

Winona County, Minnesota Truancy Program Guidelines

Effective
8/15/22

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WINONA COUNTY TRUANCY GUIDELINES

I. **INTRODUCTION:** We all want our children to have the best education they can get, so they can become productive, successful adults. Regular school attendance at school is the best way to ensure that goal. In Minnesota, school attendance is mandatory and the truancy laws set forth a process for addressing truanancies. In Winona County, numerous early intervention options are offered to keep children in school—and out of court. The Juvenile Justice Committee of the Winona County Criminal Justice Coordinating Council has developed the following Truancy Guidelines. These guidelines apply to students attending school in Winona County, whether a public, private or charter school.

II. **DEFINITIONS:**

A. **Habitual Truant:** A child is considered a “habitual truant” if she or he is under the age of 12 years of age and is absent from attendance at school without lawful excuse for seven school days or for one or more class periods on seven school days. Children ages 16 and 17 will be considered truant if they have not lawfully withdrawn from school with their parents’ permission and they meet the criteria laid out above. Minn. Stat. Sec. 260C.007, Subd. 19.

i. **Local Definition:** Although the statute defines truancy for some grades as missing at least one class period during the day, Winona County has adopted a local definition of unexcused absence which would require an absence of at least half a day of school.

B. **Excused Absences:** A parent or guardian may seek an excused absence from school for his/her child. A school has the right to accept or deny an application for an excused absence.

i. **Acceptable Excuses:** Acceptable excuses include

- Sickness (the school may require written verification from a doctor or nurse)
- Doctor’s visit including mental health
- Religious holiday
- Extreme family emergency

ii. **Invalid Excuses:** Invalid excuses include

- Staying home to baby-sit
- Work
- Being tired
- Travel/vacation
- Needed at home
- Cold weather
- Missed the bus
- Child is not immunized

III. PROGRAM PROCEDURES:

- A. One Unexcused Absence or More: After a student has received one (1) unexcused absence or more, the school in which the student attends and Winona County, can/will offer the student truancy intervention options. Typically, the intervention options increase as the unexcused absences increase. Intervention options that are used prior to filing a truancy petition in court may include, but are not limited to:
- i. Phone calls or letters to alert parents/guardians to the issue and inviting them to the school for a conference to discuss issues and solutions;
 - ii. Attending a meeting with the school counselor;
 - iii. Developing an attendance agreement with a school representative;
 - iv. Referrals to school-linked mental health;
 - v. Creating a flexible schedule with the child;
 - vi. Check-ins/check-outs, where an adult at school is assigned to the child and checks on them daily to make sure they are attending;
 - vii. Home visits; helping the child set alarms to get up on time for school;
 - viii. Participating in Attendance Support Circles offered by the school in which the student and parent are asked to identify issues affecting school attendance and, together with a group of school officials, work on identifying possible solutions. This is typically utilized by Winona Area Public Schools at the 3-5 unexcused absence mark; and
 - ix. Referral to and participation in Winona County Restorative Justice Early Intervention (RJEI). With RJEI, Restorative Justice Coordinators meet with the parents and child (and possibly school representatives) to identify the child's needs, barriers to school attendance and additional supports that can be put in place to eliminate unexcused absences. This is typically done after five unexcused absences.
 - x. Weekly Truancy Team Meetings between representatives of Restorative Justice, Winona County Department of Health and Human Services and the school in order to identify and discuss individual students who are at risk of becoming a habitual truant so that they may be offered additional supports. This is typically done at the 5-7 absence mark)
- B. Three Unexcused Absences: Upon receiving a third (3rd) unexcused absence, the student is classified as a Continuing Truant according to Minn. Stat. § 260A.02.

The school in which the student attends is required by Minnesota law (Minn. Stat. § 260A.03) to send a letter to the parents or guardians of the student, notifying them that their child is a continuing truant.

C. Five Unexcused Absences: When a student has received five (5) unexcused absences, the school in which the student attends can opt to refer the student to Winona County Restorative Justice for early intervention, described above.

i. Notification & Meeting: The school will notify Restorative Justice directly of students they deem appropriate for this service using the Restorative Justice Truancy Intervention Referral. Upon receiving a referral, Restorative Justice will notify the student and the parents/guardians and set up a meeting to discuss concerns and barriers to school attendance and to generate solutions.

