

ST. JOSEPH COUNTY

COMPREHENSIVE GUIDELINES

and

PROCEDURES HANDBOOK

FOR USE OF

**COMPULSORY EDUCATION LAW,
EDUCATIONAL NEGLECT AND TRUANCY**

2006-07 Edition

Our goal in implementing this process is to assist families with keeping their children in school so that they may have the opportunity to become productive citizens in our society, for without a high school diploma, there is no future.

- | | | |
|-----------|---|--------------------|
| 1. | If the truant child lives within the city limits, contact your local police department as follows: | |
| | Burr Oak Chief of Police, Phil Campbell | 489-2414 |
| | Centreville ~ St. Joseph County Sheriff's Dept., (ask for the "Days Officer") | 467-9045 |
| | Colon Police Office, Mark Brinkert | 432-3182 |
| | Constantine Police Chief, Mark Honeysett | 435-4355 |
| | Mendon Village Office, John Hyden | 496-8096 |
| | Sturgis Police, Officer Amanda Coney | 651-3231 |
| | Three Rivers Police Chief, Tom Bringman | 278-1235 |
| | White Pigeon Police Chief, Lynn Baker | 483-7109 |
| 2. | If the child lives outside the city limits, contact: | |
| | St. Joseph County Sheriff's Dept., Deputy Todd Bohm | 467-9045, ext. 323 |
| 3. | Other agencies to contact if you need help: | |
| | Department of Human Services | 467-1200 |
| | Scott Ryder, Juvenile Court | 467-5561 |
| | Prosecutor's Office (ask for the "Duty Prosecutor") | 467-5547 |

- * **The following groups and agencies have endorsed this concept and are committed to assisting our youth to graduate from high school:**
- St. Joseph County School Superintendents
 - St. Joseph County School Principals
 - St. Joseph County School Counselors
 - St. Joseph County Prosecutor's Office
 - St. Joseph County District Court
 - St. Joseph County ISD
 - St. Joseph County Juvenile Court
 - St. Joseph County Probate Court
 - St. Joseph County Family Independence Agency
 - Michigan State Police (F/Lt. Mike Risko)
 - St. Joseph County Sheriff (Matt Lori)

No person on the basis of race, color, religion, national origin or ancestry, age, gender, marital status, or disability will be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in this program.

THE COMPREHENSIVE GUIDELINES

THE INTERPRETATION

There are three laws to enforce school attendance: the Compulsory Education Law (children ages 6-15), Educational Neglect (children ages 6-11), and Truancy in Juvenile Court (children ages 12-15). All three have two elements in common:

1. Lack of attendance is "willful." Therefore, the absences must be unexcused.
 - a. No tardiness or tardiness accumulations
 - b. No doctor's excuses
2. Child must be "repeatedly" absent from school. This is a pattern of absences from this year or past. "Repeated absence" may also be considered a pattern of attendance unacceptable by attendance officials. (Example: every Friday or one day per week.)

A policy will be set by Courts and Prosecutor, but ultimately the amount of unexcused absences is the decision of the Judge, depending on the facts of each case. In any truancy matter, the Court will be looking for an indication that interventions were started as soon as the child's attendance became problematic. The focus should be on addressing the truancy/neglect problem as early as elementary school in an effort to break patterns before they become ingrained.

TO BEGIN:

ATTENDANCE OFFICIAL'S RESPONSIBILITIES (Steps 1 - 5)

Identification Start the process with any student who was not enrolled by the 6th day of the school year unless a suitable excuse for such absence has been supplied by the parent or guardian or when, **in the judgment of a local building administrator, a student is not attending school as required by Michigan Law.** This could be an unacceptable attendance pattern "inherited" from the middle school or another school. Further, we would consider any child absent 20% or more of the scheduled instruction days as truant. Please use the attached checklist (Attachment 8) to document each step.

Step 1 The first step to encourage the student to maintain regular attendance at school would be personal contact with the student and parent/guardian by the principal/attendance official. This may be by phone call or personal visit to the home, and a letter (see Attachment 1 or 1a). **Two reasonable attempts without results are enough.**

Note: Determine whether a student is disabled or should be referred for an evaluation. If either of these conditions exists, please contact your district's special education supervisor.

