

Student Attendance and Truancy Legislative Study Group

Preliminary Report to the Minnesota Legislature

October 2024

Executive Summary

The Student Attendance and Truancy Legislative Study Group (“Study Group”) was established in 2024 by Minnesota Laws 2024, Chapter 115, Article 1, Section 21. The Study Group was created to make recommendations to the relevant legislative committees in order to increase student attendance and reduce truancy, particularly in the wake of the 2020 Covid Pandemic and the subsequent rise in truancy rates across both Minnesota and nationwide. The Study Group is required to submit its recommendations in a report by the end of 2024.

The Study Group hosted meetings both in-person and via Zoom to receive feedback from the Department of Education, the Department of Children, Youth, and Families, tribal officials, county officials, school administrators, and students from across the state. Testimony and discussion raised a myriad of issues and current programs tackling student attendance.

From this review, the Study Group recommended a discussion of statutory changes and agency recommendations in eight areas:

1. Consistent Definitions
2. Coordination Among State and Local Agencies
3. Community Engagement - Cultural/Lived Experience School Credit
4. MDE Recommendation – Increased Data on Attendance
5. Increased Data Sharing Between School Districts and County Governments
6. School Staff Dedicated to Truancy Reduction
7. Transportation of Students To and From School
8. Community Support

Table of Contents

Executive Summary	1
Membership	3
Enabling Legislation	4
Overview of Meetings	5
Recommendations	7
Staff Contributions	12
Appendix A: Statutory Authority	13
Appendix B: Meeting Minutes	15
Appendix C: Committee Materials	16

Membership

Minnesota Laws 2024, Chapter 115, Article 1, Section 21.

Subd. 2. **Members.** (a) The legislative study group on student attendance and truancy consists of:

(1) four duly elected and currently serving members of the house of representatives, two appointed by the speaker of the house and two appointed by the house minority leader; and

(2) four duly elected and currently serving senators, two appointed by the senate majority leader and two appointed by the senate minority leader.

(b) The appointments must be made by June 15, 2024, and expire December 31, 2024.

(c) If a vacancy occurs, the leader of the caucus in the house of representatives or senate to which the vacating study group member belonged must fill the vacancy.

Representative Heather Keeler, Chair

Appointed by: Speaker of the House

Representative Ben Bakeberg

Appointed by: House Minority Leader

Representative Bryan Lawrence

Appointed by: House Minority Leader

Representative Bianca Virnig

Appointed by: Speaker of the House

Senator Mary Kunesh, Vice-Chair

Appointed by: Senate Majority Leader

Senator Steve Cwodzinski

Appointed by: Senate Majority Leader

Senator Robert Farnsworth

Appointed by: Senate Minority Leader

Senator Michael Kreun

Appointed by: Senate Minority Leader

Enabling Legislation

Minnesota Laws 2024, Chapter 115, Article 1, Section 21.

Subd. 3. **Duties.** (a) The legislative study group must study and evaluate ways to increase student attendance and reduce truancy. In preparing the recommendations, the group must consider the following:

- (1) current statutory requirements relating to student attendance and truancy;
 - (2) currently available attendance data and additional data that would help schools and policy makers understand and reduce absenteeism;
 - (3) the effect of school programs and strategies to improve attendance;
 - (4) the role of school principals in addressing student absenteeism;
 - (5) the role of the Department of Education in addressing student absenteeism;
 - (6) the role of counties in addressing truancy; and
 - (7) how truant students are tracked across county lines.
- (b) The study group must identify and include in its report any statutory changes needed to implement the study group recommendations.

Overview of Meetings

First Meeting- July 29, 2024

The Study Group elected Representative Heather Keeler as Chair. Members of the Study Group and staff introduced themselves. Staff from the Legislative Coordinating Commission provided an overview of the Study Group's enabling legislation. Members of the audience introduced themselves.

Second Meeting- August 12, 2024

The Study Group elected Senator Mary Kunesh as Vice Chair. The Study Group heard brief introductions from 23 different stakeholders from EdAllies, Hennepin County Attorney's Office, Bloomington Public Schools, Sanneh Foundation, Association of Metropolitan School Districts, Columbia Heights Public Schools, Minnesota School Social Workers Association, students at Prior Lake High School, Savage Police Department, Minnesota School Boards Association, Minnesota Association of Secondary School Principals / Minnesota Elementary Principals Association, Minnesota Alliance with Youth, Minnesota Department of Education, Multicultural Autism Action Network, Scott County, and Playworks Minnesota.

