

# Every Day Matters! Attendance Protocol 2019-2020



## INTRODUCTION

Some families do not understand the importance of consistent school attendance for their children. Unfortunately, too many absences, even if they are excused, can hinder a child's learning process. Research shows that even one or two absences a month can have an adverse impact on learning. This absenteeism can also have compounding educational impact which must be addressed, monitored and corrected.<sup>1</sup>

As noted by the U.S. Department of Education in its *Manual to Combat Truancy* in 1996,

Truancy is the first sign of trouble; the first indicator that a young person is giving up and losing his or her way. When young people start skipping school, they are telling their parents, school officials and the community at large that they are in trouble and need our help if they are to keep moving forward in life.

Research demonstrates that those who become truant are likely to eventually drop out of school leaving them at a significant disadvantage in comparison to their peers.

In addition, truancy can be a gateway to crime and is often one of the most powerful predictors of juvenile delinquent behavior. A study of Miami truants demonstrated that 71% of 13 to 16 year-olds prosecuted for criminal violations had been truant. In Minneapolis, daytime crime dropped 68% after police began citing truant students. In San Diego, 44% of violent juvenile crime occurs between 8:30 a.m. and 1:30 p.m.

While the communities located within Chisago County are significantly different than Miami, Minneapolis and San Diego, those who deal with our youth know too well that truancy may be the first sign of more significant problems including:

- ❖ Substance abuse
- ❖ Family problems
- ❖ Running away from home
- ❖ Mental Health Behavior problems
- ❖ School program issues
- ❖ Homelessness
- ❖ Undocumented illness
- ❖ Gang involvement
- ❖ Criminal behavior
- ❖ Poor parenting skills
- ❖ Educational neglect

Since truancy can be a symptom of more serious issues which a student may be facing, the Chisago County District Court, in collaboration with the Chisago County Attorney, Chisago County Health and Human Services and the School staffs of Chisago Lakes, North Branch and Rush City, has developed this Protocol for Truancy/Educational Neglect cases.

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<sup>1</sup> Source: "Bringing Attendance Home: Engaging Parent in Preventing Chronic Absence," Attendance Works ; May 22, 2013

## MISSION

The mission of the Chisago County Attendance Protocol is to increase attendance, improve academic achievement, decrease the number of referrals for Juvenile Court intervention and provide supervision and services based upon the individual needs of the student and his/her family.

## ATTENDANCE GUIDELINES

Minnesota state law requires that every child between 7 and 18 years of age receive instruction and the parent/guardian is obligated to ensure the child receives this instruction unless the child graduated or has been lawfully withdrawn from school. Any child under 7 years of age who is enrolled in school is required to follow the attendance policies of their school district. Since education is significantly related to a child's success and prepares them to be a full participant in our community, it is the shared responsibility of the student, parents/guardians, the school, Chisago County Health and Human Services and the Chisago County Attorney to promote educational achievement.

### Student's Responsibility

It is the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to an absence.

### Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student absence, and to work cooperatively with the school and the student to solve any attendance problems that may arise.

### School's Responsibility

It is the school's responsibility to make reports of child abuse and neglect. It is also the school's responsibility to ensure teachers or other school personnel take daily attendance and maintain accurate attendance records in each assigned class and study hall. It is also the school's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. Finally, it is the school's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance problems that may arise.

### Chisago County Health and Human Service Responsibility

It is the Chisago County Health and Human Services' responsibility to receive reports of child abuse and neglect and determine whether to conduct a family assessment or investigation if the report raises concerns about the educational needs of a child or children. The Chisago County HHS responsibility is to implement the policy of the State of Minnesota which is "To protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse. While it is recognized that most parents want to keep their children safe, sometimes circumstances or conditions interfere with their ability to do so. When this occurs, families are best served by interventions that engage their protective capacities and address immediate safety concerns and ongoing risks of child maltreatment." [Minnesota Statute § 626.556, subd. 1]" ([MN Maltreatment Screening Guidelines](#)).

### Chisago County Attorney's Office

The Chisago County Attorney's Office is statutorily responsible for enforcing the laws and policies of the State and enforcement of compulsory attendance laws is as important as any other criminal or civil mandate. The County Attorney's Office may file with the Courts either civil petitions or criminal citations to ensure school attendance laws are enforced and educational needs of students are met. The attorneys represent Chisago County Health and Human Services in educational neglect cases and advance truancy petitions for older students. In these instances, the attorneys have the responsibility for advancing the public interest in the welfare of the child. [Minnesota Statute §260C.163, subd. 4].

