

MIDLAND COUNTY SCHOOL AND COURT TRUANCY PROGRAM

Attendance Law: The Michigan Compulsory Attendance Law (2010) now states that students must attend school from age six to eighteen years of age.

This change applies to a child who:

- Turns age 11 on or after December 1, 2009. (child's DOB is 12/01/98 or after)
- Was age 11 before December 1, 2009, and entered grade 6 in 2009 or later.

This change does not apply to a child who:

- Turned age 11 before December 1, 2009, (child's DOB prior to 12/01/98)
- Entered grade 6 before 2009
- Is at least age 16 and whose Parent(s)/Guardian(s) have provided the District with written notice that the child has permission to stop attending school (Opt-out provision).

School truancy is a serious concern for our youth in Midland County. Truancy is not only detrimental to success in education, but is a stepping-stone to delinquent and criminal activity. Reports have concluded that chronic absenteeism is the most powerful predictor of delinquent behavior.

The Truancy Program is a collaborative effort between the Midland County Probate Court/42nd Circuit Court – Family Division, the 75th District Court, Midland County Prosecuting Attorney's Office, Community Mental Health of Central Michigan in Midland County and Midland County Public Schools. The program addresses truancy with a continuum of interventions starting with a parent letter and parent meetings with the school, a mental health screening by the Youth Intervention Specialist, a meeting with the Court Services Coordinator and, as a last resort, Court intervention.

Parent Responsibility:

It is the responsibility of the parent(s)/guardian(s) to see that their child attends school regularly and on time. By law, "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 eighteenth birthday, shall send that child to the public schools during the entire school year." Violation of this law is a misdemeanor punishable by up to 90 days in jail and/or a fine. Exceptions to this law exist, including attendance at approved non-public schools and home schooling. MCL 380.1599

School Responsibility:

Schools must inform parent(s)/guardian(s) when their child is not in school. Comprehensive attendance procedures should be adopted by public schools that are understandable and reasonable. The law requires that the school meet with the parent(s)/guardian(s), and with the child to address educational problems including truancy. It is important that the school address the issue of truancy as quickly as possible. Schools must accurately document every absence and respond appropriately and immediately in offering support to students. An effort should be made to resolve issues contributing to the student's attendance problems.

Court Responsibility:

The Midland County Probate Court/42nd Circuit Court – Family Division has jurisdiction over a youth under age 17 who “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)

The Court Services Coordinator, as well as the Youth Intervention Specialist and School Truancy Officer will hold a Truancy Conference with the parent(s) and child (the child attends the conference only in middle and high school truancy cases) to resolve the truancy issues. If after the conference, the child’s absences continue, the Truancy Officer may file a Truancy petition (in middle and high school cases). In the case of elementary truancy the parent(s) are responsible for attending the Truancy Conference (the child does not attend). If the absences continue following the conference (in elementary school cases), the Truancy Officer may bring it to the attention of the Prosecutor’s Office for further review.

School and Court Protocol

The Court will deputize a Truancy Officer, who is a designated staff member at each school. The Truancy Officer will monitor attendance for absences and excessive tardiness.

Absences in excess of 5 days/semester without a valid excuse is an alert to examine the youth’s attendance for possible truancy issues, especially if other warning signs exist: repeated patterns of truancy in the previous semester or past school year, suspensions for criminal behavior, failing grades, or drug or alcohol use.

Protocol for Elementary Schools:

The Midland County Probate Court/42nd Circuit Court – Family Division believes that situations involving younger children (ages 6 to 11) should be handled with a complaint to the Prosecutor’s Office against the parent. The following procedures are suggested for Elementary Schools:

1. If a problem exists, the Truancy Officer shall send letter #1 (see forms) to the parent or guardian of the child, indicating there is an attendance problem and a meeting has been scheduled to discuss the absences.

It must be sent via certified mail, return receipt requested, deliver to addressee only, as well as by regular mail. It may also be personally served on the parent or guardian. Each parent or guardian must receive their own copy of the letter

2. The meeting must be held with the child’s parent or guardian, Truancy Officer and other appropriate school officials. An agreement regarding attendance should be reached and signed. Consequences should be discussed in the event truancy remains a problem. The agreement must include the requirement that the youth will resume regular and consecutive school attendance. Educational and referral services will be offered as well as services provided through the Youth Intervention Specialist.

