

Truancy
And
Compulsory School Attendance
Policies, Procedures and Guidelines

Menominee County Intermediate School District

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Sec. 1 General Policy:

It is the policy of the Menominee County Intermediate School District, through its Truancy/Attendance Officer, to compliment the efforts of local school district building officials in enforcing the Michigan Compulsory Attendance Act.

The local school district building officials should concentrate its efforts on prevention of non-attendance by its students first and foremost, and then working in a partnership with the Menominee County Intermediate School District, on intervention.

With these goals in mind it should also be understood that each truancy or non-attendance situation is unique, and this document is not all-inclusive as it relates to truancy prevention. Therefore, deviation from the procedures in this document may be appropriate and acceptable in some cases in keeping with the goals of keeping a student in school and/or attending on a continuous and regular basis.

Sec. 2 Compulsory Attendance Law:

The law in Michigan, MCL 380.1561, governing compulsory attendance states in part:

For a child who turned age 11 before December 1, 2009 or who entered grade 6 before 2009, the child's parent, guardian, or other person in this state having control and charge of the child shall send that child to a public school during the entire school year from the age of 6 to the child's sixteenth birthday. Except as otherwise provided for by law, a child who turns age 11 on or after December 1, 2009 or a child who was age 11 before that date and enters grade 6 in 2009 or later, the child's parent, guardian, or other person in this state having control and charge of the child shall send the child to a public school during the entire school year from the age of 6 to the child's eighteenth birthday or child graduates high school, which ever comes first. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. In a school district that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

Sec. 3 Attendance Exceptions:

A child is not required to attend a public school in any of the following cases:

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The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located.

The child is less than 9 years of age and does not reside within 2-1/2 miles by the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this subdivision does not apply.

The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.

The child is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.

The child has graduated from high school or has fulfilled all requirements for high school graduation.

The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

For a child who turns age 11 on or after December 1, 2009 or who was age 11 before that date and enters grade 6 in 2009 or later, this section does not apply to the child if the child is at least age 16 and the child's parent or legal guardian has provided to school officials of the school district in which the child resides a written notice that the child has the permission of the parent or legal guardian to stop attending school.

Sec. 4 Local Attendance Policies:

Local boards of education have the authority to adopt attendance policies addressing the number of days a student may miss due to illness or other causes. Although the law does not mandate that school district policies distinguish between excused and unexcused absences, the State Board of Education has taken the position that districts should make this distinction.

The attendance policies should be well defined, distributed and explained to students, parents, teachers and school administrators. **There should also be clearly stated consequences the students may face relative to lack of regular attendance.**

In a matter related to school attendance and grades, the Michigan Attorney General issued an opinion cited as 1978 OAG 5414 that states that the compulsory school attendance law recognizes an educational value in regular attendance at school. The opinion states that classroom attendance instills a concept of self-discipline, exposes a

student to group interactions with teachers and fellow students, and enables a student to hear and participate in class discussion and other related learning experiences. Based on these considerations, the Attorney General concluded that a school district may consider attendance in determining a student's grade in a course.

Sec. 5 School Enforcement of Attendance Policies:

Non-attendance intervention by school officials should start early and at the first sign a problem with attendance is developing with the student. A determination of the reason for the absences should be attempted and resolved locally if at all possible. This can include notifying parents by phone or letter, holding a school official, parent, student meeting, or involving school counselors, social workers or other outside agencies to assist the student and parent(s). School officials should then continue to monitor the student and parent(s) for compliance with school policies and compulsory school attendance laws.

Sec. 6 Documentation By Schools:

The actual wording in a Truancy petition is as follows:

The juvenile is under the age of 16 and willfully and repeatedly absents himself or herself from school or other learning programs, and the juvenile, juvenile's parent, guardian or other custodian and school officials or learning program personnel have met on the juvenile's educational problems and educational counseling and alternative agency help has been sought. The juvenile's truancy or rule violation record consists of: (facts are inserted here)

The actual wording of a warrant for an adult is as follows:

The complaining witness has filed a sworn complaint in this court stating that on the date and location described, the defendant, contrary to law, did, being the parent or guardian having control and charge of a certain child between the ages of 6 and 16 to-wit: (child's name), fail to send said child to the public school; contrary to MCL 380.1561.