Third Meeting- August 26, 2024

The Study Group heard brief introductions from 23 different stakeholders from Mitchell Hamline School of Law, Olmsted County, Polk County, East Grand Forks Public Schools including several students, White Earth Band of Ojibwe, Bug O Nay Ge Shig School, Brown County, Minnesota State University Mankato, Otter Tail County, Northfield Public Schools, Northfield Promise, Red Wing Public Schools, BARR Center, Detroit Lakes High School, Anoka Hennepin School District, Saint Paul Public Schools, School Nurse Organization of Minnesota, and Bloomington Public Schools.

Fourth Meeting- September 9, 2024

The Study Group heard testimony from several students from BlueSky Online; Camden High School, Minneapolis; Southwest High School, Minneapolis; Fergus Falls Area Learning Center; and Duluth East High School. The Study Group then heard a presentation by EdAllies going over student attendance data in Minnesota and the issues around using it.

Fifth Meeting- September 23, 2024

The Minnesota Department of Education presented to the Study Group about its role in collecting student attendance data. The Minnesota Department of Children, Youth, and Families provided a brief introduction about its creation and its role in the issues around student truancy. The Education Commission of the States presented about efforts other states have taken to reduce student truancy in the wake of the pandemic. The members of the Study Group concluded the meeting with a discussion about their takeaways and their future aims.

Sixth Meeting- October 7, 2024

The Study Group heard a presentation from Scott County and Shakopee Public Schools about the work they are doing together to reduce student truancy. The Study Group then invited the stakeholders in attendance to join the table for a discussion about what first legislative changes are

needed to deal with student attendance that can be done with bipartisan support in the 2025 legislative session.

Seventh Meeting- October 21, 2024

The Study Group discussed possible avenues for dealing with student attendance and voted to move forward with recommendations in eight subject areas

- 9. Consistent Definitions
- 10. Coordination Among State and Local Agencies
- 11. Community Engagement - Cultural/Lived Experience School Credit
- 12. MDE Recommendation – Increased Data on Attendance
- 13. Increased Data Sharing Between School Districts and County Governments
- 14. School Staff Dedicated to Truancy Reduction
- 15. Transportation of Students To and From School
- 16. Community Support

Eighth Meeting- November 18, 2024

[Summary of the meeting, including any testimonies and votes]

Ninth Meeting- December 2, 2024

[Summary of the meeting, including any testimonies and votes]

Tenth Meeting- December 16, 2024

[Summary of the meeting, including any testimonies and votes]

Recommendations

1. Consistent Definitions

- a. Encourage Minnesota School Board Association (MSBA) to adopt model definitions produced by the Student Attendance Pilot Program (Minnesota Laws 2024, Chapter 115, Article 1, Section 20) based on their December presentation to the Study Group regarding standardized definitions of various terms:
 - i. Excused Absence
 - ii. Unexcused Absence
 - iii. Half-Day Absence
 - iv. Tardy
- b. Recommend Legislature examine how habitual truancy and educational neglect definitions are used in practice. Chapter 260A is the Truancy chapter.
 - i. “Continuing truant”, defined at section 260A.02, subdivision 3. For purposes of Chapter 260A, which sets up intervention and community-based truancy services to support families and children in keeping children in school and combating truancy and educational neglect.
 - ii. A “child in need of protection or services” (CHIPS) case can be brought under ch. 260C for habitual truancy. “Child in need of protection or services” is defined at section 260C.007, subdivision 6 and includes a child who is a habitual truant.
 1. “Habitual truant” is defined in section 260C.007, subd. 19.
 - iii. Educational neglect. A CHIPS case may also be brought on the basis of neglect.
 1. “Neglect” is defined at 260E.03, subdivision 15. Clause (4) relates to educational neglect - “failure to ensure that the child is educated.”
- c. MN Stats Index for Truants –
- d. Examine definitions of habitual truancy and educational neglect
 - i. Timelines for habitual and continuing (chronic) truant
 - ii. Consider goals – benefits/drawbacks to quick timelines? Increase or decrease discretion and flexibility?
- e. Other statutes re: absence (not truancy)
 - i. Section 120A.22, subdivision 12- excused absences, including provision re: three hours per week for religious instruction (paragraph (a), clause (3))
 - ii. Section 120A.35- absence from school for religious observance

2. Coordination Among State and Local Agencies

- a. Engage Children’s Cabinet to understand (Minn. Stat. 4.045)
 - i. How relevant state agencies and local governments coordinate efforts on student attendance and truancy, especially in partnership with MDE, DCYF, and MDH
 - ii. What recommendations the Children’s Cabinet may have for statutory changes necessary to increase effectiveness of agency partnerships re: truancy
 - iii. Progress of transfer of early education and care programs to DCYF
- b. Engage Minnesota Youth Council to work together with state agencies and local governments to report on successful intervention programs and strategies (Minn. Stat. 124D.957)