Note: If a parent or guardian indicates a need for help to keep a child in school, skip the process and letters and go directly to the local police department or the Sheriff's Department school liaison officers for help.

Step 2 If the student does not maintain regular attendance following receipt of this letter (Attachment 1 or 1a) and phone calls or personal contact, a second letter (see Attachment 2) must be sent advising that the Compulsory Attendance Law requires the student to attend school and that if the student **does not attend school regularly**, the police and courts will become involved.

HOME SCHOOL (NONPUBLIC SCHOOL)

- a. After an attendance official learns that a student is allegedly being schooled at home, a letter must be sent advising the parents of their responsibilities of operating a home school (see Attachment 3).
- b. Then, have the family complete Attachment 4. Have a parent/guardian sign. Place the form in your local school file.
- c. Finally, mark the family file "Home School" and file for later reference.

Step 3 If the student does not maintain regular attendance after receipt of **this** letter (Attachment 2), the local school attendance official should call the local police officer who will personally visit the parent and/or student and verify the number of days absent and determine the **cause of each absence**. If the student resides outside the city limits or if your local police officer feels uncomfortable on calling on a residence outside of their jurisdiction, call the Sheriff's Department at the numbers listed on the inside front cover. When contact with the parent is made, **document reasons** given for each day of absence of student. **Police will verify the case utilizing the truancy procedure checklist.**

*** *The school attendance official may request by phone that a letter be sent by Juvenile Court and/or the Prosecutor's Office to the parents or guardians discussing possible future consequences (see Attachments 5 and 6).*

Step 4 If the student does not return to school and maintain regular attendance following the police officer's visit and the school has exhausted all other alternatives, including:

- a. Verbal warnings
- b. Written warnings
- c. Parent/school conferences

- d. Educational counseling (social worker and/or school counselor)
- e. Alternative agency help (police, private agencies, or therapists)
- f. Securing information from other districts (if a student was a transfer-in)

then the local attendance official will contact Bernie Stankewicz at the ISD (269-467-5400) and request a certified, restricted, and return receipt requested letter be sent to both natural parents and/or legal guardian of the student (see Attachment 7). Document alternatives offered and the date that the ISD was contacted on Attachment 8.

Step 5 If the student does not maintain regular attendance following receipt of the ISD letter (Attachment 7), the local school attendance official should contact the school liaison officer (should be the same officer you have been working with during the investigation process) to make a formal truancy/Compulsory Education complaint to the Prosecutor. Make sure a file of "due process" (copies of letters sent and dates of contacts made) has been established and the Truancy Procedure Checklist is enclosed on the inside front cover. Give this "file" to the police; include all attachments. **No file, no case!** School attendance officials have no need to send any copies to Juvenile Court at this time.

LAW ENFORCEMENT OFFICIAL'S RESPONSIBILITIES (Step 6)

Step 6 The police (local or Sheriff), upon taking the complaint and receiving the school documentation, will contact the parent(s), child, and/or siblings to determine the reason for the child's absence from school. When the investigation is complete, the police will forward all reports and documentation to the Prosecutor's Office the same as any criminal complaint.

PROSECUTOR'S RESPONSIBILITIES (Steps 7 - 8)

Step 7 When the completed report is received from the police agency, the Prosecutor will decide which of the three laws have been violated: Truancy (children ages 12-15); Compulsory Education Act (children ages 6-15); or Educational Neglect (children ages 6-11). The Prosecutor's Office will send a letter to the local school attendance official and the school liaison officer (police) apprising them of the status of the case. They may request updated and/or additional information at that time.

Step 8 If the determination is a school truancy petition, the Prosecutor will forward it to the Juvenile Court for processing. If action is to be taken against the parents or legal guardian under the Compulsory Education Act, the Prosecutor will process the referral to District Court. If the determination is

educational neglect, the Prosecutor will contact the Family Independence Agency for a neglect petition to be brought against the parent(s) in the Juvenile Court.