D. Seven Unexcused Absences: Upon receiving a seventh (7th) unexcused absence, the student is classified as a Habitual Truant according to Minn. Stat. § 260C.007.

i. Under 12 years old: If the student is under the age of 12, the school in which the student attends will refer the student to the Winona County Community Services for education neglect (Minn. Stat. § 260C.163). Children under 12 are treated differently under the statute, as parents are considered to be responsible for their child's attendance at school if the child is under age 12. Upon receiving the referral, the Department of Human Services will complete a Family Assessment. A case manager may be assigned to the case and parents may also be offered voluntary ongoing case management.

ii. 12 years old and above:

1. Notice to Appear By School: If the student is 12 years or older the school should complete a Notice to Appear regarding the child and send it to the Winona County Attorney's Office for review and possible diversion or filing of a truancy petition with the court.

2. Diversion Option:

a. Diversion Screening: When a child 12 years or older is referred to the County Attorney's Office for a truancy, the case is screened for diversion to Restorative Justice using the Juvenile Review Worksheet and Tracking Form. Generally, diversion will be offered to students if they are

- Not on probation
- Have no other pending juvenile matters
- Have less than 15 unexcused absences and

- Have had no previous truancy petition filed with the court
- b. Restorative Justice Truancy Diversion: To participate in the Restorative Justice Truancy Diversion Program, the child and parent/guardian must agree to participate by signing the Truancy Diversion Program Agreement. The child and parent/guardian would then meet with a Restorative Justice Coordinator to identify barriers to attendance and supports that could be put in place to address those barriers. At that meeting, the parent and guardian would be required to agree to the conditions of diversion as stated on the Statement of Understanding. They would also be required to sign additional paperwork including the Grievance Procedure, Privacy Act Statement and Release of Information. Restorative Justice monitors the child's attendance and conditions. If the child successfully completes the diversion, no truancy petition is filed. If the diversion is unsuccessful, the County Attorney's Office will file a truancy petition.
3. Filing of Truancy Petition: If a child is not eligible for diversion or has failed diversion, the Winona County Attorney's Office will prepare and file a Truancy Petition with Court Administration.
 4. Hearing Scheduled & Notices: Once the petition is filed the Court Administration will schedule a hearing and send notices to the child & parent/guardian, Winona County Attorney's Office and the Winona County Department of Health & Human Services.
 5. Hearing: Hearings for Winona Area Public Schools are now held at the high school. This change was made to reduce the amount of school that a child would need to miss to attend court hearings, as well as to accommodate the school representatives who attend the hearings. This also allows for a trial to occur on the same day as the admit/deny hearing.
 - a. Admission: At the hearing the student has the option of admitting to or denying habitual truancy. If the student admits to habitual truancy the Judge will order supervision and other conditions, described below.
 - b. Denial: If the student denies habitual truancy a trial will be held.

- i. Truancy Not Proven: If the County is unable to prove that the child is a habitual truant, the case is dismissed.
- ii. Truancy Proven: If the County is able to prove, by clear and convincing evidence, that the child is a truant, the judge will adjudicate the child as a truant and order supervision and conditions.
 1. Conditions: Standard conditions for truancy include the following:
 - Attend school
 - Remain law abiding
 - Random testing for drugs/alcohol
 - Good behavior at school
 - Making progress toward graduation
 - Possibly mental health services and community work service
 2. Supervision: Students who are placed on supervision will be supervised by the Department of Corrections, if they are currently on probation for previous citations, or by the Department of Health and Human Services if they are not on probation. The period of supervision is typically six months or to the end of the school year. Sometimes, a review hearing is scheduled to assess the status of the case.
 - a. Successful Completion: If the child follows the supervision plan and conditions, supervision will be ended at the conclusion of the stated time for supervision.
 - b. Unsuccessful Completion: If the child does not follow the supervision plan and conditions, the supervising agency may initiate a violation order, with either a Summons (notice to appear in court) or an Apprehension and Detain Order (order to hold the child for court). A lawyer is appointed for the child if out-of-home placement is a possibility.

- IV. **DATA COLLECTION AND DISSEMINATION:** The Winona County Attorney's Office and Winona County Restorative Justice will keep records of the number of persons referred to the truancy program and whether they successfully completed the program.
- V. **EFFECTIVE DATE:** The Winona County Truancy Guidelines are effective August 15, 2022 and will only apply to any cases opened at or after that time.



