

FACT SHEET

Educational Neglect vs. Truancy

North Dakota Century Code Chapter (NDCC) [15.1-20-01](#), "Compulsory attendance" directs, that the caregiver(s) for a child "between the ages of seven and 16 years shall ensure that the child is in attendance at a public school for the duration of each school year". This law also says that if a person enrolls a child of age six in a public school, the caregiver shall ensure that the child attends the public school for the duration of the school year. A caregiver may withdraw a child of age six from the public school. This section of the law does not apply if the reason for the withdrawal is the child's relocation to another school district. State statute also provides that a child may receive home education unless the child has a developmental disability that meets the legal definition. There are also other allowable exemptions in NDCC section [15.1-20-02](#).

WHAT IS EDUCATIONAL NEGLECT?

Educational neglect involves the failure of a caregiver to ensure that a child of mandatory school age attends school or is provided appropriate home schooling.

Educational neglect focuses on the behavior of the caregiver. For a child to be considered to be a suspected victim of educational neglect, the caregiver must have been unable or unwilling to meet the child's educational needs. Suspected educational neglect should be reported to Child Protection Services.

WHAT IS TRUANCY?

North Dakota Century Code Chapter [27-20.3](#) discusses school absence and children missing school without an authorized excuse for more than three days.

Truancy focuses on the behavior of the child. For a child to be habitually truant, the child must intend to be absent from school. A general presumption is that a child 12 and older is truant, but this is not a hard and fast rule. Some children younger than 12 may intend to be truant from school, even though their caregiver(s) have encouraged attendance.

WHERE DO I REPORT TRUANCY FOR A CHILD IN NEED OF SERVICES?

Make a referral to the Children in Need of Services Team (a statewide human service zone team). See details on how to make a referral at hhs.nd.gov/cfs/children-need-services.

WHEN SHOULD EDUCATIONAL NEGLECT BE REPORTED TO CHILD PROTECTION SERVICES?

The policy manual of the North Dakota Department of Health and Human Services; Children and Family Services Division; 640-15-05-15-30, 'Educational Neglect' states, "Educational neglect may exist when a child aged seven to 16 is not meeting the mandated educational requirements with consent, encouragement or insistence of the caregiver. Caregivers' actions or inaction has direct impact on the child's educational growth. **The school must demonstrate attempts to resolve the issue with the caregiver.**"

Educational neglect should be reported to Child Protection Services when:

- there is reasonable suspicion that a caregiver is not complying with North Dakota's compulsory school attendance law; and

- there is information indicating the caregivers' actions or inaction has direct impact on the child's educational growth; and
- efforts to resolve the situation with the caregiver, on the part of the school, have failed.

WHAT SHOULD BE INCLUDED IN A REPORT?

The North Dakota State Form number [\(SFN\) 960](#) **"Report of Suspected Child Abuse or Neglect"** should be used in reporting educational neglect as it is for any other type of suspected child maltreatment. This form is available through your local county social service office, or an electronic version can be completed for printing at: <http://www.state.nd.us/eforms/>. Include all the information requested on the form. It is also helpful to attach any supporting documentation to your report, such as the child's attendance record, any written excuses or other communication from the caregiver, and any record of contacts with the caregiver the school has made in an attempt to resolve the issues in the report. A social worker will be assigned to analyze and assess the report once it is received at the county social service office. The social worker that is assigned to assess the report may contact you for additional information. You may also contact the social worker to provide additional information or to inquire about the outcome of the assessment. The goal of the assessment is to assess the safety of the child and identify any underlying causes for school non-attendance along with any risk of future child abuse or neglect, and to work with the family to resolve the concerns.

WHY IS CHILD PROTECTION INVOLVED WITH A STUDENT'S EDUCATION?

State law ([NDCC 50-25.1-02](#)), commonly known as the Child Abuse and Neglect Law, defines that "Neglected child" means a deprived child as defined in chapter 27-20. NDCC Chapter 27-20-02 defines that "Deprived child" means "a child who is without proper parental care or control, subsistence, **education** (emphasis added) as required by law.....".

North Dakota law ([NDCC 50-25.1](#)) gives Child Protection Services the responsibility for "the providing of adequate services for the protection and treatment of abused and neglected children and to protect them from further harm". It is the job of child protection services to receive reports of suspected educational neglect as well as other types of child maltreatment, and to engage in the fact-finding process of an assessment in order to make a decision whether services are required for an abused or neglected child.

WHAT SHOULD NOT BE REPORTED TO CPS?

CPS works with protecting children who are suspected of being abused or neglected by a caregiver. Issues of disagreement between caregivers and school systems are generally not actionable through CPS. These types of reports would fall into this category:

- Caregivers who do not attend Individual Education Plan Meetings, parent/teacher conferences or other school meetings
- Caregivers who are not helping a child with homework at home
- Caregivers who do not pay school fees in a timely manner
- Caregivers who refuse to give their child medications that are unrelated to a medical need
- Caregivers who are providing home education and are suspected of not meeting state requirements

Policy Questions?

Contact North Dakota Health and Human Services – Children and Family Section, (701) 328-2316, 711 (TTY) or hscfs@nd.gov.