This wording will likely change on and after December 1st 2014 when the law begins to include 16 year olds and on and after December 1st 2015 when 17 year olds will also fall under the Michigan Compulsory Attendance laws.

As the above elements must be present at the time the petition process is initiated school officials must document when the student was willfully and repeatedly absent from school through it's attendance records. Details of the absences should include as much information as possible to establish the

absences were willful and without proper excuse, or attendance polices were not complied with by the student or parents and therefore considered unexcused.

Each school must also keep a record of all contacts or attempted contacts with the parent and/or child, including, who was involved in the contact, the date, time and location of the contact, and a summary of what was said or done. This additional documentation is to show the student, student's parent, guardian or other custodian and school officials or learning program personnel have met, or attempted to meet, on the student's educational problems and educational counseling and alternative agency help has been sought as required in the petition language.

The Court will be look more favorable at a petition request that shows that interventions were started as soon as the child's attendance became problematic.

Again, if it becomes necessary to successfully prove a case in court, school officials must be able to provide documentation on absences in detail and their interventions, efforts and actions undertaken in the potential truancy cases.

Sec. 7 Early Truancy Intervention:

Prior to a Truancy Referral Form being filed, the Truancy/Attendance Officer can be contacted to help support the school in diverting potential truant students. This can be done by submitting an **Early Truancy Intervention Form** to the Menominee County Intermediate School District Truancy/Attendance Officer. In this capacity, the Truancy/Attendance Officer can do the following:

Contact the responsible parent(s) by letter, phone or in person, and let them know the school has contacted the Menominee County Intermediate School District Truancy/Attendance Officer concerning their child's attendance and strongly encourage the parent to address the issues resulting in their child's non-attendance and have the student return to school and/or regularly attend school in the future to avoid possible legal action.

Encourage parents to contact school officials and/or the Truancy/Attendance Officer to help resolve the non-attendance issues.

Assist school officials, students and parents in developing an action plan for regular attendance.

Sec. 8 When A Truancy Referral Should Be Made:

A truancy referral should be made for a student required to attend public school under the Compulsory School Attendance laws of the State of Michigan and one or more of the following situations apply.

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School personnel notice a pattern of absenteeism, and as indicated by school policy is unsatisfactory and the parents have been notified of pending referral and have had an opportunity to discuss the situation.

School personnel feel the pattern of absenteeism is excessive and is interfering with the student's school success; this could also include situations when a student has had excused absences without a doctor's statement or that the excuses lack authenticity, and also for excessive tardiness.

There are special circumstances that a school official considers to be serious enough to warrant a Truancy Referral. For example this could include excessive absences due to head lice, home environment or health conditions.

A student under age 16 (or under age 18 if applicable) leaves a school and the school officials are unable through their own efforts and resources to locate the whereabouts of the student or nature of the "drop".

Prior to the point in time that a student has lost credit to better enable the student to graduate on time.

Sec. 9 Truancy Referral Process:

In the interest of good will, due process and a spirit of partnership, school building officials of a pending Truancy Referral should notify the parent(s). The parent(s) should be informed of the referral process steps including the fact that continued lack of regular daily attendance could lead to court intervention. The school building official should inform the parent(s) of this in writing, or as a part of a documented pre-referral meeting.

Problem solving with the parent(s) and/or student should have occurred, or been attempted, prior to a referral and all resources at the school level should have been utilized. The school-building officials should continue to work with the student and parent(s) after making a referral to the Menominee County Intermediate School District to improve attendance.

The completed **Truancy Referral Form** should be forwarded to the Menominee County Intermediate School District Truancy/Attendance Officer along with available supporting documentation.

A checklist is provided with the Truancy Referral Form to assist school officials in compiling documentation and to determine if proper prevention and intervention have been taken to support a petition or warrant request in the event the Legal Notice is not complied with.