NOTES:

REFERRAL DATE:

STUDENT NAME:

DOB: **GENDER:** **SCHOOL:**

ADDRESS:

CITY, STATE, ZIP:

MOTHER/GUARDIAN: **PHONE:**

FATHER/GUARDIAN: **PHONE:**

ACADEMIC PROFILE:

GRADE: **TOTAL # UNEXCUSED:**

ATTENDANCE ISSUES:

ATTITUDE TOWARDS SCHOOL:

PREVIOUS INTERVENTION MEASURES:

BEHAVIOR ISSUES: YES NO

CREDIT SUMMARY: ON TRACK BEHIND

OTHER KEY RELATIONSHIPS: (e.g. case managers, probation, social workers, etc...)

Name: **Title:**

Name: **Title:**

Name: **Title:**

Name: **Title:**



TRUANCY DIVERSION PROGRAM

Courthouse
171 West Third Street
Winona, MN 55987
(507) 457-6534

June 16, 2022

Name: Pending Allegations: Truancy
DOB: File # TC-DIV-

In order to successfully complete the Truancy Diversion program, we want you to be aware of what to expect.

1. An agreement may be formed during the diversion process. School attendance must improve. Successful discharge is accomplished at the end of the school year.
2. You are responsible for your attendance and contacting the school when absences occur. Please review the attendance policy to ensure you are up-to-speed.
3. Diversion is the last effort before court becomes mandatory for truancy. If you don't understand the diversion process, please ask questions.
4. Just because you are in diversion status does not mean you will not be held accountable for your attendance.
5. Honesty is policy. If you are found to be dishonest during this process, it may be grounds for immediate dismissal.

*Please indicate your decision to participate in the Truancy Diversion Program by checking either **YES** or **NO** below. Participation is voluntary. However, if you deny the opportunity to participate, a court hearing will be mandatory.*

_____ YES, I intend to participate in the Truancy Diversion process

_____ NO, I deny the opportunity to participate in the Truancy Diversion process and will appear in court

Juvenile Date

Parent/Guardian Date

By denying the opportunity to participate in the Restorative Justice Truancy Diversion process, you will no longer be considered eligible for diversion during the current school year.



TRUANCY DIVERSION PROGRAMMING

Winona County Restorative Justice

June 16, 2022

_____ and Parent/Guardian
Address: _____

Pending Allegations: Truancy
File No. TC-DIV-

STATEMENT OF UNDERSTANDING

Winona County Restorative Justice Truancy Diversion Programming

By participating in juvenile diversion programming in Winona County, there are certain obligations for you to follow to maintain eligibility in the program. This Statement of Understanding is making you aware of the following terms:

- **You must attend school regularly with no unexcused absences.**
 - o If you begin to accrue unexcused absences during an open diversion, whether it be full days missed or class periods missed, a truancy conference to be held at your school will be requested by program coordinator. Failure to attend the conference will be grounds for immediate dismissal. Conference will be arranged at program coordinator's discretion. At the conference, a contract will be developed that you must abide by to maintain eligibility in diversion programming.
 - Truancy conference will consist of student, parents/guardians, program coordinator and school staff coming together to discuss attendance issues.
 - If more unexcused absences accrue while conference is in the process of being arranged, it will lead to dismissal from diversion and a court hearing will be mandatory.
 - o It is your responsibility to know the attendance policy and your responsibility to call the school when your child is out of school for an excusable reason.
 - o If at any time during an open diversion you attend an online school, you must provide contact information for a staff person in the attendance office.
 - o If health concerns are preventing regular school attendance, documentation must be provided showing that you are actively working to confront health concerns.
- **You must remain law abiding and of good behavior at home, in school, and in the community.**
 - o If it is found you have committed a new offense while in diversion status, it will be grounds for immediate dismissal from diversion and a court date will be mandatory.
 - o If you have a past or pending offense at the time of the initial meeting, it is your responsibility to make it known to program coordinator during the interview. If you fail to do so and it is found you have a past or pending offense, it will be grounds for immediate dismissal from diversion and a court date will be mandatory.
 - o If found to have been dishonest during an open diversion, it will lead to immediate dismissal.
 - o School suspensions may affect diversion status.
- **You must not use or possess alcohol or controlled substances unless otherwise prescribed to you and only in the amounts and dosages prescribed.**
 - o If substance use or alcohol use is confirmed, it will lead to immediate dismissal from diversion.
- **You must work on credit recovery should that be necessary.**
 - o If student is behind on credits, a plan will be developed to get caught up. The student needs to be actively engaged in the planning process to determine the best course of action to get on track to graduate.
- **You must maintain updated contact information with program coordinator and your school.**
 - o If we cannot contact you, we can't work with you on this. Please know we want to assist along the way.