3. The Truancy Officer will give the child's teacher a copy of the letter sent to the parents and the attendance agreement so attendance can be monitored and reported to the Truancy Officer.
4. If the child misses school two times in the next 30 days or 3 more times in the next three months, the Truancy Officer can request a Truancy Conference with the Court. Send letter #2 to the parents and contact the Court Services Coordinator. The Court will send a letter to the family and schedule the Truancy Conference. The Court Services Coordinator, Youth Intervention Specialist and the Truancy Officer will meet with the parent or guardian.
5. If the parent fails to comply after the Truancy Conference, the Truancy Officer may file a complaint with the Prosecutor's Office. The Prosecutor's Office will review the complaint. If the Prosecutor's Office files the petition, and the parent is found guilty, the Court may recommend for the parent(s) to participate in a parenting class and/or other recommended services or impose a jail sentence or fine.

Protocol for Middle School and High Schools:

1. If a problem exists, the Truancy Officer shall send letter #1 (form attached) to the parent or guardian of the child indicating there is an attendance problem and a meeting has been scheduled to discuss the absences.

It must be sent via certified mail, return receipt requested, deliver to addressee only, as well as by regular mail. It may also be personally served on the parent or guardian. Each parent or guardian must receive their own copy of the letter

2. The school meeting must include the child, the child's parent or guardian, Truancy Officer and other appropriate school officials. An agreement should be reached regarding attendance and must include the requirement that the youth will resume regular and consecutive school attendance. The agreement must be signed. Consequences should be discussed in the event truancy remains a problem. Educational and referral services will be offered as well as services provided through the Youth Intervention Specialist.
3. The Truancy Officer will give all of the child's teachers and school principal a copy of the letter sent to the parents and the attendance agreement so attendance can be monitored and reported to the Truancy Officer.
4. If the child misses school two times in the next 30 days or 3 more times in the next three months, the Truancy Officer may request a Truancy Conference with the Court. Send letter #2 to parents at this time. The Court will send a letter to the family and schedule the Truancy Conference. The Court Services Coordinator, Youth Intervention Specialist and the Truancy Officer will meet with the parent or guardian and the child.

Scheduling a Truancy Conference:

When requesting a Truancy Conference please contact the Court Services Coordinator and fax the following information to the Court:

- 1.) Student Information Summary (contact information for both parents)
- 2.) Student Attendance Report
- 3.) Copy of letter sent to parent and
- 4.) Copy of signed Attendance Agreement.

The Court Services Coordinator will contact the parent, Truancy Officer and Court Youth Intervention Specialist to schedule the Truancy Conference. A formal letter from the Court notifying the parent(s) of conference date and time will be mailed.

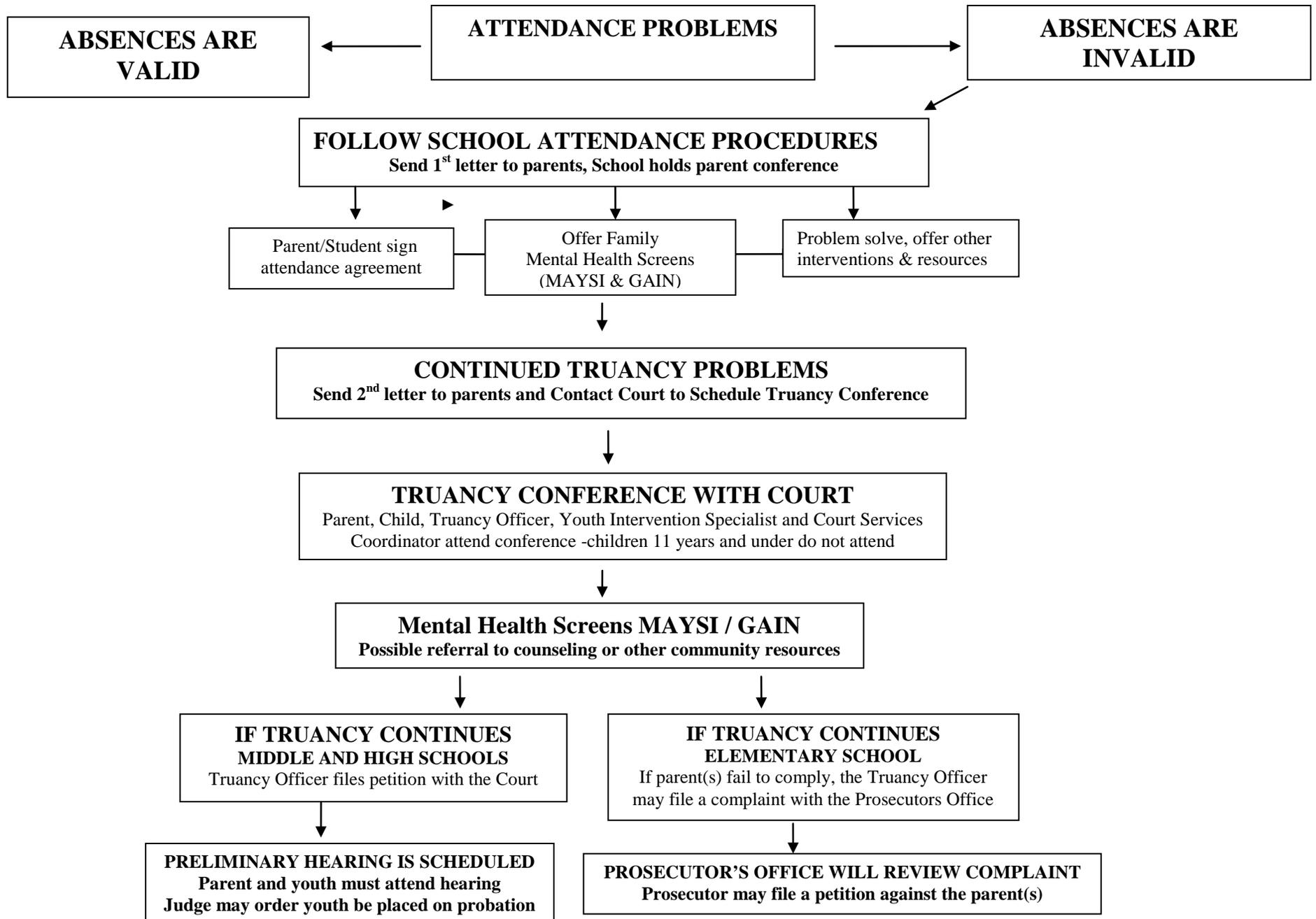
Filing a Truancy Petition:

