

ISABELLA COUNTY TRUANCY POLICY

ISABELLA COUNTY PUBLIC SCHOOLS

GRATIOT/ISABELLA RESD

**ISABELLA COUNTY 21st CIRCUIT COURT
FAMILY DIVISION**

ISABELLA COUNTY PROSECUTOR'S OFFICE

D R A F T
February 19, 2008

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THE LAW

(1) The applicable law in this matter states:

[E]very parent, guardian, or other person in this state having control and charge of a child from the age of 6 to the child's sixteenth birthday shall send that child to a public school during the entire school year. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. [MCL 380.1561]

A parent or other person in parental relation who fails to comply with this part is guilty of a misdemeanor, punishable by a fine of not less than \$5.00 nor more than \$50.00, or imprisonment for not less than 2 nor more than 90 days, or both. [MCL 380.1599]

(2) The Juvenile Code also gives the Family Division of the Circuit Court jurisdiction over the 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 . . ." *MCL 712A.2(a)(4)*. However, to take jurisdiction under this provision we must be able to show "that the child, the child's parent, guardian, or custodian, and school official's or learning program personnel have met on the child's educational programs and educational counseling and alternative agency help have been sought."

DEFINITIONS

Days Absent: For purposes of this policy, "Days Absent" means days absent from school. Both excused and unexcused absences may, at the administrator's discretion be used to initiate this policy. These absences may be for classes or for full days. Suspensions are not included. Days counted are cumulative. A count is taken from the beginning of the year to the end of the year, not semester to semester.

Parents/Guardians: Contacts are made with the custodial parent the child

is living with.

Truancy: When a child is repeatedly absent from school without a valid excuse, he/she is truant.

Tardiness: Individual schools will determine their own policy relative to tardys. Repeated instances of tardiness, however, will result in action under this policy.

ISABELLA COUNTY TRUANCY POLICY

Lack of school attendance is a growing problem around the United States of America. As everyone knows, it is not possible for a child to succeed in today's world without a good education. In Isabella County, we want to do everything that we can to make sure our children are attending school and are getting the best opportunity to succeed in life. Various law enforcement, school, and social services agencies have come together, in a collaborative effort, to strengthen this community's commitment to the education of our children.

The attendance and the participation of children in an education program sets the foundation for their future. School is a setting for children to develop not only academic skills, but also social skills, positive peer relationships, and athletic achievements. School is one of the key opportunities for the development of self esteem. This opportunity is best served with the combined efforts of the parents, school personnel, and the community agencies.

TRUANCY POLICY:

(1) **After 5 Absences:** The school employee in charge of attendance will have face to face contact with the student. A phone call will be made to notify the parents/guardians. Also, a letter documenting the warning will be sent to the parents/guardians. Included in this letter will be a copy of the Isabella County Truancy Policy Summary. The RESD representative will also be notified of the student's absences.

(2) **After 8 Absences:** The RESD representative will make contact with the student and the parents/guardians. A referral will also be made to the Prosecutor's Office to have a warning letter sent out to the student and the parents/guardians. The warning letter will inform the student and their parents/guardians of potential criminal charges if the student's absences continue.

(3) **After 10 Absences:** The RESD representative will notify the Isabella County Prosecutor's Office that the student has not complied with the attendance policy and has at least 10 unexcused absences. The RESD representative will request that a truancy petition be filed on the student and possibly the parents. The RESD

representative will supply the Prosecutor's Office with proof of the absences. The Prosecutor's Office will review the information and make a charging decision. Additionally, the Prosecutor's Office will review the matter to determine whether criminal charges against the parent, pursuant to MCL 380.1599, should be filed or a petition filed alleging educational neglect pursuant to MCL 712.2.

(4) Charged Truancy Petition: Once the Prosecutor's Office has decided to issue a truancy petition, it will be sent to the Juvenile Probation Department with the understanding that it will be processed as soon as possible. The goal will be to get the student under the jurisdiction of the court quickly so the student does not have an opportunity to keep missing classes.

(5) Next School Year: If a student ends the school year with more than 7 absences, then for referral purposes, school officials may make an initial truancy notification after only 3 absences in the new school year. The notification to the RESD and the Prosecutor's Office will likewise be reduced in the number of absences in the new school year from 8 to 5 and 10 to 7 respectively.

NOTE: These are just guidelines for the various agencies to follow. Ultimately it will be up to the parties involved to assess all the circumstances surrounding the student's truancy. Based on certain circumstances a petition may be brought earlier or later than the recommended number of absences.

DUTIES OF SCHOOL OFFICIALS

To prove a case in court, it will be necessary for the school official/RES D representative to document every action taken in all potential truancy cases. That means keeping a record of all contacts with the parents and/or child, including who was involved in the contact, the date, the time and location of the contact , and a summary of what was said and done.

