

KNOW THE LAW

YOU MUST ATTEND SCHOOL

Police officers and prosecutors are enforcing truancy laws because they see the importance of education for all youth and because the law requires it. The following laws apply to truancy:

- ❖ Every child between seven and 17 years of age must receive instruction unless the child has graduated. (*Minnesota Statute 120A.22, subd. 5(a)*). Any student who is 17 years old who seeks to withdraw from school, the student's parent or guardian must: (1) attend a meeting with school personnel to discuss the educational opportunities available to the student, including the alternative educational opportunities; and (2) sign a written election to withdraw from school. (*Minnesota Statute 120A.22, subd. 8*).
- ❖ A child who misses seven days of school or seven class periods on seven different days without lawful excuse can be petitioned as a Habitual Truant under the CHIPS law (Children in Need of Protection or Services) (*Minnesota Statute 260C.007, subd. 19*).
- ❖ A child who is truant may be taken into custody by police and transported to home, school or a Truancy Center (*Minnesota Statute 260C.143, subd. 4*).
- ❖ Under *Minnesota Statute 120A.22, subd. 1*, it is the primary responsibility of parents or guardians to assure that their children acquire knowledge and skills that are essential for effective citizenship.
- ❖ A parent who contributes to a child's truancy from school may be charged with a gross misdemeanor under *Minnesota Statute 260C.425* that is punishable by up to 1 year in jail and/or a \$1,000 fine, and/or a civil action under *Minnesota Statute 260C.335*.
- ❖ A child is "educationally neglected" if that child is absent from school due to the failure of the parent to comply with the compulsory education laws (*Minnesota Statute 260C.163, subd. 11 and 260C.007, subd. 6*), and the child is in need of protective services.

Truancy Consequences for Juveniles
(Minnesota Statute 260C.193, 260C.201)

- ❖ Court adjudication as a “child in need of protection or services”
- ❖ Probation or protective supervision
- ❖ Community Service or Sentence to Serve (including weekends)
- ❖ Fines up to \$100
- ❖ Suspension or denial of driving privileges (to age 18)
- ❖ Counseling for child and parents
- ❖ Chemical or mental health evaluations/services/programs
- ❖ “Any other activities or ...treatment programs deemed appropriate by the court”
- ❖ Out-Of-Home Placement (including shelter, foster home, residential treatment center, etc.) child must be represented by counsel