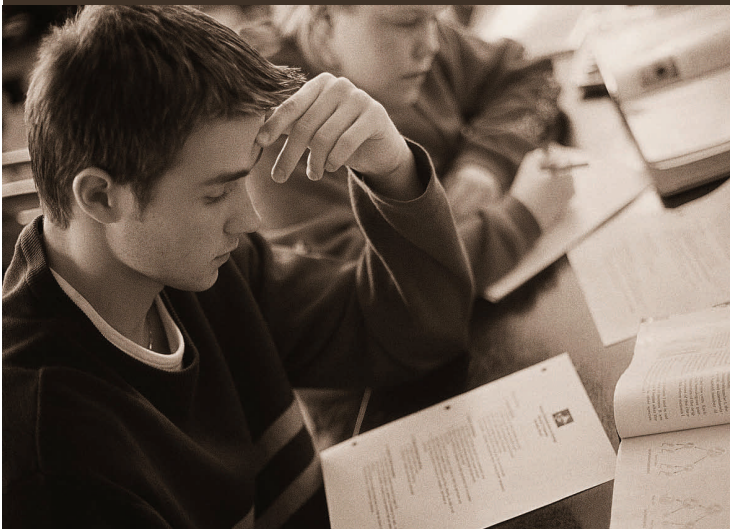




BERRIEN RESA

TRUANCY GUIDELINES HANDBOOK





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CONTACT INFORMATION

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RESOURCES

Berrien RESA Website: <http://www.berrienresa.org/administrativeservices/humanresources/truancy/>

Truancy Referral Form: http://www.berrienresa.org/downloads/human_resources/truancy_referral_form_20110127_105446_4.pdf

Truancy Administrative Checklist: http://www.berrienresa.org/downloads/human_resources/administrative_checklist_truancy_20110127_105514_6.pdf

I. DEFINITION OF TRUANCY

For the purpose of these guidelines, school truancy in Berrien County is defined as follows:

Any unexcused absence, pattern of unexcused absences that are established by a student during the school year, or a continuation of an attendance problem from past years.

II. PROCEDURES FOR HANDLING TRUANCY

A. Initial Procedures for Schools:

When a school administrator or the person designated to investigate and report suspected truancy cases, identifies a student who has an unexcused absence or a pattern of unexcused absences, the following action should be taken before reporting to Berrien RESA. Documentation must be kept of the following:

1. A personal contact is made with the student to discuss and determine the reason for the absences.
2. A contact, either by phone or in person, is also made with the student's parent or guardian.
3. A referral is made for the student to a counselor and/or a school-sponsored program which has been established to reduce the incidence of non-attendance.
4. A registered letter from the administrator is mailed to the parent/guardian of the child, informing them of the dates and frequency of the absences and the consequences of continued truancy.
5. If there is evidence to suggest the need for "special education", complete the Berrien Regional Education Service Agency-Department of Special Education Referral for Services form and submit it to your local Special Education Director so the child can be evaluated.

B. Referrals to the Berrien Regional Education Service Agency:

If the registered letter sent by the school has not resolved the truancy, or you are certain that corrective action is not forthcoming, the following steps need to be implemented:

1. Notify the Berrien Regional Education Service Agency in writing that the child is truant from school. Use the Berrien RESA Referral Forms found on our website, www.berrienresa.org.
2. Include the following information with the referral:
 - a. Dates the administration or designee has contacted parent/guardian in regard to the truancy.
 - b. Dates the administration or designee has held a meeting with the parent/guardian and/or the child to discuss the truancy.
 - c. Copy of letter(s) sent to parent/guardian with regard to the truancy and copy of receipt from registered letter.
 - d. Copies of referrals to in-school programs or outside agencies.
 - e. Attendance for the school year to date of referred student.
3. Berrien RESA:
 - a. Call the school if further information or clarification is needed.

- b. Send a letter to parent directing them to have the child in school immediately.

If the problem is not corrected, the school should again notify the Berrien RESA (usually within 3-5 school days).

- c. Berrien RESA will then attempt to contact the parent/guardian by phone, registered letter, and/or a home visit. A meeting with the parent/guardian, school administrator and the Berrien RESA Truant Officer may also be arranged.