### DEFINITIONS

The following definitions should be used:

- A. Absence - The failure of a pupil to be present at school for a particular class period, entire day or a defined period of time. An absence is also the failure to engage in instruction as required by school policy.
  - 1. Elementary: Missing more than one hour of instruction will constitute in a half day absence.
  - 2. Secondary: Missing 15 minutes or more during a class period will constitute in an absence.
- B. Attendance - The presence of a pupil in school during a given length of time on days when school is in session.
- C. Continuing truant - A child under the age of 18 years who has been adjudicated a habitual truant under 260C.007 and continues to be absent from attendance at school without lawful excuse.
- D. Excessive absence - Three or more consecutive days of absence, four or more days of absence in a trimester/quarter, ten or more days of absence in a school year.
- E. Excused absence - An acceptable absence from school or class as decided by the school. The burden of a child being excused from school is placed on the parent/guardian of the child. A school has the right to accept or deny an application for an excused absence. Therefore, schools can develop reasonable policies for school attendance and reject invalid excuses offered by the child or parent.

The following examples are recognized by schools as legitimate excuses:

- 1. Parent/doctor verified illness: an absence verified by a parent/guardian or doctor. If a student becomes ill during the school day, (s)he should report to the Health Office. A parent/guardian will be contacted if it is necessary to arrange for an ill student to be taken home. No student is to leave the building or the school grounds during the school day without having an early dismissal slip, having permission from an administrator or signing out in the Health Office.

2. Family emergencies: an absence resulting from a serious illness, injury or death of an immediate family member.
3. Scheduled appointments approved by parent: an appointment that could not be arranged after school or on a day when school is not in session and has been previously approved by the school and verified by the parent/guardian. Appointments with doctors/dentists should be arranged after school or on days when school is not in session. If this is not possible, the student should arrange to be excused the day before the appointment. An excuse shall be in written form from the parent/guardian or a medical professional.
4. Religious holidays: as approved by the school board.
5. School directed activities: absences for field trips, athletic trips, music trips or other school activities planned by the school district and approved by the parent/guardian.
6. Prearranged family vacations: an exceptional circumstance which requires families to take a vacation during the school year.
7. Suspension: as defined by the school board.
8. Discipline issues: an absence resulting from a student being sent home during the school day for a behavioral/discipline problem.
9. Court appearances: an absence by a student who has been court ordered to appear and the absence has been previously arranged by the parent / guardian with the school.
10. Exceptional circumstances: any other circumstances where permission may be granted at the discretion of the school official, which is coordinated by the family with the school.
11. Weather: extreme weather conditions preventing students from getting to school safely.
12. Transportation problems: mechanical failure or problems related to school transportation, to be excused at the discretion of school officials.

While this list is not exhaustive, it does lay the groundwork for the primary excuses that are valid and would be recognized as such by the courts.

- F. Extended absences - A student who is absent for fifteen (15) consecutive days may be dis-enrolled and, thereafter, formally re-enrolled to be admitted back into school. No credit is earned in the time the student is not enrolled. A student absent for an extended period of time due to illness is eligible for homebound instruction. Parents should contact the Director of Education Services or the Principal to make these arrangements. If a student has suffered an extended long-term illness and required work has not been completed, the class record will show an incomplete. A grade will be assigned after the work has been completed according to the make-up policy guidelines. All absences exceeding fifteen days and accompanied by a

doctor's statement may qualify the student for homebound instruction.

- G. Habitual Truant – A child under the age of 18 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 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](#).
- H. Tardy - A student who arrives to class after the bell has rung may be considered tardy. The student should follow the School District's policy regarding tardiness and admission into the classroom.
- I. Truant - A student absent without the consent of his/her parent or guardian.
1. Elementary: One full day of unexcused absence.
  2. Secondary: One or more hours of unexcused absence, in one school day.

A student is truant if the student:

1. Leave the school without signing out in the principal's office.
  2. Leave the school at lunch without a pass.
  3. Are absent without prior permission from a parent/guardian.
  4. Are absent from class without permission (skipping).
  5. Obtain a pass to go to a certain place and do not report there.
  6. Become ill and go home or stay in the restroom instead of reporting to the health office.
  7. Comes to school but does not attend classes.
- J. Unexcused absence - An unexcused absence is an absence for reasons that are not recognized by the school authorities as legitimate.