3. **Community Engagement - Cultural/Lived Experience School Credit**

- a. Encourage the Legislature to expand conversations with Minnesota Indian Affairs Council (MIAC) and the Tribal Nations Education Committee (TNEC) about adjustments to state law on excused absences (Minn. Stat. 120A.22, Subd. 12) or school calendars to reflect the needs of indigenous students.
 - i. Potential role for American Indian Parent Advisory Committee at districts.
See section 124D.78
- b. Encourage districts to give students homework credit for participating in cultural activities that meet help students meet benchmarks associated with standards. Require committees that develop the benchmarks (part of standards development process) to consider such activities and provide examples to districts. (See section 120B.023)
- c. Example: Indiana Code 20-33-2-17.5
 - (a) The governing body of a school corporation may authorize the absence and excuse of a student who attends any educationally related nonclassroom activity. Any educationally related nonclassroom activity and nonclassroom activity must meet all the following conditions:
 - (1) Is consistent with and promotes the educational philosophy and goals of the school corporation and the state board.
 - (2) Facilitates the attainment of specific educational objectives.
 - (3) Is a part of the goals and objectives of an approved course or curriculum.
 - (4) Represents a unique educational opportunity.
 - (5) Cannot reasonably occur without interrupting the school day.
 - (6) Is approved in writing by the school principal.
 - (b) A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

4. **MDE Recommendation – Increased Data on Attendance**

- a. Encourage MDE to provide increased data on student attendance including breakdowns by severity of missed attendance and by school level (elementary/middle/high school) as school districts conform to standard definitions per Point 1.
 - i. up to ten percent of classes or school days for any reason;
 - ii. between ten and 29 percent of classes or school days for any reason;
 - iii. between 30 and 49 percent of classes or school days for any reason; and
 - iv. 50 percent or more of classes or school days for any reason.
 - v. Examine December 1 reporting date to MDE. (120A.24, Subd. 4)

5. **Increased Data Sharing Between School Districts and County Governments**

- a. Which laws are interfering?

Information about students is protected under both the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Minnesota Government Data Practices Act (GDPA). See 20 U.S.C. § 1232g(b); Minn. Stat. § 13.32. Both of these laws prohibit school districts from releasing student information,

including attendance records, without parental consent, unless a specific exception to the consent requirement applies. This prohibition extends to releases to county agencies or officials.

b. What can school districts provide to county attorney offices?

Despite the general prohibition on releasing student information, a number of exceptions exist in both FERPA and the GDPR that allow districts to release individual student attendance data, as well as additional student data, to county agencies and officials.

Under FERPA, consent is not required for a disclosure to “state and local officials or authorities” when such a disclosure is allowed or authorized by state statute. See 34 C.F.R. § 99.31(a)(5). The GDPR similarly permits disclosure of student information “pursuant to a statute specifically authorizing access.” See Minn. Stat. § 13.32, subd. 3(c). Two key Minnesota statutes may be used to authorize disclosures of student data, without parent consent, for purposes of addressing truancy or chronic absenteeism. These include:

- Section 260A.07, which allows a district to refer a truant student to a county attorney; and
- Chapter 260E, which allows and requires school officials to report instances of educational neglect as a form of child maltreatment.

c. Potential statutory change to Chapter 13

While the state laws discussed above authorize referrals and reports regarding truancy or educational neglect by school districts, neither clearly authorize robust data-sharing between districts and county agencies and officials. If the legislature wishes, that kind of data sharing could be authorized in state law. Such an authorization should be specifically tailored to address the problem at hand, with the general caveat that, because it is protected information, only data necessary to address the problem of truancy/absenteeism should be allowed to be shared absent parental consent. Overly relaxed sharing of private student data between school districts and law enforcement or child welfare authorities could degrade trust between parents and school officials.

6. School Staff Dedicated to Truancy Reduction

- a. More funding for school district attendance/truancy liaisons
 - i. Increase existing categorical revenues for which truancy reduction is allowable use (e.g. compensatory revenue under 126C.15)
 - ii. Expand eligible uses of existing categorical revenues to include programs/staff dedicated to truancy reduction (e.g. student support personnel aid under 124D.901)
 - iii. Establish new categorical revenue for student attendance liaisons or truancy programming
 - iv. Provide additional unrestricted revenue

- b. Recommend/require that districts identify/appoint staff to focus on truancy reduction and other related programming, including community engagement
- c. Higher education recommended needs navigator? Copy that language?
- e. Examine 120A.22, subd. 10 – requirements for instructors

