

Benton County Truancy Diversion Procedure

The goal of the Benton County Truancy Diversion Program is to identify children who have school attendance problems and to intervene at an earlier stage in an effort to prevent further truancy incidences. The program will be based on mediation services and will only make a referral to Juvenile Court if earlier efforts have not been successful.

The diversion program is a partnership between the schools, County Attorney's Office, Court Services and Human Services.

Please note that the Benton County Truancy Diversion Procedure is for children twelve and older. For this age group the child's absence from school is presumed to be due to the child's intent to be absent from school. For a child under 12 years of age and absent from school, it is presumed to be due to the parent's, guardian's or custodian's failure to comply with the compulsory instruction law. Reports of children under twelve having seven or more un-excused absences made to our Benton County child protection unit will be assessed as educational neglect. (MN Statute 260C.163 Subd. 11)

Procedure

- 1) Schools will send the mandatory letter to parents after the child's third absence (MN STATUTE 260A.03).
- 2) When a school determines a child has unexcused absences on five (5) or more days if the child is in elementary school, or one (1) or more class periods on five (5) school days if the child is in middle school, junior high school or high school, (MN STATUTE 260C.007 Subd. 19) the school will send a letter or email to the County Attorney's Office, with a copy to Benton County Human Services, requesting that the County Attorney's Office send a letter of concern to the parents. Included with the letter will be a copy of the school's mandatory letter after the child's third absences and a summary of all efforts the school has made to work with the family.
- 3) The County Attorney's office will then send a letter of concern to the parents and state that any further unexcused absences will result in a referral to Human Services. A copy of this letter will be sent to the school and Human Services.
- 4) Upon seven (7) or more unexcused absences, the school will notify the social service supervisor at Benton County Human Services by letter or email of the continued absences. The social service supervisor will assign the case to a social worker who will offer services to the family. Please note that this step is contingent upon the family receiving the county attorney's letter and the school using their judgment in whether this word of warning was effective.

If the child is on formal probation with Benton County Court Services, the Corrections Agent will address the truancy concerns through the probation system. Most children will likely not be on formal probation and the Human Services social worker will manage

these cases.

- 5) The social worker will call the family to schedule a meeting time. If the family agrees to meet, the social worker will schedule an initial meeting with the student, parents, social worker and school representative. Efforts will be made to meet at school. If the family refuses to meet, the social worker will request that the County Attorney's office immediately file the CHIPS petition, with the school being the petitioner.
- 6) The purpose of the initial meeting is:
 - To Clarify with the family the law requires in regard to school attendance.
 - To gather information from the family about why their son or daughter is absent.
 - To develop a plan to prevent further absences.
 - Open a case with Human Services, and/or make referrals to other agencies serving children and their families.
 - Develop a written contract for school attendance, stating specifically what all parties will agree to do to stop further truancy. The contract will be in effect for a minimum of 90 days.
- (7) If the child attends school regularly and meets all requirements of the contract, the social service case will close and no further action will occur. If attendance does not improve, the family will be informed that a Truancy Petition will be filed. The social worker will notify the County Attorney's Office of the lack of cooperation and request that the Truancy Petition be filed, with the school being the petitioner. The social worker will also notify the school of this action.
- 8) The social worker will attend the truancy hearings and make dispositional recommendations to the court.
- 9) The social worker, whenever possible will provide a copy of all Court Reports to the school representative.