- 4. Berrien RESA will determine if legal action should be taken and may proceed with the following steps:

- a. If the child is already involved with the court system, notification of nonattendance will be reported to the assigned juvenile probation officer as a violation of probation.
- b. Send a letter on behalf of the Prosecutor.
- c. Petition child to the Truancy Academy if appropriate, or refer parent/guardian to Prosecutor for charges of Educational Neglect.

C. Petitions to the Court:

- 1. If the Prosecutor authorizes a petition in the matter of a juvenile, or goes forward with charges against parent/guardian for Educational Neglect, a formal hearing will be scheduled.
- 2. The Judge or referee will determine if the following elements are present:
 - a. Child has willfully and repeatedly absented himself/herself from school.
 - b. There have been satisfactory attempts on behalf of the school to discuss the problem with child and/or parent/guardian.
 - c. Educational counseling has been provided.

III. CONSEQUENCES OF TRUANCY

If the court finds the child and/or parent/guardian guilty, the following consequences could result:

A. Probate Court: (delinquency petition)

- 1. Child may be ordered to attend the Berrien County Truancy Academy and placed on probation, or ordered back to the local district and placed on probation.
- 2. Parent may be assigned parenting classes.
- 3. Child may be assigned counseling services.
- 4. Child could be removed from home and placed in a group home under supervision. In such cases, the parents will be required to pay child support for the care of the child during his/her entire stay in the group home program.

B. Fifth District Court:

- 1. Parents could be fined not less than \$5.00, nor more than \$50.00; or
- 2. Parents could be sentenced to incarceration for not less than 2 nor more than 90 days; or
- 3. Both a fine and incarceration as listed above could be imposed;
- 4. Parents may also be placed on probation for up to a maximum of two years.

C. Circuit Court:

- 1. Friend of the Court could become involved;

2. Judge may write parent(s) or call for an informal hearing.

IV. CHILD PROTECTIVE SERVICES

- A. A report on which the only allegation involves either a parent providing home school instruction or a child failing to attend school is not sufficient basis for suspecting child neglect.
- B. A report of alleged child abuse or neglect specifying child maltreatment which might include, but is not limited to, situations where the parents provide inadequate supervision, fail to assure proper medical care, inflict physical injury or in general fail to provide care of a child, etc., but which also includes an allegation of a child's nonattendance at school, will be considered appropriate for investigation by both children's protective services and the school district.

A FEW REMINDERS

1. It is essential that you document all contacts with the parents and child regarding the truancy problem (i.e. names, dates, times, places, etc.)
2. Be sure your information is accurate and that absences are deliberate or negligent rather than involving extenuating circumstances.
3. If a parent is attempting to get the child to school, the case will be taken to Probate Court (Juvenile).

P.A. 451 of 1977 (amended by P.A. 43 of 1977) MCL 380.1561-380.1599
MICHIGAN COMPULSORY EDUCATION LAW

SECTION 1561

Compulsory attendance at public school; enrollment dates; exceptions:

1. Except as provided in subsection 2 and 3, 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 for the school year fixed by the school district in which the child is enrolled. In a school district which maintains school during the entire calendar, and in which the school year is divided into quarters in one calendar year, a child shall not be absent for two consecutive quarters.
2. A child becoming six 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. A child becoming six 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.
3. A child shall not be required to attend the public school in the following cases:
 - a. A child who is attending regularly and is being taught in a state approved non-public 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.
 - b. A child who is regularly employed as a page or messenger in either house of the legislature during the period of the employment.

- c. A child under nine years of age who does not reside within 2.5 miles of the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this exemption does not apply.
- d. A child from the age of twelve to the child's fourteenth birthday while in attendance at confirmation classes conducted for a period of not to exceed five months in either of those years.
- e. A child who is regularly enrolled in the public schools while in attendance at religious instruction classes for not more than two 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.

SECTION 380.1571

Attendance officer; acceptance and oath of office; surety bond; powers and duties; list of teachers and Superintendents.

