

## STATE TRUANCY LAWS

CONTINUING TRUANT - is a child, subject to compulsory instruction, who is absent from school without a valid excuse 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 or high school. (M.S. 260A.02, Subd. 3)

HABITUAL TRUANT - a child under the age of 16 years who is absent from school without lawful excuse for seven days if the child is in elementary school or for one or more class periods on seven days if the child is in middle or high school, or a child who is 16 or 17 years of age is absent from attendance at school without lawful excuse for one or more class periods on seven days and who has not lawfully withdrawn from school. (M.S. 260C.007, Subd. 19)

LEGITIMATE EXEMPTIONS (EXCUSED ABSENCES) - A parent or other person having control of a child may apply to have the child excused from school 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 application may be approved upon the following being demonstrated to the satisfaction of the school: (1) that the child's physical or mental health is such as to prevent attendance at school for the period required, which includes: (i) child illness, medical, dental, orthodontic, or counseling appointments; (ii) family emergencies; (iii) the death or serious illness or funeral of an immediate family member; (iv) active duty in any military branch of the United States; (v) the child has a condition that requires ongoing treatment for a mental health diagnosis; or (vi) other exemptions included in the district's school attendance policy; (2) that the child has already completed state and district standards required for graduation from high school; or (3) that it is the wish of the parent or other person having control of the child, that the child attend for a period or periods not exceeding three hours in any week, a school for religious instruction. (M.S. 120A.22, Subd. 12)

PRESUMPTIONS REGARDING TRUANCY OR EDUCATIONAL NEGLECT - a child's absence from school is presumed to be due to the parent or custodian's failure to comply with compulsory instruction laws if the child is under 12 years old and the school has made efforts to resolve the attendance problems; this presumption may be rebutted by showing by clear and convincing evidence the child is habitually truant. A child's absence 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; this presumption may be rebutted by showing by clear and convincing evidence that the child's absence is due to the failure of the child's parent or custodian to comply with compulsory instruction laws. (M.S. 260C.163, Subd. 11(a))

CRIMINAL PENALTIES - any person who fails or refuses to provide for instruction of a child, required to attend school, over whom the person has legal custody, when notified so to do by a school official, or any person who induces or attempts to induce any child to be absent from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a misdemeanor. (M.S. 120A.22, Subd. 5)

COMPULSORY EDUCATION - every child between seven and 16 years of age must receive instruction. Every child under the age of seven who is enrolled in a Kindergarten program shall receive instruction...a parent may withdraw a child under the age of seven from enrollment at any time. (M.S.A. 120A.22, Subd. 5) Once a child under 7 is enrolled, that child is subject to the compulsory education laws. (M.S. 120A.22, Subd. 6)

WITHDRAWAL - any student between the ages of 16 and 18 years old who seeks to withdraw from school, and the student's parent or guardian must attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities; and sign a written election to withdraw from school. (M.S. 120A.22, Subd. 8)