The following are examples of unacceptable reasons for absence/tardiness:

1. Car trouble
2. Visiting Family
3. Over slept; alarm did not work
4. Shopping
5. Needed at home
6. Family vacation (not prearranged)
7. Leaving school during regular school day without the proper approval
8. Babysitting
9. Missed bus; no ride to school
10. Work
11. No call or note from the parent/guardian verifying the absence
12. Personal (no reason given)

## LONG-TERM / CHRONIC ILLNESS

All students, K-12, who expect to miss school due to a chronic or long-term medical condition should contact the health aide at their school. These conditions should be verified by a physician or health-care provider. The health aide should notify the administration and teachers and request homework assignments for the student if appropriate. Absences due to these types of conditions should not be counted toward the maximum absence. If possible, these absences should be addressed at the time of the illness or injury.

## FAMILY VACATIONS

Family vacations should be scheduled to correspond with school vacation days or when school is not in session. Policies regarding family vacations should be reviewed in each School District Handbook.

## PROCESS OF REFERRAL TO CHISAGO COUNTY

Educational Neglect:

Health & Human Services: To refer a child to Chisago County Health and Human Services (ages 11 and below or in Elementary Education) for educational neglect/child protection referral, complete the referral form and send or fax, along with supporting documentation, to:

Chisago County Health and Human Services – Intake  
313 North Main Street, Room 239  
Center City, MN 55012  
Fax: (651) 213-5686  
Phone: (651) 213-5600

Truancy:

County Attorney: To refer a child (age 12 and older) to Chisago County Attorney's Office for court petition referral form, complete the referral form and send or fax, along with supporting documentation, to:

Chisago County Attorney's Office  
313 North Main Street, Rm. 373  
Center City, MN 55012  
Fax: (651) 213-8401  
Phone: (651) 213-8400

**GUIDELINE PROCEDURES FOR STUDENTS  
AGE 11 AND UNDER OR IN ELEMENTARY EDUCATION**

- A. Excused and unexcused absences should be distinguished in accordance with the definitions provided in this Protocol.
- B. Parent/Guardian should send a note or call the attendance office per school district policy. Failure to contact the school within the designated time to respond may result in the absence labeled as unexcused.
- C. If the student was seen by a physician, the note from the physician should be turned in to the attendance office per school district policy. The note should explain what day(s) the child was seen by the doctor and what following days may be excused due to his/her illness.
- D. Students must check in with attendance office if they arrive late or leave early.
- E. Students should be considered tardy if they arrive after the established start time. Students who report to school one hour after the start of the school day should be considered absent for one-half of the day. Three tardies to school equals one unexcused absence.
- F. Consequences for Absences
  - 1. Students should be required to make up all assignments missed or to complete alternate assignments as deemed appropriate by the classroom teacher.
  - 2. Students who acquire ten (10) health related absences, excused or unexcused, during the year may be required to provide professional health care verification for any additional excused absence.
  - 3. If a student has been absent without an excuse for three or more partial or full days, a letter should be sent by school officials regarding truancy.
  - 4. If a student continues to be absent without an excuse for seven or more partial or full days, or accumulated tardies, an educational neglect referral shall be completed and sent to Chisago County Health and Human Services. An assessment may be conducted by Chisago County Health and Human Services to evaluate the need for services and/or further county involvement.

**TRUANCY INTERVENTION GUIDELINES  
STUDENTS ENROLLED AGE 11 & UNDER AND IN ELEMENTARY EDUCATION**

4-7 Unexcused Absences      School Administration or assigned staff person will monitor attendance and consult with other staff members as needed to address any students whose attendance is of concern. School Administrator or assigned staff will contact family and complete consultation. All interactions will be documented in a manner that supports referral to Chisago County Health and Human Services office.

It is suggested that schools notify parents/guardians with a letter discussing the Chisago County Attendance Protocol and School District Attendance Policy or, that future absences may require medical professional documentation. The law requires that schools notify parents/guardians of the student's absences and need for monitoring.

Refer case to Chisago County Health & Human Services Child Protection Intake, where appropriate, if there is unacceptable cooperation from the parents (follow the referral process below).

7 + Unexcused Absences      If appropriate, mandate verification from a healthcare professional for any absences due to illness.

School Administration and/or assigned staff will continue to monitor attendance.

School staff may set-up a meeting with parent/guardian, student, and any other interested parties.

If appropriate, refer the case to Chisago County Health & Human Services Child Protection for a formal intake for educational neglect.