PROCEDURE:

In order to implement our efforts to deal with the truancy problem, the following procedure must be followed and documented.

1. Meeting with Student

After a student has 5 absences, a school attendance co-ordinator will have face to face contact with the student. A phone call will be made to the parents/guardians of the student notifying them of the contact with their child, explaining the truancy laws, and explaining the responsibilities of themselves and the student. A letter will be sent to the parents/guardians documenting the students absences and the responsibilities of the student and parents/guardians. Also a copy of the truancy policy summary will be mailed to the parents. The RESD representative will be notified of the student's absences.

2. Phone Call to Parent/Referral to Prosecutor's Office for Warning Letter

After a student has 8 absences, the RESD representative will make another contact with the student to re-enforce the seriousness of his/her truancy. The RESD representative will also make contact with the parents/guardians of the student to discuss the truancy issue. Preferably this contact will be in person, but depending on the situation this contact may be done by phone. The RESD representative will also send a letter to the Isabella County Prosecutor's Office outlining the students absences and requesting a warning letter be sent out to the student and their parents/guardians. The Isabella Prosecutor's Office will then send a letter out to the student and their parents/guardians warning them of the potential of criminal charges if the student's absences continue.

3. Petition to the Court

After a student has received 10 absences, the RESD representative will send a petition request to the Isabella County Prosecutor's Office. The petition request will include all relevant information with regards to the student's absences. This includes, but is not limited to, documentation of absent dates, copies of any prior warning letters

sent out, and documentation of any contacts with student and/or their parents/guardians. The Prosecutor will then make a decision on charging the student and/or the parents/guardians for truancy.

TRUANCY POLICY SUMMARY

(SEND WITH 1ST WARNING LETTER)

DATE

Dear (PARENTS).

(NAME OF SCHOOL) is implementing in a countywide truancy policy. If you have any questions, please feel free to contact any of the building principals.

The Isabella County Truancy Policy is as follows:

(1) After 5 Unexcused Absences:

A conference will be held with the student at school. Parents will be notified about this contact. A letter documenting this meeting with the student AND a copy of the Isabella County Truancy Policy will be mailed home. The RESD representative will be notified of the student's absences.

(2) After 8 Unexcused Absences:

The RESD representative will make a second contact with the student. The RESD representative will also try and make contact with the parents/guardians of the student (preferably in person, but phone is acceptable, based on the situation). Also the RESD representative will notify the Isabella County Prosecutor's Office of the student's absences and a warning letter will be requested.

(3) After 10 Unexcused Absences:

A complaint will be sent to the Isabella County Prosecutor's Office. The Prosecutor's Office will then decide if they are going to bring forth charges for truancy. Charges may be brought fourth on the student and/or the parent/guardians.

(4) New School Semester:

The number of student absences will be calculated from the beginning of the school year until the end of the school year - not semester to semester. If a student has 7 or more absences at the end of the school year they will start the next school year as if they already have 3 absences. This will not be reflected in

the new school year attendance, but it will be used for calculating the number of attendances according to the Truancy Policy.

NOTE: These are just guidelines for the various agencies to follow. Ultimately it will be up to the parties involved to assess all the circumstances surrounding the student's truancy. Based on the circumstances a petition may be brought earlier or later.

SAMPLE WARNING LETTER FROM
THE PROSECUTOR'S OFFICE

DATE

NAME OF PARENTS/GUARDIANS
ADDRESS
Mt. Pleasant, MI 48858

RE: School Attendance

Dear (NAME OF PARENTS/GUARDIANS AND STUDENT),

The Gratiot/Isabella County school attendance coordinator has brought it to my attention that as of _____ 200_ your child, (STUDENT'S NAME), had been absent for _____ days with _____ of those days being unexcused. It is my understanding you were notified of these absences on (DATE) and that you advised the school attendance coordinator that (STUDENT'S NAME) would not be missing any more days. It has also been brought to my attention that since (DATE), your child, has been absent for an additional _____ days. These absences are unacceptable, and it is your responsibility to see that your child attend school, on time and every day.

The applicable law in this matter states:

[E]very parent, guardian, or other person in this state having control and charge of a child from the age of 6 to the child's sixteenth birthday shall send that child to a public school during the entire school year. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. [MCL 380.1561]

A parent or other person in parental relation who fails to comply with this part is guilty of a misdemeanor, punishable by a fine of not less than

\$5.00 nor more than \$50.00, or imprisonment for not less than 2 nor more than 90 days, or both. [MCL 380.1599]

Failure to send your children to school, on time and every day without a valid excuse, could possibly result in the issuance of criminal charges against you, and/or a

petition in probate court for educational neglect, and/or a juvenile petition for truancy against your child. If this pattern of school non-attendance persists, swift action will be taken.

Sincerely,

PROSECUTING ATTORNEY'S NAME
Assistant Prosecuting Attorney
Isabella County