- a. To successfully prove a case in Court, the Truancy Officer must document every action taken in potential truancy cases. Therefore, each Truancy Officer must keep 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. The school district shall exhaust all efforts to help the student before considering filing a truancy petition, including utilizing available school resources and the mental health screening (MAYSI) completed by the Youth Intervention Specialist. If the Truancy Officer is satisfied that he/she has exhausted all efforts, a truancy petition may be filed. In Middle and High School cases, contact the Court Services Coordinator and fax the truancy petition and the student's updated attendance report to the Court at 989-832-6077.
- b. In some truancy cases, the Court may request the contact record from the Truancy Officer to establish the parent's lack of cooperation and failure to comply with sending their child to school.
- c. Please see the attached sample petition. A copy of this petition in Word Format on disc is available. When completing the petition, please check "Box 3" if you know of any cases involving the family. If you do not know, just state "unknown." Please make sure to include contact information for both parents.
- d. At "line 5" please also include the child's county of residence and who the child lives with.

If you have questions regarding scheduling a Truancy Conference or filing a Truancy petition, please contact the Court Services Coordinator at (989) 832-6398.

If you have concerns regarding a student's mental or emotional health, please contact the Youth Intervention Specialist at (989) 832- 6855.

MIDLAND COUNTY TRUANCY PROTOCOL FLOW CHART



NOTICE OF TRUANCY CONFERENCE: _____
Courtthouse "B" Level

Dear _____ :

The 42nd Circuit Court – Family Division has received notice from _____ that your child, _____, has not been regularly attending school. As a result you may be in violation of the Michigan Compulsory Attendance Law (2010) requiring parents to ensure their children, ages 6 to 18 attend school.

A Truancy Conference has been set to try and resolve this matter. A parent must attend the truancy conference on the above date. It is not necessary that your child attend this conference. At the Truancy Conference we will discuss the reasons why your child is not attending school regularly. The Court Truancy Process will be explained and we will look at ways to assist your child to be successful in school.

If your child continues to miss school after the truancy conference, your failure to comply with the requirements of the law could result in the following action being taken.

1. A criminal complaint can be filed against you in District Court for failure to have your child attend school and a warrant can be issued for your arrest. If convicted you could face the following possible penalties:
 - A. Not less than two days and not more than 90 days in jail and/or
 - B. A fine of not less than \$5.00 nor more than \$50.00 and/or
 - C. Completion of a Parenting Classing run by the Court
 - D. Any combination of the above.
2. A petition can be filed against you in Family Court for educational neglect of your child.

Please comply with the Michigan Compulsory Attendance Law (2010) by having your child attend school, in a timely manner, immediately so that we are not forced to consider taking legal action against you. Your child's regular school attendance is critical to his/her future.