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If a student is receiving special education services it is not considered truancy if the student's non-attendance is related to the student's disability, inappropriate placement, programs or services.

Sec. 10 Legal Notice:

When a **Truancy Referral Form** is filed with the Menominee County Intermediate School District Truancy/Attendance Officer and supported by documentation establishing that the student has willfully and repeatedly been absent from school without a valid excuse or reason, a **Legal Notice** will be mailed to the child's parent(s) or other person in parent relations.

The Legal Notice will advise the parent(s) that their child under their legal control has not been attending school as required by the Compulsory Attendance Laws of the State of Michigan. They will further be directed:

1. To send said child to the appropriate public school of your district on the morning of the first school day after receipt of this notice.
2. Said child must be in regular and consecutive attendance for the remainder of the school year.
3. To contact the school to review and revise your child's attendance plan with the school principal or school counselor.
4. Any other conditions that may apply.

The Legal Notice will also advise the parent(s) that if the child does not appear in school as provided above, it shall be the duty of the Truancy/Attendance Officer by law to make a complaint against the parent and turn this matter over to the Menominee County Prosecutor's Office for whatever action that office determines is necessary.

Sec. 11 Compliance With Legal Notice:

School officials will be notified that the Legal Notice was sent and its contents. School officials should continue to monitor the student's attendance. If the student and/or parents comply with the Legal Notice the Menominee County Intermediate School District Truancy/Attendance Officer will keep an inactive file on the student for the rest of the school year. If at anytime attendance issues arise school officials should contact the Truancy/Attendance Officer and the file can be reopened.

Sec. 12 Non-Compliance With Legal Notice:

If the student and/or parent(s) do not comply with the conditions in the notice, the Truancy/Attendance Officer can then start the process to request a petition or warrant through the Menominee County Prosecuting Attorney's Office. Generally a warrant is requested/issued to a parent or guardian for a child under the age of 11. For a child 11 or older the matter is generally handled through a juvenile petition through the probate-family court.

At this time school official must have complied and be able to provide documentation to support a juvenile petition or warrant: That the student was willfully and repeatedly absent from school or other learning program, and the student, student's parent, guardian or other custodian and school officials or learning program personnel have met, or attempted to meet, on the student's educational problems and educational counseling and alternative agency help has been sought.

The Prosecuting Attorney's Office will decide if a petition or warrant will be filed with the appropriate court based upon the facts and information provided to them.

Sec. 13 Court Intervention:

There are three sections of laws used to enforce school attendance. All three have two elements in common. First the lack of attendance must be 'willful', therefore the absences must be unexcused, unreasonable, or lack appropriate documentation, and second, the student must be "repeatedly" absent from school. This can include a pattern of tardiness or a pattern of absences such as every Friday or one day per week.

The first law, the Compulsory Education Law, in general requires that every parent, guardian, or other person in this state having control and charge of a child from the age of six to the child's sixteenth birthday, or 18th birthday in some cases, shall send that child to public schools during the entire school year. The child's attendance shall be continuous and consecutive. Exceptions to this law are found in this document in *section 3, Attendance Exceptions*.

In the second law, School Truancy, the Probate Code gives the Family Court jurisdiction over children and their parents when a child willfully and repeatedly absents himself or herself from school or other learning program intended to meet the child's educational needs.

With the third law, Educational Neglect, the Probate Code also gives the Family Court jurisdiction over children and their parents where a parent or other person legally

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responsible for the care and maintenance of children under the age of 18, and when able to do so, neglects or refuses to provide properly necessary education.

Ultimately the amount and type of absences required for each violation of law is the decision of the Judge, depending on the facts of each case. Again, in any truancy matter, the Court will be looking for an indication that interventions were started as soon as the child's attendance became problematic yet the non-attendance issues continued.

Sec. 14 Application:

This document constitutes Menominee County Intermediate School District internal policies, procedures and guidelines, and is not intended to enlarge the Menominee County Intermediate School District's or it's employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the Menominee County Intermediate School District's or it's employee's legal duty as imposed by law.