By signing below, you agree to aforementioned terms and also agree that if any of these terms are violated, it may result in a mandatory court hearing.

Juvenile: _____

Date: _____

Parent/Guardian: _____

Date: _____

Minnesota Department of Corrections
GRIEVANCE PROCEDURE

Please be advised that all offenders on probation, parole, or supervised release, along with their parents, guardians, custodians, or their representatives, may initiate a written grievance to attempt to resolve conflict or obtain clarification of policy and procedures.

An offender described above may submit a written grievance within five working days of the incident that brought the offender to feel he/she had been treated unfairly. The grievance is to apply only to the offender submitting the grievance and may only grieve incidents that affect or impact him/her individually. Offenders may not make a "class action" grievance or grieve an incident that impacts another offender(s).

Upon receipt of the written grievance, the supervisor or designee will respond in writing within five working days.

The written grievance should be forwarded to the staff member's direct supervisor:

Rena Patterson, District Supervisor
171 West Third Street
Winona, MN 55987

I have read or have had read to me the Department of Corrections Grievance Procedure.

Client

Date

Parent/Guardian (if applicable)

Witness

DISTRIBUTION: Original to client
Copy to case file

**STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS**
1450 Energy Park Drive - Suite 200
St. Paul, MN 55108
(651) 642-0200

PRIVACY ACT STATEMENT

The Minnesota Government Data Practices Act protects your right to privacy. Minn. Stat. S 13.04, subd. 2 requires that when you are requested to provide private information on yourself, you have the right to be informed of:

1. The purpose and intended use of that data.
2. Whether you may refuse or are legally required to supply the data.
3. The consequence for refusing to supply the data.
4. The identity of others who may receive this data.

The District Court ordered the Department of Corrections to prepare the following reports concerning you: NA

- A. Pre-Sentence Investigation (Background report to assist the court in sentencing).
- B. Post-Sentence Investigation (Background report to the court after sentencing).
- C. Pre-Disposition (Background report to assist the court in determining juvenile dispositions).
- D. Bond Study (Information provided to the court to assist in making release conditions and setting the bail amount).
- E. Supervised Release / Probation / Parole / **Diversion (Restorative Justice Conference)**.
- F. Other (provide brief description):

The data collected will be provided to the court and retained in your Department of Corrections file. Additionally, the information may be provided to other criminal justice agencies as provided by law for the following purposes:

- ~~1. Probation, correctional institution and release planning.~~
- ~~2. Case referral, evaluation, placement or treatment.~~
- ~~3. Collection of statistical or research data.~~

You are legally required to supply the requested information. If you fail to do so, the court will be informed and further court action will be requested.

I have been informed of and understand these rights. I have been provided a copy of this statement, and I understand that a copy will be placed in my Department of Corrections file.

(Print Name)

(Signature)

(Agent's Signature)

(Parents/Guardian Signature if under age 18)

(Date)

RELEASE OF INFORMATION AUTHORIZATION

I, **(DOB:)** authorize Winona Area Public Schools (District #861); Winona County Community Services; Winona County Attorney's Office;

_____ (name) (name of agency making the disclosure)

to exchange data about me with:

Name and Title: Katie Illies and Kylie Davison ,Restorative Justice Coordinators

City, State, Zip: 171 W. Third St., Winona, MN 55987

The specific data covered by this release: Personal Client Information
(type of information)

Related to the following time period and/or condition: Truancy Diversion # TC-DIV-
I understand that:

- The data listed above may include data which is classified private data under Minn. Stat. Ch. 13 and would otherwise be private and accessible only to me, the department or anyone authorized by law to receive it.
- By signing this form, I am authorizing the department to release data to the person(s) named.
- Without my authorization, the department could not release that data which is classified as private.
- When data about me is released to the named person(s) named and their representatives, the department has no control over the use the named person(s) make of the data disclosed.

I am giving this consent freely and voluntarily and I understand the consequences of my giving this consent.

This consent expires upon completion of the above-stated purpose or after one year, whichever comes first. However, I may renew this consent.