Sincerely,

Diana LaRue, MSW, LLMSW
Court Services Coordinator
(989) 832-6398

LETTER #1

(DATE)

Parent(s) Name(s)

Address

City, State, Zip

RE: LACK OF SCHOOL ATTENDANCE BY *(CHILD'S NAME)*

Dear Parent's Name(s):

Your child, *(Child's Name)*, has been repeatedly absent from school. As the Truancy Officer for *(Name of School)*, I am required by law to have you come to school to discuss your child's lack of attendance. If we are unable to resolve the problem, I am required to report the matter to the Midland County Prosecuting Attorney. The Prosecuting Attorney then has the option of authorizing criminal charges against you, or a petition may be filed against you or your child in the Midland County Probate Court/42nd Circuit Court – Family Division.

Accordingly, it is necessary that you come to the following location at the time indicated so that you and the appropriate school officials can talk and resolve this matter.

(location and time of meeting)

If there are problems either in school or at home that are causing *(Child's Name)* to miss school it is important that you discuss them with us. That way we can work together to solve the problem. A child who receives a good education will have more success in the modern world. I am here to make sure that happens.

Very truly yours,

Truancy Officer
(Name of School)

LETTER #2

(Date)

Parent(s) Name(s)

Address

City, State, Zip

RE: LACK OF SCHOOL ATTENDANCE BY (*CHILD'S NAME*)

Dear *Parent(s) Name(s)*:

Your child is not attending school on a regular basis.

Your child must be in school on the day after you receive this notice and continue to attend school on a regular basis.

I am required to turn this matter over to the Midland County Prosecutor's Office for whatever action they see fit to take if your child does not attend school. In addition, I may file a petition against your child with the Midland County Probate Court/42nd Circuit Court – Family Division.

Very truly yours,

Truancy Officer
(Name of School)

SCHOOL ATTENDANCE
AGREEMENT

On _____ I met with the Truancy Officer for my school. It was explained to me that it was very important for me to be in school, on time, every day.

I understand that if I do not go to school, my parents or myself may be brought to Court.

I also agree to the following conditions:

By signing this agreement, I promise to be in school, on time, every day.

Date

Student

Date

Parent

Date

Parent

Date

Truancy Officer

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION Midland COUNTY	PETITION (DELINQUENCY PROCEEDINGS) <input type="checkbox"/> Supplemental	CASE NO. PETITION NO.
--	--	--

Court address 301 West Main, Midland, MI 48640 **Court telephone no.** 989-832-6880

ORI MI-	CTN	TCN	SID	DLN
-------------------	-----	-----	-----	-----

1. In the matter of name(s), alias(es), DOB

2. The above named juvenile comes within the provisions of MCL 712A.2. has violated probation as follows:
 Citations and allegations: operator/chauffeur driver's license commercial driver's license no license vehicle type
 Explain truancy issue...

- See attached sheet for further allegations. Member of or eligible for membership in Indian tribe, as stated above.
3. An action within the jurisdiction of the family division of circuit court involving the family or family members of the minor has been previously filed in _____ Court, Case Number _____, was assigned to Judge _____, and remains is no longer pending.
4. I designate this case as a case in which the juvenile is to be tried in the same manner as an adult.
5. The above named juvenile is a legal resident(s) of _____ County, and resides in the care and custody of _____.
6. The names and addresses of the parents, guardian, legal custodian, or nearest known relative are as follows:

NAME	ADDRESS	HOME PHONE	WORK PHONE
Father Putative <input type="checkbox"/>			
Mother			
Guardian/Legal custodian/Nearest known relative			

7. **I request the court to: (check either box a or b)**
- a. review the information and make an appropriate decision.
- b. authorize this petition and take jurisdiction over the juvenile. Further, I request the court to
- 1) issue an order to apprehend and/or detain the juvenile.
 - 2) find the juvenile in contempt of court for violating a minor personal protection order.
 - 3) find the juvenile has violated probation and notify juvenile to appear for the hearing.
 order the juvenile apprehended and brought to court for a detention hearing.
 - 4) designate this case as a case in which the juvenile is to be tried in the same manner as an adult.

I declare that the statements in this petition are true to the best of my information, knowledge, and belief.

 Petitioner's signature Date Agency/Address

 Print or type name City, state, and zip Telephone no.

Petition approved for submission: _____
Prosecutor's signature Date

8. A preliminary inquiry and/or hearing has been conducted and the filing of this petition is is not authorized.

 Date Judge/Referee Bar no.

JC 04a (3/10) PETITION (DELINQUENCY PROCEEDINGS)

MCL 600.2950h-600.2950m, MCL 712A.2, MCL 712A.2d, MCL 764.15b,
MCR 3.903(A)(19), MCR 3.926(A), MCR 3.931, MCR 3.944, MCR 3.951