COURT'S RESPONSIBILITIES (Steps 9 - 17)

- Step 9** The Juvenile Court will review its criteria for truancy jurisdiction. If the alternatives have not been exhausted, the appropriate police agency will be contacted. If the criteria are present, an inquiry will be held to determine:
- a. Whether or not the parent or legal guardian is carrying out his or her responsibility to get the child to school. If it is the parent's or legal guardian's failure, the matter again goes back to the Prosecutor for Compulsory Education action in the District Court and/or a possible neglect referral to Protective Services. Also, the Friend of the Court will be informed of the lack of attendance, if there is a divorce in this county.
 - b. If the child is the focus of the problem, is 12- through 15-years-of-age, is not attending school, and the parent or guardian is attempting to get the child in school, the child will be given a warning or directive to attend school. It is hoped this court appearance will effectuate a behavioral change in the child.
- Step 10** Hearing notes from the Court truancy inquiry and the school attendance official will be sent by the hearing Court Officer to the police officer and Prosecutor. If the case is referred back to the Prosecutor for recommended Compulsory Education prosecution, a specific reason by the Court will be given. If the case is determined to fit properly as a juvenile matter that can be later handled, the attendance official must notify the Court of further non-attendance and then follow the step for filing a truancy petition.
- Step 11** For educational neglect petitions, the Juvenile Court will either hold an inquiry or authorize the complaint and hold a preliminary hearing and proceed as any neglect case. The school liaison officer and local school official will be notified by the Court of progress.
- Step 12** If a complaint for compulsory education is authorized, the District Court will process the matter as any criminal matter. The Prosecutor will keep the school liaison officer and the local school attendance official informed.
- Step 13** If there is to be a truancy petition because of further non-attendance:
- a. The local school attendance official contacts the school liaison officer (police) regarding the child's truancy.
 - b. The school liaison officer files an arrest report and offense report with the Prosecutor's Office.

- c. LEA sends all their information and documentation to the Juvenile Court.
- d. Juvenile Court types a truancy petition.
- e. The school liaison officer signs the petition.

Step 14 Steps that will be taken if a truancy petition is authorized:

- a. Hearing set
- b. Notices sent
- c. An arraignment held to have child admit or deny the allegations.
- d. Trial held, if necessary.

Step 15 Authority and action the Court can take, if the child becomes a court ward:

- a. The child is placed on probation with a probation order directed at correcting the child's behavior, which includes regular school attendance.
- b. The parents are ordered to pay a monthly oversight fee.
- c. The child can be given community service work initially or as part of a probation violation.
- d. The child and parents will be seen by the caseworker as often as possible considering caseload size.
- e. The child can **never** be detained in jail or in a juvenile detention facility due to MCL 712A.15.
- f. In-home detention and/or an electronic monitoring device may be used, but only as a last resort.

Step 16 The local school attendance official will be contacted periodically by the Court; likewise, the school liaison officer should keep the Court informed of school attendance and progress.

Step 17 For those individuals age 15 or older, the Court reserves the right to determine whether sufficient attempts have been made by school officials to address the truancy issue when it first developed. If this is not the case, the Court can choose to dismiss the matter because of the long-term patterns that have been established which cannot be successfully broken.

If the full authority of the Court is utilized on a school truant and the child still has not achieved acceptable school attendance, the Judge, school liaison officer, local school attendance official, and caseworker may meet to discuss the future involvement by the Court or the case will be dismissed. We must realize that in some cases, a modification of behavior is not possible and the authority and resources available in these types of cases are limited.

Possible first elementary letter - modify as needed

Dear Mr. and Mrs. _____:

Your son/daughter, _____, has been absent _____ days this school year out of _____. Our records show him/her as absent September _____, etc. He/she was also absent _____ days last year.

We're sure some of these days he/she was too ill to be in school and we certainly don't expect you to send him/her to school when he/she is sick. However, we are concerned about the large number of days he/she does miss. It will be very difficult for him/her to be successful in school with this kind of absenteeism. In addition, he/she will begin to feel like he/she isn't part of the class and will want to come to school even less. Excessive absenteeism becomes a pattern that follows students through school and into the job market.