Date

Signature of Subject of Data

Signature of Parent, Guardian, or Authorized Representative (if subject of data is a juvenile)

STATE OF MINNESOTA
COUNTY OF WINONA

DISTRICT COURT
THIRD JUDICIAL DISTRICT

NOTICE TO APPEAR PURSUANT TO MINN. STAT. 260C.143

The undersigned, an attendance officer at , located in Winona County, having probable cause to believe the child named below is in need of protection or services because the child is a habitual truant within the meaning of Minn. Stat. 260C.007, Subd. 19, alleges the following:

Child's Full Name:

Child's Date of Birth:

Child's Address/Phone #:

Child's Race/Sex:

Parent/Guardian Name:

Parent/Guardian Address/Phone #:

Parent/Guardian Name:

Parent/Guardian Address/Phone #:

The above-named child has been absent without lawful excuse ___ times, the most recent of which was on:

Additional dates are attached: NO YES

The following interventions have taken place prior to this document being filed:

WHEREFORE, pursuant to Minn. Stat. 260C.143, Subd. 2, upon the filing of a copy of this notice with the District Court, the undersigned requests the child be brought before the District Court and the child's alleged need for protection or services be dealt with in accordance with the law.

Dated:

Signed By:

WINONA COUNTY JUVENILE DIVERSION PROGRAM
JUVENILE REVIEW WORKSHEET AND TRACKING FORM

Welfare of: _____

Probable Cause: Petty/Traffic
 Payable
 Delinquency
 CHIPS (T / R)

Diversion File #: _____

<u>INITIAL REVIEW</u>		Review Date: _____ By: _____
ELIGIBLE	<input type="checkbox"/>	No history
INELIGIBLE	<input type="checkbox"/>	Ineligible offense
	<input type="checkbox"/>	Prior adjudication(s) of delinquency
	<input type="checkbox"/>	Pending delinquency case(s)
	<input type="checkbox"/>	Truancy offense, 15+ absences
	<input type="checkbox"/>	Current Probation, Stay of Adjudication or CFD
	<input type="checkbox"/>	Prior or pending non-status offense diversion
PANEL REVIEW	<input type="checkbox"/>	Uncharged lack of cooperation
	<input type="checkbox"/>	Prior or pending status offense diversion
	<input type="checkbox"/>	Prior or pending petty offense(s)
	<input type="checkbox"/>	Prior or pending traffic offense(s)
	<input type="checkbox"/>	Prior or pending CHIPS case(s)
Notes: _____		

<u>PANEL REVIEW</u>	
Sent: _____	
Due: _____	
Decision: _____	
ELIGIBLE	INELIGIBLE

<u>OVERRIDE</u>

<u>FINAL OUTCOME</u>
ELIGIBLE
Referred to:
<input type="checkbox"/> Department of Corrections
<input type="checkbox"/> Community Services
<input type="checkbox"/> Restorative Justice
INELIGIBLE

<u>DIVERSION PROGRAM</u>		Returned on _____
<input type="checkbox"/>	Letter sent on _____	Reason: _____
<input type="checkbox"/>	Met with agent on _____	
<input type="checkbox"/>	Agreement signed on _____	Discharged – Unsuccessful on _____
		Conditions violated: _____
<input type="checkbox"/>	Discharged – Successful on _____	
Agent: _____		

SUCCESSFUL DISCHARGE FROM DIVERSION
 RETURNED TO COURT FOR PROSECUTION

In the Matter of the Welfare of the Child of

TRUANCY PETITION

_____, mother
_____, father
Parent(s).

School: _____
Court File No. _____
CA File No. _____

Petitioner, Winona County Health and Human Services, by and through the undersigned agent, states and alleges the following:

- a. (Child's name) is a ____ year old ____, with a date of birth of: _____;
- b. resides in Winona County, State of Minnesota, at:

- c. is in the custody and control of his parents; and his parents names, residences, and addresses are:

Custodial Parents: _____
Address: _____
- d. is the subject of a juvenile protection matter pursuant to Minn.Stat. §260C.007, Subd. 6 (14) and Subd. 19 because the child:

_____ is under 16 years of age and has been absent from school without lawful excuse for seven (7) or more school days (elementary school).
_____ is under 16 years of age and has been absent from school for one or more class periods on seven (7) or more school days (middle, junior or high school).
_____ is 16 or 17 years of age and has been absent from school for one or more class periods on seven (7) or more school days and has not lawfully withdrawn from school.
- f. has been absent a total of ____ times from a class period without excuse between _____, as reported by the _____.
- g. is under the jurisdiction of the Court as established by the facts stated above.

Wherefore, your Petitioner prays that the above-named child be brought before the Court according to law. Further, your Petitioner under oath deposes and says that he has read the above petition and knows the contents are true to the best of his information and belief.

STATE OF MINNESOTA
COUNTY OF WINONA

I declare under penalty of perjury that everything I have stated in this Petition is true and correct.
Minn. Stat. 358.116.

