. 11

- 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.
- 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
- **Practice Tip:** For children under 12 reports of educational neglect go to Health and Human Services Central Intake at 952-496-8959.

Legal Definition of a “Habitual Truant” - Minn. Stat. §260C.007 Subd. 19

- A child 12- 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
- A child 12 - 17 years who is absent from attendance at school without lawful excuse 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
- 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

Legitimate Exemptions to Compulsory Attendance - § 120A.22 Subd. 12

- 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.

Legitimate Exemptions to Compulsory Attendance - § 120A.22 Subd. 12

- Local school board determines policies regarding child illness, medical, dental, orthodontic, counseling appointments, family emergencies, death or illness of family member, military service, religious instruction (up to 3 hours per week), or other exemptions included in district's school attendance policy

- **Practice Tip:** We cannot advise on when to excuse or mark absent –your school attendance policy must be followed and consult with school counsel when necessary

Scott County Truancy Diversion Process – School Response

1 to 2 Days of Unexcused Absences:

- track and address absenteeism early; notify parent/guardian by phone
- support high-risk students through time of transition
- meet with student, acknowledge absent school day, assess reasons, provide support
- ask parent/student if current case manager or probation officer is open to student
- Make contact with current worker to notify of absences

Scott County Truancy Diversion Process – School Response

2 to 3 Days of Unexcused Absences:

- increase response – engage parents; continue to engage student
- send 1st notification letter to parent/guardian
- minimum of 2-3 documented attempts to contact parent regarding absences: email, phone calls, use of liaison officer, text, office visits, home visits
- consult with county truancy worker assigned to school with questions; no case specific information unless a release is signed

School's Response – “Continuing Truant”

Definition – Minn. Stat. § 260A.02

- **Continuing Truant:** A child who is subject to the compulsory education requirements and is absent from instruction in school without valid excuse within a single school year for:
 - Three days if the child is in elementary school; or
 - 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 child's parent or legal guardian or take steps to address attendance problems before becoming a continuing truant

School's Response – “Continuing Truant” Notification Letter – Minn. Stat. § 260A.03

- Notification should occur 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;

School's Response – “Continuing Truant” Notification Letter – Minn. Stat. § 260A.03

- (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.

- **Practice Tip:** Sample Letter is available for school's usage at <https://www.scottcountymn.gov/1304/Truancy-Information-for-Schools>

School's Response – Sample Truancy Notification Letter

SCHOOL LETTERHEAD

DATE

Dear Parent(s)/Guardian(s) of _____:

Pursuant to Minnesota law, a child who misses three full days of elementary school or three or more 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 _____. 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.

Alternative educational programs and services may be 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.

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,

Scott County Truancy Diversion Process – School Response

4 to 5 Days of Unexcused Absences:

- Send 2nd notification letter to parent/guardian
- Request school meeting – ie. School Support Plan (“SSP”) meeting
- Complete SSP with student and parent(s) or guardian(s); identify & address contributing truant factors
- Practice Tip: SSP can be found online at <https://www.scottcountymn.gov/1304/Truancy-Information-for-Schools>

Scott County Truancy Diversion Process – School Response

5 or more Days of Unexcused Absences:

- If SSP has not been completed, hold meeting with student, parent, school staff – **develop School Support Plan (“SSP”)**
- Document all attempts to schedule the School Support Plan meeting if the family is unresponsive to requests, in order to provide necessary documentation to Scott County in the event of a truancy referral
- Continue to coordinate with current case manager/probation agent if open to either of these services
- **OBTAIN WRITTEN CONSENT TO COORDINATE SERVICES** with appropriate Scott County Services
- Review need for “medical notification letter” requiring physician notes to excuse any further absences (must be sent to parents before requiring medical notes to excuse absences)

Scott County Truancy Diversion Process – School Response

Days 1-44 From Initiation of the School Support Plan:

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

Scott County Truancy Diversion Process – School Response

Days 45+ Since Initiation of the School Support Plan:

- Noticeable improvement on attendance - truancy referral may not be necessary
- **No improvement; assessed as habitual truant refer case to County Attorney's Office & include all requirements of the referral (listed on the back of the Scott County Truancy Offense Report)**

Scott County Truancy Diversion Process – School Response

Referral to the County Attorney's Office:

- Complete the Truancy Offense Report online <https://www.scottcountymn.gov/1304/Truancy-Information-for-Schools> or using the Word document on that page and submit to CHIPS@co.scott.mn.us

NOTE:

