

## What if we have to go to Court?

If the parent(s) / student fail to cooperate with the Student Attendance Review Board, the requested CHIPS petition will be filed with the Court. The Court has the authority to order a range of consequences (including but not limited to):

- Student may lose driving privileges until 18 years old.
- Student or Parent may be fined, cited for contempt, arrested, and detained.
- A child can be placed on house arrest and/or electronic home monitoring (EHM) making student unable to leave home except to attend school or when accompanied by the parent. Parents are responsible for the cost of EHM.
- A child can be ordered to attend a school chosen by the court.
- A child can be ordered to undergo an evaluation or treatment for chemical dependency.
- A child can be ordered to perform community service.
- A child can be removed from the home and placed in a shelter, foster care, group home or short-term residential facility. Parents are responsible for the cost of placement.
- A child can be placed in long-term residential treatment.
- The court can impose any other activities or treatment programs it deems appropriate.
- The most far reaching consequences for truancy are not the court sanctions. Children who do not attend school are more likely to become involved in delinquent and ultimately criminal behaviors.

## Responsibility of the School

- Inform the student and parent(s) of the legal requirement for school attendance and consequences if they fail to meet the requirements.
- Address problems identified as barriers to the student's ability to attend and learn.
- Maintain accurate attendance records and document communication with the student and parent(s).
- Refer the student to the Rice County Attorney's Office Student Attendance Review Board (SARB) if the School Interventions have not solved the truancy concern.
- Attend child's Student Attendance Review Board (SARB) Meeting and notify Rice County Attorney's Office if the SARB contract is not being followed.

## Responsibility of the Parent(s)

- 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 the Student Attendance Review Board (SARB) Meeting.
- Contact the School if the contract created through SARB is not being followed.

## Responsibility of the Student

- Attend school — every day, every class, and on time.
- Complete required school work
- Ask for assistance when needed
- Attend the School Attendance Review Board meeting and follow the requirements of the contract.

## Responsibility of the Student Attendance Review Board

- Assess the child's risk for continued truancy and develop a plan for services with the Student Attendance Review Board Contract.
- File CHIPS petition to the court if SARB Contract is not being followed by parties.
- File CHIPS petition if determined appropriate by SARB following the meeting.

# Rice County Student Attendance Review Board

**For more information regarding the Student Attendance Review Board**

**Please contact:**  
**rcattorney@co.rice.mn.us**  
**507-332-6103**  
**Email is preferred contact**

**Rice County Court Administration**  
**218 NW Third St**  
**Faribault, MN 55021**  
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## School Attendance

### IT IS THE LAW!

Minnesota State Statute requires that children attend school. For students under the age of 12, it is presumed to be a parental responsibility to ensure the child's attendance. Between the age of 12 and through the 17<sup>th</sup> year, it is primarily the student's responsibility to get to school on a daily basis. Children who are age 17 must be lawfully withdrawn from school by their parent or guardian. Children can not independently "drop out" of school. (MS 120A.22)

### Definition of Truant:

"Habitual truant" means a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and has not lawfully withdrawn from school under section 120A.22, subdivision 8.

### Withdrawal and School Transfers

Withdrawing a student from school or transferring to another school will not stop truancy or court proceedings. When a petition is filed with the court, the judge becomes the authority to make school attendance decisions.

Rice County, the school, and the Rice County Court will consider the child to be enrolled at the current school until a request for records is received from the new school (including on-line schools), or the child is legally withdrawn, or the parent completes the home school procedure with the school district in which the child lives.

A student is required to attend school each and every day and each and every class period. If they miss a school day or part of the day, for legitimate reasons, a parent or guardian must request an excused absence.

**Excused Absences** include (but not limited to):

Sickness (school may verify), Medical or Mental health appointments, Religious holidays, Family emergency (death, house fire, etc).

**Unexcused Absences** include (but not limited to):

Missed the bus, Employment, Need for sleep or rest, Babysitting, Cold weather.

#### *Tardy*

Student is late for a class period (MN State Statute does not allow the addition of tardy days or class periods to equal an absence).

#### *Absent*

Student is not present for the day or for a class period. A parent or guardian may request that a child's absence from school be excused. School has the right to accept or deny a request for an excused absence.

## School Attendance Review Board Process

### After (3) Unexcused Absences:

- The school will send the child's parent(s) a letter informing them of their child's unexcused absences.

### After (5) Unexcused Absences:

- When a child, ages 12 through 17, has reached five (5) unexcused absences, the child is considered "**continuing truant.**"
- The school will send the child's parent(s) a letter informing them of their child's unexcused absences.

### Continued Unexcused Absences:

- When a child, ages 12 through 17, has reached seven (7) unexcused absences, the child is considered "**habitually truant.**"
- The school may request the county attorney to draft a truancy Child in Need of Protection or Services (CHIPS) petition and Rice County Attorney's Office is notified.
- Rice County Attorney's Office arranges a formal Student Attendance Review Board Meeting between the school providers, parents, child, county attorney, and law enforcement (as appropriate).
- This meeting occurs in lieu of court, in a final effort to compel the child to attend school.
- At the SARB Meeting a contract may be established with the child, parents/guardians and school or the board may determine filling a CHIPS petition is necessary,