Michigan School Law states that it is the responsibility of parents to see that their children between the ages of six and sixteen be in regular attendance at school. If there is a medical reason why _____ has to miss so much school, please let us know. If there are reasons why he/she doesn't want to come to school, we have a school counselor who might be of help. You should call the school each day when your child is absent so that we know where he/she is.

If the school can be of further help to improve your child's attendance, please contact me at _____.

Sincerely,

- Note:**
- * This letter is sent by the attendance official.
 - * May be sent regular mail, certified, restricted, return receipt requested (keep a copy).
 - * Add your own letterhead.
 - * File a copy of this letter and update the Truancy Procedure Checklist (Attachment 8).

This is a sample of a first letter that may be sent by the local school attendance official.

Dear Mr. and Mrs. _____:

I am concerned regarding _____'s attendance. School has been in session for _____ days and _____ has missed a total of _____ days. The school considers this to be excessive.

I would like to remind you that the Michigan School Law states that it is the responsibility of parents to see that their children between the ages of six and sixteen be in regular attendance at school. Please contact me as soon as possible so that we can further discuss this matter. Otherwise, it will be my expectation that _____ will maintain regular school attendance following your receipt of this letter.

Sincerely,

- Note:**
- * This letter is sent by the attendance official.
 - * May be sent regular mail, certified, restricted, return receipt requested (keep a copy).
 - * Add your own letterhead.
 - * File a copy of this letter and update the Truancy Procedure Checklist (Attachment 8).

This is a sample of a second letter that may be sent by the local school attendance official.

Dear Mr. and Mrs. _____:

On _____ (date), I wrote you a letter (or telephoned or visited you) concerning _____'s attendance. As he/she has not maintained regular school attendance, I must inform you that you are in violation of Section 1599 of the Michigan State Compulsory School Attendance Act and your failure to comply with this Act may lead to prosecution. Your non-compliance with this law could result in a criminal prosecution against you and/or a neglect proceeding brought against you for failing to send your children to school.

Please arrange for _____ to be in regular attendance following the receipt of this letter or we will start criminal and/or neglect proceedings against you.

Sincerely,

- Note:**
- * This letter is sent by the attendance official.
 - * May be sent regular mail, certified, restricted, return receipt requested (keep a copy).
 - * Add your own letterhead.
 - * File a copy of this letter and update the Truancy Procedure Checklist (Attachment 8).

This is a copy of a letter that may be sent by local school attendance officials to families allegedly educating their children at home.

Dear Mr. and Mrs. _____:

Thank you for notifying us of your intent to operate a home school.

Nonpublic schools may register with the Michigan Department of Education on the Nonpublic School Membership Report, form SM4325. Section 1561(3)(f) of the Revised School Code of 1996 states:

A child shall not be required to attend the public schools in the following cases:

- (a) My child(ren) is(are) attending regularly and is(are) being taught in a state-approved nonpublic 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.
- (f) My child(ren) is(are) being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

Please complete the enclosed form and return it to the enclosed address within ten (10) days of the date listed above.

For registration information, please contact the Department of Education at (517) 373-0796, or write to the following address:

State of Michigan
Department of Education
P.O. Box 30008
Lansing, MI 48909

If I may be of service to you in this process, please let me know.

Sincerely,

- Note:**
- * This letter is sent by the attendance official.
 - * May be sent regular mail, certified, restricted, return receipt requested (keep a copy).
 - * Add your own letterhead.
 - * File a copy of this letter and update the Truancy Procedure Checklist (Attachment 8).

This is a copy of the letter that may be sent by Juvenile Court.

Date

Address

RE: NEGLECT/TRUANCY PROCEEDINGS

Mr. and Mrs. _____:

The Juvenile Court has received information from the _____ Schools regarding your son/daughter not attending school regularly as required by law.

Failure to send your child to school could result in the Family Independence Agency bringing you and your child into the Juvenile Court on a neglect petition or the Prosecutor filing a truancy complaint on your child.

Respectfully,

R. Scott Ryder
Juvenile Court Director

This is a copy of the letter that may be sent by the Prosecutor's Office.

