



# Keeping Kids in School: Preventing Truancy

This fact sheet talks about student truancy and what happens when a student misses a lot of school. It also talks about ways to keep that from happening.

## Does my child have to go to school?

Yes, education is a right and a requirement. In Minnesota, children between the ages of 7 and 17 have to go to school. This right to education applies to all children in Minnesota including children who are homeless, migrants, immigrants, or have disabilities.



## What if I want to homeschool my child?

If you want to homeschool your child you must contact your local school district superintendent. You need to submit paperwork every year by October 1 or within 15 days of removing your child from public school. If you don't do this, your child could be considered truant.

## What is truancy?

Truancy means being absent from school. Children are truant if they are:

- Under age 12 and miss 7 or more days of school without an allowed excuse
- Over age 12 and miss 1 or more class periods on 7 or more days without an allowed excuse.

Truancy can lead to many problems, including legal ones.

## What are excused absences?

Students can miss school for legitimate reasons. This is called an “excused absence.” This could be things like:

- The student is sick
- Family emergency
- Death in the family
- Medical or Telehealth appointments
- Active-duty military service
- Religious or Native American tribal instruction which takes place outside of the school. This can't be more than a total of 3 hours a week.

Excused absences do NOT include:

- babysitting
- working
- missing the bus
- travel that hasn't been approved by the school

Any absence that is not excused is considered **unexcused**.

School districts can have other policies about student attendance. You should check your school district's policies for more information.

## **What can the school do if my child misses too much school?**

### **Send a Truancy Letter Home:**

- The school must send you a letter if your child misses
  - 3 or more full days of elementary school or
  - 3 class periods on 3 days of middle/high school
- The letter should tell you about your right to meet with the school and give other options for alternative education programs. The school must send this notice to you before referring your child to the county for truancy.
- The letter gives you a chance to tell the school if there are legitimate reasons why your child was absent and to talk about any school support the child may need.



### **Refer to Community Organizations**

- The school can connect you with organizations that help with the problems causing the child to miss school. Community based services can be things like individual or family counseling, educational testing, psychological evaluations, tutoring, and mentoring.

### **Refer the Student to School Attendance Review Board:**

- Some school districts have a Student Attendance Review Board. This Board oversees attendance issues.
- The board reviews the reasons for a student missing school. It connects students with intervention services to help them stay in school.
- Check your school district's website or student policies to find out if the district has a school attendance review board.

**Refer Student to the County Attorney's Office:**

- When a student meets the definition of truancy the school can ask the county attorney's office to open a court case.

**Drop Student from Enrollment:**

- The school must drop the enrollment of any student who misses 15 days in a row during the regular school year. Or misses 5 days in a row during summer school or intersession classes.
- These students are classified as having withdrawn from the school. They need to re-enroll or find a different school to go to.
- See our fact sheet [15 Day Drop Rule - Minnesota School Attendance Law](#).

**What legal problems can truancy cause?**

**If your child is under the age of 12, the county attorney can file a Child in Need of Protection or Service (CHIPS ) case against you in Juvenile Court.**

- You are responsible for the unexcused absences of your children under the age of 12. You can get in trouble for “educational neglect” if your child under 12 misses school 7 or more times without a good reason.
- If the Court finds that educational neglect happened, they can order you to make sure that the student goes to school. They can also decide that you need to meet other requirements before the CHIPS case can be closed.
- In some cases, the Court may order that the child be removed from your home and placed in a shelter, foster care, or short-term residential facility.



**If your child is 12 or older, the county attorney can file a juvenile court case for truancy.**

- As a result of the case the Court may require that the student work with a probation agent, follow a curfew, lose their driving privileges, or meet other requirements before closing the case.

**If a police officer has a good reason to believe that your child is skipping school without a legitimate excuse, the officer can:**

- Take the child:
  - home to a parent or guardian
  - to the school where they are enrolled
  - to a designated truancy service center
  - from home or school to a truancy service center

- Issue a notice to appear in court for truancy.
  - The notice must be given to both you and the child and filed in juvenile court.
  - NOTE: Police can't issue a notice to appear in court for truancy if the school district has an Attendance Review Board with the power to review truancy decisions.

## Withdrawing From School at 17 Years Old

- If your child is 17 and wants to drop out of school, they must have a meeting with you and school personnel. Both you and the student must sign a written statement.
- There are resources to help teenagers finish school. The school should talk about other educational opportunities and alternative learning programs
- Once your child turns 18, they do not have to go to school.

## Tips for Parents

Here are some steps you can take to avoid truancy:

- Follow the school district's policies on reporting absences.
- Ask for support from the school if there are problems causing your child to miss school. This might be things like bullying, harassment, or if your child refuses to go to school.
- If your child has a disability that makes it hard to go to school sometimes, ask for an evaluation to see if they are eligible for special education services or a 504 plan.
  - Talk to your child's healthcare provider about writing a letter that explains the disability and how it make sit hard to go to school.



*Developed in collaboration with the SMRLS' Education Law Advocacy Project (ELAP).*

***Fact Sheets are legal information NOT legal advice. See a lawyer for advice.***

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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