

CHIPPEWA COUNTY TRUANCY PROTOCOL

ENDORSED BY

CHIPPEWA COUNTY PROSECUTOR'S OFFICE

**CHIPPEWA COUNTY 50TH CIRCUIT COURT
FAMILY DIVISION**

91ST DISTRICT COURT

CHIPPEWA COUNTY PUBLIC SCHOOLS

REVISED: MAY 2009

THE LAW

There are three ways in which the Prosecutor's Office and 50th Circuit Court Family Division can become involved with your child:

1. **The Compulsory Education law 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, shall send that child to the public schools during the entire school year. The child's attendance shall be continuous and consecutive ..."** The Revised School Code (Act 451 of 1976) states, "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." These cases are handled in District Court of the jurisdiction where the offense occurs.

A violation of this law occurs "if a child is repeatedly absent from school without valid excuse" or the adult responsible for the child does not make EVERY attempt possible to get the child to school.

- 2 **Chippewa County Ordinance #94-1 (Parental Responsibility) states that parents are responsible "to require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission". Violation of this ordinance is a misdemeanor punishable by up to 90 days in jail and/or a fine of up \$500.00.**

A violation of this ordinance occurs when a parent, by any action, or lack of action, encourages, causes or allows his/her child to be truant, OR when a parent knew or should have known that his/her child was likely to be truant and failed to take timely and appropriate steps to prevent it.

- 3 **The Juvenile Code also gives the Family Division of the Circuit 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..."MCL 712A.2(a)(4). However, to take jurisdiction under this provision we must be able to show "The juvenile willfully and repeatedly absents himself or herself from school or other learning program intended to meet the juvenile's educational needs, or repeatedly violates rules and regulations of the school or other learning program, and the court finds on the record that the juvenile, the juvenile's parent, guardian, or custodian, and school officials or learning program personnel have met on the juvenile's educational problems and educational counseling and alternative agency help have been sought. As used in this sub-subdivision only, "learning program" means an organized educational program that is appropriate, given the age, intelligence, ability, and psychological limitations of a juvenile, in the subject areas of reading, spelling, mathematics, science, history, civics, writing, and English grammar."**

DEFINITIONS

Days absent – Days absent are simply (school defined) absences, *and do not include behavioral suspensions*. Days counted are cumulative. A count is taken from the beginning of the year to the end of the year, not semester by semester.

Parents/guardian – Custodial parent or guardian the child currently resides with at the time of the truant behavior.

Truancy – When a child is repeatedly absent from school without a valid excuse and a parent, guardian, or other person in parental relation fails to send a child under his or her control to the public school or other school listed under section 1561, the child is truant.

Complaint – A criminal petition, filed by school officials, indicating truant behavior by a child, child's parent, or guardian. The petition is forwarded to the county prosecutor for review and authorization. If the petition is completed appropriately and the truancy protocol has been followed, the petition will be authorized and forwarded to the 50th Circuit Court Family Division or 91st District Court for disposition.

CHIPPEWA COUNTY TRUANCY PROTOCOL

Lack of school attendance is an ongoing issue in Chippewa County. Research has shown that regular attendance at school increases the chance for students to improve academically. Various law enforcement, school, and court officials have come together, in a collaborative effort, to strengthen this region's commitment to the education of youth.

The attendance and the participation of children in an educational program sets the foundation for their future. The school environment allows children to develop not only academic skills, but also self esteem, social skills, positive peer relationships, and athletic/extra curricular achievements. This opportunity is best served with the combined efforts of parents, school personnel, and community agencies.

The Chippewa County Truancy protocol is as follows:

After 9 absences A school official will hold a conference with the student, and will also attempt to make contact with the parent or guardian of the student to discuss the attendance issue. Contact will be attempted by both phone and letter.

After 12 absences A school official will contact a parent/guardian to discuss the student's ongoing attendance issue. A restricted certified letter will be sent to the adult/s responsible for the student explaining the attendance. A meeting time will be assigned to meet and discuss student's attendance issues. *At this point, failure of the parent/guardian of student to contact school officials may result in a referral to law enforcement and/or a complaint being forwarded to the county prosecutor.*

After 16 absences As required by Compulsory School Attendance Act and the Chippewa County Truancy Protocol, the school will file a complaint with the Chippewa County Prosecutor's office for review and disposition.

Further Absences School will file additional complaint(s) with the Chippewa County Prosecutor's office for review and disposition.

WHAT SCHOOL OFFICIALS MUST DO

To prove a case in court, it will be necessary for school officials to document every action taken in potential truancy cases. That means keeping a record of all 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.

PROCEDURE

In order to implement our efforts to deal with the truancy problem, the following procedure must be followed and documented (see attached Checklist):

1. FIRST CONTACT – 9 Absences

After a student has 9 absences, a school employee in charge of attendance will attempt to contact the parent/guardian of the student to inform them of the attendance issue. If phone contact is not possible, a letter and a copy of the Truancy Protocol will be sent to the parent/guardian.

2. SECOND CONTACT – 12 Absences

After student has 12 absences, a school employee in charge of attendance will attempt to make a phone contact with the parents/guardian to discuss the student's absenteeism. If phone contact is not possible, then a certified letter will be sent to the parents/guardian.

3. THIRD CONTACT – 16 Absences

After a student has 16 unexcused absences, a certified letter will be sent to the parents/guardian requesting an attendance-planning meeting. Failure to attend this meeting will result in a complaint filed with the prosecuting attorneys office.

FOURTH CONTACT - Petition to Court

Any further unexcused absences will result in a Truancy complaint forwarded to the Chippewa County Prosecutors Office for further review and action.