**GUIDELINE PROCEDURES FOR STUDENTS  
AGE 12 THROUGH AGE 18**

- A. Excused and unexcused absences should be distinguished in accordance with the definitions provided in this Protocol. Should a student be found truant and be required to appear in Juvenile Court, the school should provide attendance data that are delineated according to this excused and unexcused criteria.
- B. Parent/Guardian shall send a note or call the attendance office for each day the student is absent or as required per school district policy.
- C. If the student was seen by a physician, the note from the physician should be turned in to the attendance office per school district policy. The note should explain what day(s) the child was seen by the doctor and what following days may be excused due to their illness.
- D. Students must check in/check out with attendance office if they arrive late or leave early. A pass will be issued to students leaving early.
- E. Tardies
  - 1. A student may be marked tardy if they arrive to class after the bell has rung but is not more than 15 minutes late to class. Students who are more than 15 minutes late shall be marked absent. Students are expected to be in the classroom when the bell rings.
  - 2. Three (3) tardies to school or a class equals one (1) unexcused absence.
  - 3. Students who are late to class because they have been with other school personnel must get an admit slip/pass to give to their teacher. Students should not be marked tardy if they arrive with an admit slip/pass.
- F. Consequences For Absences
  - 1. Students shall be required to make up all assignments missed or to complete alternate assignments as deemed appropriate by the classroom teacher.
  - 2. Students who acquire ten (10) or more excused absences during the academic year shall be required to provide professional health care verification for any additional medically excused absence.

**TRUANCY INTERVENTION GUIDELINES  
STUDENTS ENROLLED AGE 12 THROUGH AGE 18**

3 Unexcused Absences: School Official will monitor attendance and consult with other staff members as needed to address any students whose attendance is of concern.

Once a child has accumulated 3 unexcused absences, the school official shall notify the child's parent/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.

It is suggested that schools notify parents/guardians with a letter that future absences may require medical professional documentation. If appropriate, mandate verification from a healthcare professional for any absences due to illness. School officials shall continue to monitor attendance and mark any absences not accompanied by medical provider's review/documentation as unexcused, citing the reason on the

attendance sheet.

School officials may schedule a meeting with parent/guardian, student, and any other interested parties, to alert the parents to the concerns regarding attendance. School officials may elect to evaluate all absences, even if verified/excused by health care professional.

**ATTENDANCE INVENTION MEETINGS (AIM)  
STUDENTS ENROLLED AGE 12 THROUGH AGE 18**

5+ Unexcused Absences: School personnel shall complete the AIM Referral Form and forward to the County Attorney's Office for any student who has accumulated five (5) or more unexcused absences.

County Attorney's Office shall send the notice letter to the parents/guardian regarding attendance at an upcoming A.I.M. Meeting. A.I.M. is held monthly at the Chisago County Government Center (Center City) during the school year. A Parent or guardian is required to attend with student.

During the A.I.M. Meeting, the Chisago County Attorney will provide an explanation of Truancy Laws in Minnesota and consequences of court intervention. Topics covered include:

- Compulsory Instruction Law
- Definition of Truant, Absence, etc.
- Some causes of Truancy
- Costs/impact of Truancy
- Court Intervention – CHIPS Petitions
- Consequences and options available to the Court

Resources, including information on local counseling services, are made available to families and they are encouraged to re-connect with school personnel to address issues or concerns.

7+ Unexcused Absences: Schools shall send a completed Truancy Court Referral Form to Chisago County Attorney's Office.

## JUVENILE COURT PROCESS

- Case Screening:** Once a Court Petition Referral Form is received by the Chisago County Attorney's Office, it is reviewed to determine if it is legally sufficient to file a petition in juvenile court. This means that it is reviewed to determine that there is a pattern of truancy under the definition provided by law and there is supporting evidence to prove the case in court. If there is critical information missing from the referral, the contact person listed on the referral will be contacted and instructed what is required and how it can be corrected.
- Filing of CHIPS Petition:** Petitioning to juvenile court may result when all other resources are exhausted. It should be everyone's goal to re-engage the student with school without court intervention. The school and/or parent will often make a recommendation to this decision; however, the Chisago County Attorney or assigned assistant will make the decision of whether or not to petition to court.
- The petition will be drafted by the County Attorney's Office and the County Attorney or an assigned assistant will review and sign as the Petitioner. Chisago County Attorney's Office will file the petition and support documents with the Court
- Court Hearings:** Petitioning schools will be notified of all hearings set by the juvenile court. School officials are encouraged to attend court hearings, but not required, except when subpoenaed to testify or present evidence at the trial or contested hearing.
- If the family does not admit to the petition at the Admit/Deny or Pretrial Hearing, the court will set the matter on for a contested court trial. The school official who referred the student for a truancy petition will be asked to cooperate with the County Attorney's Office in preparing the case and will be required to provide in-person testimony at the trial.
- Truancy Court participants and their parents/guardians are required to report to every court appearance. Failure of a student to attend court may result in a warrant being issued and transportation to a shelter. Failure of a parent to attend Court may result in a contempt of court proceeding, issuance of a warrant and/or imposition of a fine.
- Once a finding of habitual truancy is made by the juvenile court, the court will determine the disposition or order, imposing requirements on the student and parents to complete case specific requirements. A review hearing will be held in 30 – 45 days before the same judge to monitor compliance. Each case will be reviewed on its own merits to determine the appropriate court disposition and subsequent review hearings to monitor compliance or need for modification of the disposition. School