- *Referrals made prior to the 45 day SSP period must provide documentation explaining reasons for early referral (documentation must be written as indicated on the 2nd page of the Truancy Offense Report)*
- *Youth age 17.5 who are not on track to graduate do not meet conditions for a truancy referral-please call your assigned truancy worker if you have questions regarding this condition*

Scott County Truancy Diversion Process – School Response

Online Truancy Referral Submission Demonstration

<https://www.scottcountymn.gov/1304/Truancy-Information-for-Schools>

Practice Tips:

- For best results use the Google Chrome browser
- While only certain fields are required, please provide as much detail as possible with your submission
- Please let Denise Braun at 952-496-8251 or CHIPS@co.scott.mn.us know if you are having any issues with your submissions

Scott County Truancy Diversion Process – County Attorney Response

- County Attorney's Office will screen the referral to make sure the referral meets the following criteria:
 - 1) Minimum amount of absences met (7 full days or equivalent class periods) which is documented on an attendance record
 - 2) Referral includes offense report, SSP, current attendance record, letters to parents/custodians including Truancy Statute letter, and Medical Notification letter (required when schools mandate a note from a medical professional before excusing an absence).
 - 3) The SSP was given 45 days to work or the school has supplied documentation with explanation for early referral.

Scott County Truancy Diversion Process – County Attorney Response

- When requirements are met the County Attorney's Office will forward referral for Truancy Diversion to the appropriate agency (Community Corrections or Human Services).
- If the requirements are not met or the County Attorney's Office 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 or the referral will be closed.

Scott County Truancy Diversion Process – Community Corrections / Human Services Response

- Receive Referral from County Attorney
- Collaborate with County Attorney in reviewing referrals
- Assign truancy worker using following guidelines:
 - When open to case manager/probation agent, refer case to worker to address truancy School location
 - Corinne Conrady / Community Corrections: Belle Plaine, New Prague & Prior Lake
 - Alison Jonell/ Health and Human Services: Shakopee, Jordan & Savage/Burnsville
 - Online Schools, South West Metro Intermediate District, and Lakeville Area Schools will be distributed as they are accepted dependent on truancy worker case load.

Scott County Truancy Diversion Process – Increased Referrals

- **Cases Opened to Truancy**

- School Year 2016/17: 43
- School Year 2017/18: 63
- School Year 2018/19: 92
- School Year 2019/20: ###?

Scott County Truancy Diversion Process – Revised Programming

Current Truancy Model	New Truancy Model
1 FTE – Soc. Serv. & Comm. Correction	1 FTE - Soc. Serv. & Comm. Correction
Strong School Partnership – best efforts start here	Strong School Partnership - best efforts start here
Diversion Model	Diversion Model
2 Options: <ul style="list-style-type: none"> • Case Management • Court 	3 Options: (all receive individualized planning) <ul style="list-style-type: none"> • Level I – Case Management; Classes • Level II – CM, Truancy Board; Classes • Level III – Court, Truancy Board; Classes
Unclear Pathways to Court	Defined Pathways to Court
Limited Programming – Student Focused	Enhance Programming <ul style="list-style-type: none"> • Mental Health Screening/ DA - Services • Family Focused – Student & Parent • Student/Parent Attend Groups
No MDT No Review Team	Multidisciplinary <ul style="list-style-type: none"> • Group Consultation • Team Decision-Making • Student & Parent Accountability/ Support
Close at End of School Year – county efforts end	Chronic/Repeat Case May Remain Open – efforts continue through summer and into next school year

Scott County Truancy Diversion Process – Revised Programming

LEVEL I – Intended for newly referred truants; worker determines level of program involvement; opens to case management minimally. Worker has discretion to include some or all of Truancy Programming. A small percentage of students are successfully discharged with minimal county involvement.

Level I Components:

- Assessment of student/ family needs
- May include parts or all of Truancy Programming
- Case Management with individualized case plan - Meet with Truancy Worker monthly at minimum.
- Lack of progress – move to Level II

Scott County Truancy Diversion Process – Revised Programming

LEVEL II - Designed to address students/ families that are poorly engaged and not making progress with Level I efforts. Also designed as a rapid response to repeat/chronic truants who've previously received Level I efforts.

Level II Components:

- Assessment of student/ family needs
- Truancy Programming components
- Case Management with individualized case plan -Meet with Truancy Worker monthly at minimum
- Attend regular Review Team meetings
- If there is a lack of progress, the MDT reviews case progress; engages student and parent and determines if court action is warranted.