1. The intermediate school board shall select one or more persons to act as attendance officers for the intermediate school district. An attendance officer shall file with the secretary of the intermediate school board an acceptance and oath of office, and a surety bond in the sum of \$1,000.00.
2. The board of a school district having a pupil membership of 1,000 or more on the latest pupil membership count day may employ attendance officers. An attendance officer employed by a board of education shall give a surety bond to the board in the sum of \$1,000.00.
3. An attendance officer of an intermediate school district or a local school district shall have the powers of a deputy sheriff within the district or the intermediate school district while performing official duties. An intermediate school district attendance officer shall perform the duties of the office in each constituent district in which the local board does not employ an attendance officer.
4. At the opening of the schools, the intermediate superintendent shall furnish the intermediate attendance officer with a list of the teachers and superintendents employed in constituent districts other than those employing attendance an officer.

SECTION 380.1586

Non attendance at school; notice; investigation; discussion of irregular attendance, failing work, and/or behavior problems with parent:

1. The attendance officer shall investigate each case of non attendance at schools when notified by a teacher, superintendent, intermediate superintendent, or other person of a violation of this part. If the child complained of is not exempt from public school attendance under the conditions listed in Section 1561, the attendance officer shall proceed immediately in the manner provided in this part.
2. If a child is repeatedly absent from school without valid excuse or is failing in schoolwork or gives evidence of behavior problems, and attempts to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.
3. The superintendent, or the teacher in a district which does not employ a superintendent, shall provide information concerning the non attendance of each non resident pupil to the intermediate

superintendent of the intermediate school district in which the non resident pupil resides. The intermediate attendance officer, when notified by the intermediate superintendent or superintendent of schools, shall investigate and proceed in all cases on non attendance of non resident pupils attending schools in districts in which they

SECTION 380.1587

Failing to send child to school; notice to parent; notice of compliance:

1. If a parent 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 attendance officer upon receiving notice from proper authority of that fact, shall give written notice in person or by registered mail to the parent or other person in parental relation requiring the child to appear at the public school or other school on the next regular school day following the receipt of notice, and to continue in regular and consecutive attendance in school. The attendance officer shall notify the intermediate superintendent or superintendent of schools shall notify the attendance officer of the failure on the part of the parent or other person in parental relation to comply with the notice.

SECTION 380.1588

1. The attendance officer, after giving the formal notice prescribed in section 1587, shall determine whether the parent or other person in parental relation has complied with the notice. The attendance officer shall make a complaint against the parent or other person in parental relation having the legal charge and control of the child who fails to comply with the court having jurisdiction in the county of residence for refusal or neglect to send the child to school. The court shall issue a warrant upon the complaint and shall proceed to hear and determine it in the same manner as is provided for other cases under its jurisdiction.

SECTION 380.1589

Furnishing assistance and information to attendance officer:

1. School officers, superintendents, administrators, and teachers shall give assistance and furnish information to aid attendance officer in the performance of official duties.

SECTION 380.1599

Noncompliance of parent as misdemeanor; penalty:

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

SECTION 380.1804

Neglecting or refusing to perform act; violations; penalty:

1. A school official or member of a school board or intermediate school board or other person who neglects or refuses to do or perform an act required by this act, or who violates or knowingly permits or consents to a violation of this act, is guilty of a misdemeanor punishable by a fine not more than \$500.00 or imprisonment for not more than three months, or both.

MICHIGAN JUVENILE CODE

(The following is the section stated on the petition as to which violation has occurred within the jurisdiction of the Juvenile Court):

SECTION 712A.2 (a) (4)

The child willfully and repeatedly absents himself or herself from school or other learning programs intended to meet the child'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 child, the child's parent, guardian, or custodian, and school officials or learning program personnel have met on the child's educational problems, and educational counseling and alternative agency help have been sought. As used in this subparagraph only, "learning program" means an organized educational program that is appropriate given the age, intelligence, ability, and any psychological limitations of a child, in the subject areas of reading, spelling, mathematics, science, history, civics, writing, and English grammar.

SECTION 712A.2 (b) (1)

Whose parent or other person legally responsible for the care and maintenance of the child, when able to do so, neglects or refuses to provide proper or necessary support, education, medical surgical, or other care necessary for his or her health or morals, who is deprived of emotional well-being, who is abandoned by his or her parents, guardian, or other custodian, or who is otherwise without proper custody or guardianship.

OUTLINE OF BERRIEN COUNTY NON ATTENDANCE PROCEDURE