officials will provide timely updates on the student's attendance, academic performance and behavioral issues prior to the next court hearing. This information must be provided to the County Attorney's Office at least 7 days before each court hearing.

## QUESTIONS AND ANSWERS ABOUT TRUANCY AND EDUCATIONAL NEGLECT

### *What is the difference between truancy and educational neglect?*

Truancy focuses on the child.

For a child to be found habitually truant, the child must intend to be truant. The law presumes a child 12 and older is truant, but this is not a hard and fast rule. Some children younger than 12 years of age may intend to be truant from school though parents have encouraged attendance. Conversely, some children older than 12 years of age may be absent from school due to the parents' inability or unwillingness to enforce school attendance in compliance with the law.

Educational neglect focuses on the parent.

For a child to be found the subject of educational neglect, the parents must have been unable or unwilling to meet the child's educational needs. Parents may actually have encouraged the child to not attend school for a variety of reasons or are unwilling to enforce school attendance.

### *What school efforts are required before the school submits a truancy or educational neglect referral?*

The law requires that the school has made efforts to resolve the attendance problem before referring the matter to the court. The initial school meeting with the parents and child should be used to clarify the attendance policy and the compulsory attendance law. The school should refer the family to community-based services prior to requesting county intervention.

Three required steps of school action:

1. A notice to the parent;
2. Scheduling of a conference at school with the parent/guardian;
3. An evaluation of the student's educational and social needs which impact attendance and an offer of community-based services to address those issues.

### *What if a parent makes excuses for the child?*

Be familiar with your school district's policy on excusing absences from school. The court supports the school district's interpretation of unexcused absence.

If the parents offer medical excuses which appear suspicious, document your communications with the family and why you doubt the parent's explanation. The school can challenge suspicious excuses offered by students, parents, or guardians. This can be done by asking certain questions and requiring written excuses from doctors. For example, if a student is absent excessively due to sickness, school personnel may ask the parent:

1. Is the child vomiting?
2. Is the child running a fever?
3. Does the child have diarrhea?

If the answer to these questions is no, tell the parent to bring the student to school for an examination. If the answer is yes, recommend that he or she see a doctor and produce a written excuse from a medical professional. Always document these conversations on the student's attendance record. If an excuse is offered in writing, keep it and attach it to the attendance record. If the problem persists, send the letter to the parents requiring medical provider documentation.

Don't wait until there are numerous absences to deal with before taking action. Challenge multiple absences according to the excessive absence policy. "The sooner, the better!" applies. It is not legal for parents to allow or require a child to stay home to baby-sit, work, rest because of work, or keep a lonely parent company. These excuses should be challenged and the parents should be put on notice that they are violating Minnesota law if they do not send their child to school for the required number of school days set by Minnesota state law.

### ***Why not just file a request for a truancy petition after seven absences?***

According to Minnesota State Statute 260A, programs must be designed to provide a continuum of intervention and services to support families and children in school while identifying truancy and educational neglect. The Chisago County Attorney's Office, Chisago County Human Services and the school districts have established truancy programs to provide the least restrictive services and allow for the most effective and timely intervention for children and their families. The existing programs have proven to be very effective and responsive to the child's and family's needs and have improved attendance. This continuum of intervention and services involves progressively intrusive intervention beginning with strong service oriented efforts at the school and community level and involving the court's authority only when necessary.

### ***Up to what age does the Court have jurisdiction over habitual truants?***

Truancy referrals can be made for any student who is under the age of 18. Once a Petition has been filed and student is under the jurisdiction of the Court, the Court may continue jurisdiction over the individual and all other parties to the proceeding up to student's 19<sup>th</sup> birthday when continuing jurisdiction is in the individual's best interests.