Date

RE:

Dear Mr. and Mrs. _____:

Our office has received a complaint from the _____ Schools that your child/children has/have not been attending school as required by law. As a result, you may be in violation of Section 1599 of the Michigan Compulsory Education Act requiring parents to ensure their children's attendance at school. Your failure to comply with this Act could result in the following actions being taken against you:

1. Proceedings being brought against you in District Court for failure to have your child attend school. If found guilty, possible penalties include:
 - a. 90 days in jail and/or up to \$100 in fines.
 - b. Probation.
 - c. Any combination of the above.
2. Proceedings by the Family Independence Agency on a possible neglect abuse petition.

Very truly yours,

Douglas Fisher
Prosecuting Attorney

This is a copy of the letter that will be sent by the ISD.

Dear Mr. and Mrs. _____:

We have received communication from the _____ School relative to your son/daughter, _____, and attendance requirements of the Michigan School Code. It is our responsibility to follow up on such calls and to inform you of your responsibilities as a parent in the school district in which _____ resides.

State Statute indicates that the Intermediate School District (ISD) shall enforce the School Truancy Statute. It is the responsibility of every parent to see that their children between the ages of six and sixteen be in regular attendance at a public, nonpublic, or home school unless there is a physician's statement on file indicating that he/she is physically unable to attend school.

You are hereby required to have _____ appear at _____ School on the next regularly scheduled school day following receipt of this notice and to ensure that _____ continues in regular and consecutive attendance at school, or to provide proof of attendance at a nonpublic or home school. Failure to comply with this directive may result in a complaint being filed against you by the County Prosecuting Attorney pursuant to Section 1599 of the Compulsory Education Act.

Sincerely,

Deputy Todd Bohm
School Liaison Officer
St. Joseph County Sheriffs Office

c: Local School Attendance Official

TRUANCY PROCEDURE CHECKLIST

Student Name _____ Home Phone _____
 Address _____
 Parent or Guardian Name _____
 Local School Attendance Official _____
 School _____

Please complete this checklist when following the Truancy Guidelines: Date(s)

- Step 1**
- A. Phone contacts made with legal custodial guardian _____
 - B. Personal contacts made _____
 - C. Letter #1 or #1a sent _____
 - D. Disabled status checked _____

- Step 2**
- A. Letter #2 sent _____
 - B. Home School Only
 - (1) Letter #3 sent _____
 - (2) Form #4 sent _____
 - (3) Form #4 returned _____

- Step 3**
- A. Home visit with school liaison officer _____
 - B. Alternatives offered
 - (1) Parent/school conference _____
 - (2) School counselor services _____
 - (3) Suggested alternative agency help (police, therapists) _____
 - C. Letter #5 from Court Director (optional) _____
 - D. Letter #6 from Prosecuting Attorney (optional) _____

- Step 4**
- A. Requested ISD to send letter #7 _____
 - B. Copy of ISD letter received _____

- Step 5**
- Contacted local police department to make formal Truancy/Compulsory Education complaint. _____
(Transfer all school documentation to police at this time.)

**THIS CHECKLIST AND DOCUMENTATION MUST ACCOMPANY A STUDENT'S FILE
 WHEN FILING A COMPLAINT WITH THE POLICE.**

ATTENDANCE SERVICE REQUEST

Directions: Before giving a copy of the file to the police, please complete the following:

District: _____ Building: _____ Teacher: _____

Student: _____ Date of Birth: _____ Grade: _____

Name of Parents: _____ Phone: (____) _____

Address: _____ City: _____ Zip: _____

County: _____

Attendance Pattern: Indicate full-day absences with "x"; a.m. absences with "\"; and p.m. absences with "/".

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
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Principal: _____ Date: _____

Signature: _____ Date: _____

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- "If someone is going down the wrong road, he doesn't need motivation to speed him up. What he needs is education to turn him around."

Jim Rohn, Author

- "Truancy has been rated among the top 10 problems facing schools, with the daily absentee rate as high as 30 percent in some cities."

U. S. Department of Justice

- "High school drop outs are 72% more likely to be unemployed and earn 27% less than high school graduates."

U.S. Department of Labor
