

CHIPPEWA COUNTY TRUANCY PROTOCOL

ENDORSED BY

CHIPPEWA COUNTY PROSECUTOR'S OFFICE

CHIPPEWA COUNTY 50TH CIRCUIT COURT
FAMILY DIVISION

91st DISTRICT COURT

SAULT SAINTE MARIE CHIPPEWA TRIBAL COURT

CHIPPEWA COUNTY PUBLIC SCHOOLS

REVISED: SEPTEMBER 2021

THE LAW

There are 2 separate “tracks” that a truancy case can take legally. The first track is proceeding against the adult parent/guardian in a criminal case. The second track is proceeding against the child in a delinquency case. The goal in either case is to ensure the child’s attendance at school and that the child’s educational needs are met. This protocol covers both the adult prosecutions and the juvenile delinquency proceedings.

1. The Compulsory Education law requires that children who reach the age of 6 by December 1 must be enrolled on the first day of public school for the school year when they turn 6. This means if a child is born on November 30, 2010 the child must be enrolled on the first day of school in fall 2016. If the child was born on December 1, 2010 the child must be enrolled by the first day of school in 2017.

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. 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 child is not required to attend school as stated above if: (1) the child is attending a state approved nonpublic school; (2) the child is under 9 years old and does not reside within 2 ½ miles of a public school and the school does not provide transportation; (3) the child is age 12-13 and is attending confirmation classes (for 5 months or less); (4) the child is enrolled in public school, but attends religious classes at the written request of the parent, but the student is excused only 2 class hours per week under this subsection; (5) the student has graduated high school or fulfilled the requirements of graduation; (6) the child is being educated at home in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. (MCL 380.1561)

A violation of this law occurs “if a parent or other person in parental relation fails to comply” with this law. The violation is a misdemeanor punishable by a fine of \$5 to \$50 and up to 90 days incarceration. MCL 380.1599

2. Effective October 1, 2021, the Family Division of the Circuit Court has jurisdiction over anyone under 18 years of age. This means that the Court can authorize a petition to find that the child is delinquent and enter orders to ensure compliance of the juvenile. This is a proceeding against the child and not the parent.

MCL 712A.2(a)(4) states that a child is truant, and a petition may be authorized against them if 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 and school officials have met on the juvenile’s educational problems and educational counseling and alternative agency help has been sought.

- 3 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 to \$500.00. This only applies until the minor’s 17th birthday.

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.

Lack of school attendance is an ongoing issue in Chippewa County. Research has shown a direct correlation between student attendance and academic achievement. Various law enforcement, school, and court officials have worked collaboratively to strengthen this community’s commitment to the education of youth.

The attendance and the participation of children in an educational program set 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. It is one of the key opportunities for the development of self-esteem. This opportunity is best served with the combined efforts of parents, school personnel, and community agencies.

DEFINITIONS

Days absent – Days absent are simply (school defined) absences, *and do not include behavioral suspensions or preapproved absences*. 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 MCL 380.1561, the child is truant. The truancy statute also allows a petition to be filed in the event that the child repeatedly violates school rules or regulations.

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

In accordance with the State of Michigan Compulsory Attendance Law, and in cooperation with the Chippewa County Prosecutor's Office, schools in Chippewa County will follow the procedures listed below when students age six to 18 years of age accumulate excessive absences.

After the 6th Absence

When a student reaches his 6th absence in one or more of his/her classes, a school official will contact the parent and/or student regarding the excessive absences. The purpose of the contact will be to discuss the Attendance Policy, Chippewa County Truancy Protocol and the consequences if the student continues to be absent from school.

After the 9th Absence

A school official will attempt to contact the parent/guardian to discuss the student's ongoing attendance issue. If the parent/guardian cannot be contacted by phone, a restricted certified letter will be mailed to the adult responsible for the student, along with a copy of the school's attendance policy, student's attendance record, and the Chippewa County Truancy Protocol.

After the 12th Absence

An attendance-planning meeting will be held at the school. The student and parent/guardian will be required to attend this meeting. At this meeting, the school official will facilitate contact between the school, the parents, and an outside agency such as a dispute resolution center. This outside agency will work with the school and parents to discover the issue causing the absences and ensure that there are no further unexcused absences.

Further Absences

A complaint will be forwarded to the Chippewa County Prosecutor's Office.

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 – 6 Absences

A school employee in charge of attendance will attempt to make contact with the parent/ guardian of the student to discuss the attendance issue. Contact will be attempted by both phone and letter. The parent /guardian of child must contact the school to set up an attendance-planning meeting or school official will set up meeting when contact is made.

2. SECOND CONTACT – 9 Absences

A school employee in charge of attendance will attempt to make contact with the parent/guardian to discuss the student's ongoing attendance issue. Contact will be attempted by both phone and letter. A restricted certified letter will be sent to the adult/s responsible for the student clearly explaining the attendance issue as well as their responsibilities as parent/guardian of student. The parent /guardian of child must contact the school to set up an attendance-planning meeting or school official will set up meeting when contact is made. *At this point, failure of the parent/guardian of student to contact school officials may result in a complaint being forwarded to the county prosecutor seeking prosecution of the parent – not the child.*

3. THIRD CONTACT – 12 Absences

School officials have made every attempt to contact parent/guardian to address the attendance issue and have worked with an outside agency to resolve the problem. As required by Compulsory School Attendance Act and the Chippewa County Truancy Protocol, the school will file a complaint with the Chippewa County Prosecutors office for review and authorization if there are any additional absences after the 12th absence. A petition to proceed against the juvenile rather than the parents is only possible after the alternative agency help is sought.