Winona County Health and Human Services,
Petitioner

Petition approved for filing:

Dated: _____

By: _____
Rebecca R. Church
Assistant Winona County Attorney
Atty. Reg. No.: 0394755
171 West Third Street
Winona, MN 55987
(507) 457-6310
rchurch@co.winona.mn.us

WINONA COUNTY TRUANCY FLOWCHART
Revised 5.20.21

PRE-COURT PROCESS

CHILD ACTION

Authority (statute/rule)

Intervention

1 Unexcused Absence up to 3 More (depending on the school)

School policies

- [WAPS Policy](#)
- [Lewiston-Altura Policy](#)
- [St. Charles Policy](#)

Depends on school
WAPS-after 1 UE, get phone call at night to the contact person listed in Infinite Campus

3 Unexcused Absences

Continuing Truant
[Minn. Stat. 260A.02, subd. 3](#)

School sends notice to parents [Minn. Stat. 260A.03](#)
WAPS-call, email & letter to students and parent/guardian expressing concerns, offers contact

5 Unexcused Absences

School handbook &
[Minn. Stat. 260A.04](#)

School makes another call, email, letter asking parent/guardian to meet w/admin. Mtg to find out what has been happening/barriers/root causes and offer support (school attempts more contact if no response)

7 Unexcused Absences
(local definition of truancy is to 1/2 day for all levels)

Habitual Truant
[Minn. Stat. 260C.007, Subd. 19](#)
[Minn. Stat. 120A.34](#)
[Minn Stat. 120A.22](#)
[Minn. Stat. 260C.163, subd. 11](#)

Additional diversionary interventions
-RJ Early Intervention (case by case): RJ meet w/parents/child and possibly school to figure out needs/barriers & add supports for family;
-truancy circles at ALC & LEO
-Weekly Truancy Team meetings with RJ, school admin, Dept of Human services to discuss individual students

School Refers a Child under 12
Refer to Dept of Health & Human Services for family assessment; case manager works with family

School Refers a Child 12 or over (can be ed neglect if linked to parental behavior, triggering family assessment)

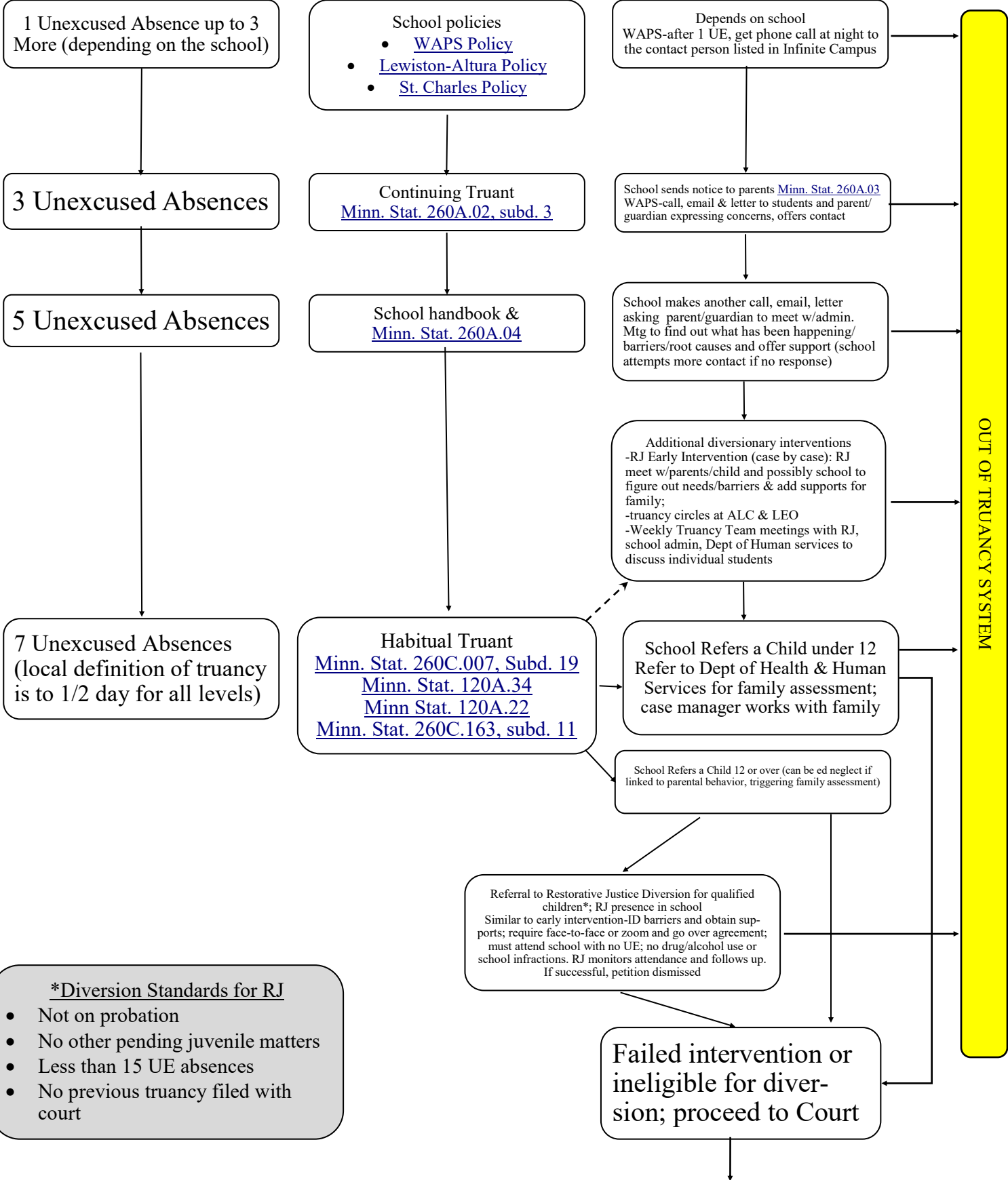
Referral to Restorative Justice Diversion for qualified children*; RJ presence in school
Similar to early intervention-ID barriers and obtain supports; require face-to-face or zoom and go over agreement; must attend school with no UE; no drug/alcohol use or school infractions. RJ monitors attendance and follows up. If successful, petition dismissed