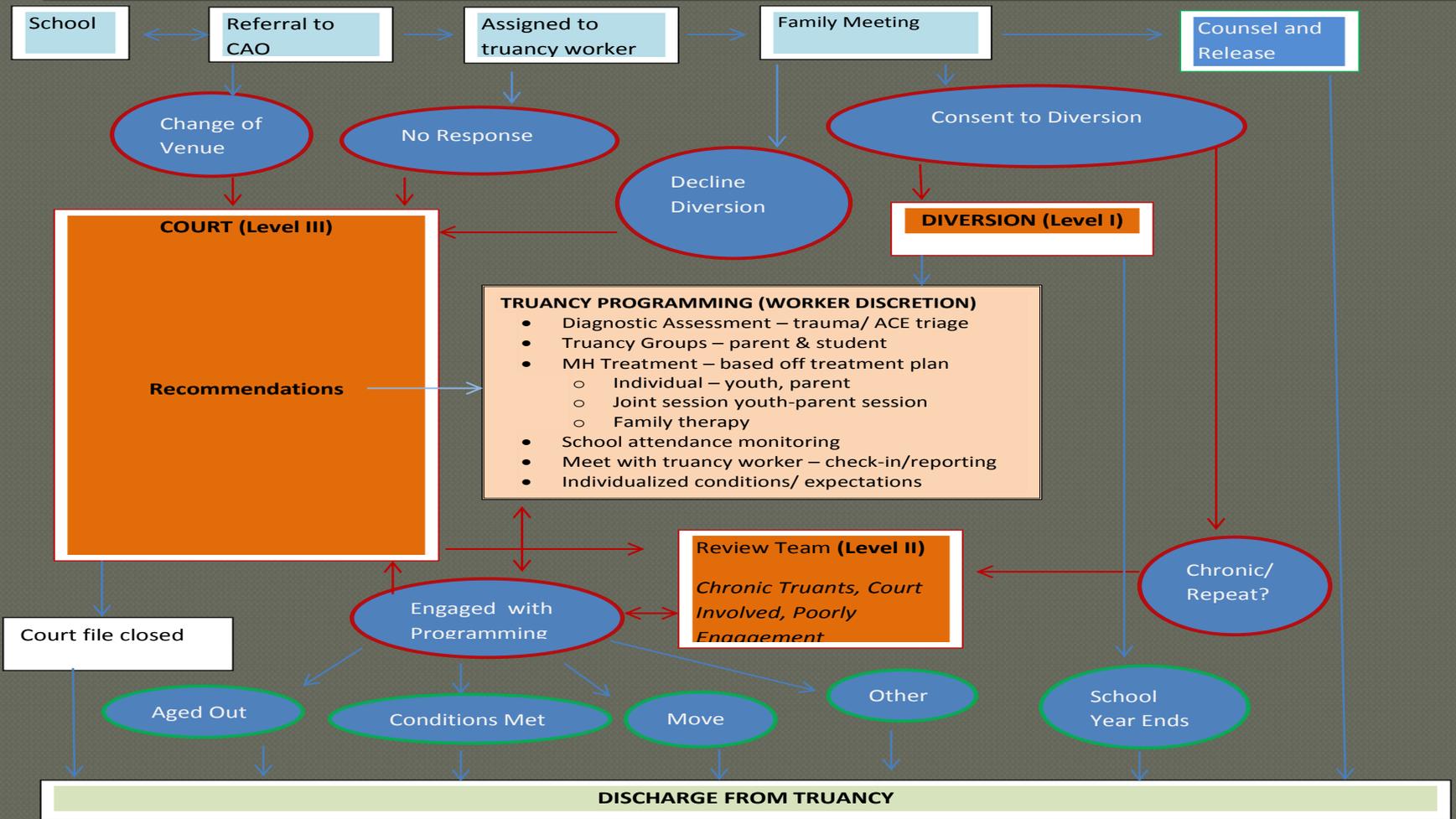
Scott County Truancy Diversion Process – Revised Programming

LEVEL III – Determined by the MDT. Court is a last effort when student and/or parents are not responding to county efforts. Consideration when to take court action may include: age of student and if he/she is on track to graduate, number of school days missed, severity of any disability; degree that parent is contributing to truant behavior, service involvement to address student/ family needs, past history – which becomes a part of the MDT determination.