7. Transportation of Students To and From School

- a. Type III transportation (a type III bus is usually a passenger vehicle or a van).
 - i. A driver of a type III vehicle must be employee of school district or contract transportation company (not a volunteer), with valid driver license, have undergone a background check, and receive training annually, section 171.02, subd. 2b .
 - ii. Type III Vehicles must meet certain standards section 169.454. The vehicle must be a 2007 model year or newer vehicle (used to be limited to 12 years old or less), vehicle must have fire extinguisher, first aid kit, and safety triangles.
 - iii. There is an existing exception to Type III transportation in subdivision 13 for certain nonscheduled transportation—could (should) this authority be further clarified or explicitly mention truancy?
 - iv. Type III vehicles are a type of school bus and must be inspected annually by the state patrol, section 169.451.
Encourage more and different training for type III transportation
- b. How to encourage districts and schools to use more Type III vehicles/drivers? Could the type III process be simplified for the drivers or the vehicles? Under what circumstances would it be appropriate for the school to arrange a ride via a ride share or taxi app or allow a volunteer to transport the student?
- c. Encourage Legislature to provide funding for school districts to purchase Type III vehicles
- d. Peace officers may drive truant to school or truancy centers, [section 260C.143](#) Should this authority be modified or limited (e.g. unmarked car only?)
- e. State law requires that any child who lives more than **2** miles from school must be provided transportation to and from school, [section 123B.88. Subd. 1](#). Busing zone (2-mile radius). Many schools choose to transport elementary students who live 1 or more miles from school. Should transportation of students at risk of truancy be required?

8. Community Support

- a. Encourage Legislature and Agencies to create system to evaluate holistic success rates of community partnerships (healthcare and mental health) beyond attendance. Encourage Legislature and Agencies to promote and fund successful healthcare and mental health partnerships.
 - i. School-linked behavioral health grants- section 245.4901. More info: <https://mn.gov/dhs/partners-and-providers/policies-procedures/childrens-mental-health/school-linked-bh-services/>; funding: \$24.1M in FY24, \$24.1M in FY25, \$19.6M in FY 26 and FY27 respectively
 - ii. Full-service community schools- section 124D.231
 - iii. School-based health centers- section 145.903

- iv. Community education programs (section 124D.19) offer ECFE classes, which include parenting. Could expand to include parenting classes for older students with an emphasis on attendance.
- v. Comprehensive school mental health services lead at MDE- section 127A.215
- vi. Community-based truancy projects and service centers- section 260A.04
- vii. School Health Services (school nurses) - section 121A.21

Staff Contributions

This report would not have been made possible without the contributions of staff members from the Senate, House, and Legislative Coordinating Commission.

Appendix A: Statutory Authority

Minnesota Laws 2024, Chapter 115, Article 1, Section 21.

Sec. 21. **STUDENT ATTENDANCE AND TRUANCY LEGISLATIVE STUDY GROUP.**

Subdivision 1. **Establishment.** A legislative study group is established to study issues related to student attendance and truancy.

Subd. 2. **Members.** (a) The legislative study group on student attendance and truancy consists of:

(1) four duly elected and currently serving members of the house of representatives, two appointed by the speaker of the house and two appointed by the house minority leader; and

(2) four duly elected and currently serving senators, two appointed by the senate majority leader and two appointed by the senate minority leader.

(b) The appointments must be made by June 15, 2024, and expire December 31, 2024.

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(3) the effect of school programs and strategies to improve attendance;

(4) the role of school principals in addressing student absenteeism;

(5) the role of the Department of Education in addressing student absenteeism;

(6) the role of counties in addressing truancy; and

(7) how truant students are tracked across county lines.

(b) The study group must identify and include in its report any statutory changes needed to implement the study group recommendations.

Subd. 4. **Meetings and chair.** (a) The speaker of the house must designate a member to convene the first meeting of the study group, which must be held no later than

July 15, 2024. Members of the study group must elect a chair from among the members present at the first meeting. The study group must meet periodically.

(b) Meetings of the study group are subject to Minnesota Statutes, section 3.055. The meetings may be conducted by interactive television.

Subd. 5. **Administrative support.** The Department of Education must cooperate with the legislative study group and provide information requested in a timely fashion. The Legislative Coordinating Commission must provide meeting space, technical and administrative support, and staff support for the study group. The study group may hold meetings in any publicly accessible location in the Capitol complex that is equipped with technology that can facilitate remote testimony.

Subd. 6. **Consultation with stakeholders.** In making recommendations, the study group must consult with interested and affected stakeholders.

Subd. 7. **Report.** The study group must submit a preliminary report with its recommendations to the legislative committees and divisions with jurisdiction over kindergarten through grade 12 education by November 1, 2024, and a final report by December 31, 2024.

Subd. 8. **Expiration.** The study group expires December 31, 2024, or on the date upon which the final report required under subdivision 7 is submitted to the legislature, whichever is later.

Appendix B: Meeting Minutes

[A copy of each of the meeting minutes will be included in the final report as an appendix]

Appendix C: Committee Materials

[A copy of each document utilized in a meeting will be included in the final report as an appendix]