Failed intervention or ineligible for diversion; proceed to Court

OUT OF TRUANCY SYSTEM

***Diversion Standards for RJ**

- Not on probation
- No other pending juvenile matters
- Less than 15 UE absences
- No previous truancy filed with court



WINONA COUNTY TRUANCY FLOWCHART
Revised 5.20.21

COURT PROCESS

- **Standard Conditions for Truancy**
- Attend school
 - Remain law abiding
 - Random testing
 - Good behavior at school
 - Progress towards graduation
 - Possibly mental health services and community work service

County files a truancy a petition with Court Admin.
[Minn Stat 260C.143](#)

Court Admin schedules a hearing; sends notice of hearing & Notice to Appear to DHS and Co. Atty's Office

Court hearing hearings held at school; trials can be done same day as denial

Child admits to habitual truancy.

Child denies habitual truancy; trial is scheduled.

State proves truancy by clear & convincing evidence

State does not prove truancy. Case Dismissed.

Judge adjudicates child as a truant & orders supervision and **conditions.

If on probation, case assigned to DOC for supervision

If not on probation, DHS supervises the case; meets with truant and parents to develop a plan

Supervision Period (6 mos to end of school year); possible review hearing to assess status

Truant follows plan and judge's conditions. End supervision.

Truant doesn't follow supervision and judge's conditions; violation order initiated

Depending on the violation, either a summons is issued & hearing is scheduled or an Apprehension and Detain Order is initiated; lawyer apptd if out of home placement is a possibility

A Message on Truancy from the County Attorney

We all want our children to have the best education they can get to become successful, productive adults. Regular attendance at school is the best way to ensure that goal. That is why school attendance is mandatory in the State of Minnesota. Studies have shown that children who are truant from school are far more likely to engage in delinquent or criminal activity, and abuse alcohol or other drugs. We need to address this problem actively to prevent today's truant from becoming tomorrow's delinquent or chemical dependent.

Winona County Department of Human Services and Corrections, along with my office, have established interventions to deal with truancy issues in Winona County. First, students are offered a truancy intervention option through their school. These interventions may include meetings with the counselor, signing and agreeing to an attendance contract, and/or a Liaison Committee Meeting. A student may also be referred to Winona County Restorative Justice, which is an agency that uses restorative measures to help juveniles understand who is affected by their actions and to hold them accountable for their actions. The interventions not only help the student, but they allow the parents to become actively involved to insure their children regularly attend school. These intervention options have proven to be very effective, as long as everyone follows through on their obligations. If truancy continues, the matter will be petitioned in Juvenile Court. This will increase the intensity of intervention used.