Level III Components:

- Court – with the following recommendations:
 - Case Management - monthly meeting minimally with Truancy Worker
 - Participation in some or all Truancy Programming components
 - Attend regular Review Team meetings
 - Other recommendations that are aimed at addressing underlying causes of truant behavior

Scott County Truancy Diversion Process – Revised Programming



Scott County Truancy Diversion Process – Court Process

- County Attorney's Office in consultation with assigned truancy worker will file a Child in Need of Protection or Services (CHIPS) Petition in Juvenile Court.
- Court Administration sets the case on for an Admit/Deny Hearing between 3-20 days after filing
- Court does not appoint an attorney for parent or child unless out-of-home placement (including foster care or inpatient treatment) is being requested

Scott County Truancy Diversion Process – Court Process

- At Admit/Deny Hearing – If the petition is admitted to the court can adjudicate the child to be in need of protection or services. Once court has such jurisdiction it can order the parent and child to engage in services
- If a denial is entered – court conducts a pre-trial hearing and a trial within 60 days whereby County proves by clear and convincing evidence child is need of protection or services as a habitual truant.

Scott County Truancy Diversion Process – Court Process

Court options once a CHIPS case has been adjudicated:

- 1) Order the responsible social services agency to monitor the parent's continued ability to maintain the child safely in the home under such terms and conditions as the court deems appropriate.
- 2) Order the child into the home of a non-custodial parent on a temporary basis
- 3) Transfer legal custody to the responsible social services agency for the child's placement in foster care

Scott County Truancy Diversion Process – Court Process

Additional options once a truancy CHIPS case has been adjudicated:

- (1) **counseling for the child or the child's parent or legal custodian;**
- (2) **place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parent or legal custodian designed for the physical, mental, and moral well-being and behavior of the child;**
- (3) with the consent of the commissioner of corrections, **place the child in a group foster care facility** that is under the commissioner's management and supervision;
- (4) subject to the court's supervision, **transfer legal custody of the child to one of the following:**
 - (i) a reputable person of good moral character; or
 - (ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to Minnesota Statutes § 241.021;
- (5) require the child to **pay a fine of up to \$100**, to be paid in a manner that will not impose undue financial hardship upon the child;

Scott County Truancy Diversion Process – Court Process

- (6) require the child to **participate in a community service project**;
- (7) order the child to undergo a **chemical dependency evaluation** and, if warranted by the evaluation, order participation by the child in a **drug awareness program or an inpatient or outpatient chemical dependency treatment program**;
- (8) order the commissioner of public safety to **cancel the child's driver's license or permit** or, for a child who does not have a driver's license or permit, **order a denial of driving privileges** for any period up to the child's 18th birthday; or
- (9) **order the child's parent or legal custodian to deliver the child to school** at the beginning of each school day for a period of time specified by the court.

Scott County Truancy Diversion Process – Court Process

Goals of the court process:

- 1) Child's best interests is paramount
- 2) County must exercise reasonable efforts to prevent the need for an out-of-home placement
- 3) Out-of-home placements are based on endangerment – removal of child from home is done
- 4) Goal of court process once a child is removed is to rehabilitate and reunify families

Scott County Truancy Diversion Process – Effective Attendance Interventions

- What are some of the effective attendance interventions utilized by your schools?
- What are some effective use of incentives as a positive motivator for school attendance?
- What are the effective use of accommodations utilized by your schools to improve attendance?
- What are some of the outside resources your schools have used to improve attendance?
- What are some effective strategies used by your school for engagement of parents?

Scott County Truancy Diversion Process – Contact Information

Contact	Title	Phone Number	Email
Bryce Ehrman	Assistant County Attorney III Scott County Attorney's Office	952-496-8649	behrman@co.scott.mn.us
Deb Simonson	Assistant County Attorney III Scott County Attorney's Office	952-496-8648	dsimonson@co.scott.mn.us
Denise Braun	Senior Legal Assistant Scott County Attorney's Office	952-496-8251	CHIPS@co.scott.mn.us
Corinne Conrady	Probation Officer Scott County Community Corrections Truancy Worker for Belle Plaine, New Prague & Prior Lake Schools	952-496-8262	cbconrady@co.scott.mn.us
Alison Jonell	Social Worker Case Manager Scott County Health and Human Services Truancy Worker for Shakopee, Jordan & Savage/Burnsville Schools	952-496-8740	ajonell@co.scott.mn.us

The Scott County Truancy Team

Thanks You!

- We also appreciate passing information on to your colleagues who were unable to attend.
- Our goal is continue to collaborate to ensure we are providing the most effective intervention and services possible on behalf of the children in Scott County.
- We hope you and your students have a great 2019-2020 school year!