The truancy policies Winona County follows are focused on increasing attendance, getting truants in school and keeping them out of Juvenile Court. This benefits our community, and most importantly, our children.

Karin Sonneman
Winona County Attorney

A Message on Truancy from the District Court Judges

The District's Court Judges are committed to the principles, values and discipline that are taught to the children and young adults as they proceed through school. The court believes that attending school is an invaluable experience for students in both the long and short term. Students have a right, privilege and obligation to attend school.

The Court has found that children who do not attend school lack the principles, values and discipline needed in life, and that these shortcomings hinder their becoming productive citizens. The Court will not allow young students, (or parents who allow them), to miss too much school, because the consequences to the individual and society are permanent and detrimental to all.

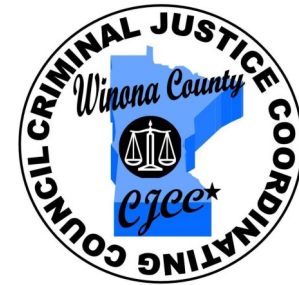
Consequently, any student or parent that believes this Court will not take action to address excessive school absences will receive "an education" through the Court's truancy process. Truancy hearings, generally held at the schools, are tailored to assist both the student and the family address issues affecting school attendance and help restore the student to being a successful student.

Office of the Winona County Attorney

Karin Sonneman

Winona County Courthouse
171 West Third Street
Winona, MN 55987
507-457-6310
Effective 5/10/2022

Truancy Prevention and Intervention Programs



**THIS BROCHURE PROVIDED COURTESY OF:
WINONA COUNTY
CRIMINAL JUSTICE COORDINATING COUNCIL
MAILING ADDRESS:
WINONA COUNTY COURTHOUSE
171 WEST THIRD STREET
WINONA, MN 55987
WWW.WINONACOUNTYCJCC.ORG
(507) 454-7770**

Defining Truancy and Excused/Unexcused Absences

Definition of Truant:

A child is considered a “habitual truant” if she or he is under the age of 16 years and is absent from attendance at school without lawful excuse for seven school days or for one or more class periods on seven school days. Children ages 16 and 17 will be considered truant if they have not lawfully withdrawn from school with their parents’ permissions and they meet the criteria laid out above. [Minn. Stat. 260C.007, Subd. 19.]

Excused Absences:

A parent or guardian may seek an excused absence from school for his/her child. A school has the right to accept or deny an application for an excused absence.

Acceptable Excuses Include:

- Sickness (you may be required to provide written verification from a doctor or nurse)
- Doctor’s visit including mental health
- Religious holiday
- Extreme family emergency

Invalid Excuses (examples):

- Staying home to baby-sit
- Work
- Being tired
- Travel/vacation
- Needed at home
- Cold weather
- Missed the bus
- Child is not immunized

School, Parent and Student Responsibilities

Responsibility of the School:

- Provide a program/schedule that meets the student’s educational needs.
- Address problems identified as barriers to the student’s ability to attend and learn.
- Maintain accurate attendance records document communication with the students and parents/guardians about attendance.
- Provide truancy interventions to all students with a record of unexcused absences.
- Refer the student to the County Attorney’s Office for court intervention when students have seven unexcused absences and other interventions have failed.
- Inform the parents/guardians of the legal requirements for school attendance and possible consequences if fail to meet the requirements.

Responsibility of the Parent:

- Send your child to school.
- Ensure your child has completed required homework.
- Monitor your child’s attendance and progress in school.
- Inform the school when your child may need to miss school for an acceptable reason.
- Attend truancy intervention options with your child and follow the recommendations given. Contact school officials if the agreement is not being followed.

Responsibility of the Student:

- Attend school, every day, every class and be on time.
- Complete required school work.
- Ask for assistance when needed.
- Attend truancy intervention options if recommended and follow all recommendations given and agreements signed.

Consequences

Consequences for Violations of Compulsory School Attendance Laws:

If you continue to miss school, you will be required to attend truancy intervention options. If you fail to attend and comply with the intervention options it may result in a petition being filed in Juvenile Court.

Continued Truancy may Result in any or all of the Following Consequences:

- School detention or in-school suspension.
- Supervision by a Probation Officer or Social Worker.
- Community service hours.
- Participate in individual or family counseling, or complete a psychological or chemical health evaluation.
- Participation in substance abuse classes.
- 10 hours of CWS. Home detention and/or electronic monitoring.
- Removed from your family home and placed in a shelter care or non-secure facility. Your parents may be responsible for the costs involved according to their ability to pay.