

Comprehensive Guidelines Handbook Procedures Handbook for use of Compulsory Education Law and Truancy

St. Joseph County, Michigan

Revised 10/23/23

If the truant child lives within the city limits, contact your local police department as follows:

<u>School District</u>	<u>Law Enforcement Agency</u>	<u>Phone</u>
Burr Oak	St. Joseph County Sheriff's Dept.	467-9045
Centreville	St. Joseph County Sheriff's Dept.	467-9045
Colon	Colon Police Dept.	432-3182
Constantine	Constantine Police Dept.	435-4355
Mendon	Mendon Police Dept.	496-8096
Nottawa	St. Joseph County Sheriff's Dept.	467-9045
Sturgis	Sturgis Public Schools Officers	659-1500
Three Rivers	Three Rivers Police Dept.	467-9045

If the child lives outside the city limits, contact:

All School Districts	St. Joseph County Sheriff's Dept.	467-9045
----------------------	-----------------------------------	----------

Other agencies to contact if you need help:

Department of Health and Human Services (DHHS)	467-1200
Pivotal - Community Mental Health & Substance Abuse Services	467-1000
St. Joseph County Courts, Juvenile Division	467-5500
St. Joseph County Courts, Juvenile Courts	467-5500
St. Joseph County Courts, Prosecutor's Office	467-5547
St. Joseph County Intermediate School District	467-5400

The following groups and agencies have endorsed this concept and are committed to assisting our youth to graduate from high school. It is strongly recommended that local schools follow these procedures as part of their truancy efforts.

- St. Joseph County School Superintendents
- St. Joseph County Principals
- St. Joseph County School Counselors
- St. Joseph County Prosecutor's Office
- St. Joseph County District Court
- St. Joseph County Juvenile Court/Probate court
- St. Joseph County Community Mental Health (Pivotal)
- St. Joseph County Department of Health and Human Services (DHHS)
- St. Joseph County Sheriff
- St. Joseph County ISD

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

St. Joseph County Schools and Court Truancy Programs Guidelines

Attendance Law: The Michigan Compulsory Attendance Law (2010) 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.
- 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,
- Entered grade 6 before 2009 or
- 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 St. Joseph 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 St. Joseph County Probate Court/45th Circuit Court – Family Division, the 3B District Court, St. Joseph County Prosecuting Attorney's Office, Community Mental Health of St. Joseph County and St. Joseph 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 the 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. Truancy documentation does not reset at the start of the school year.

Court Responsibility:

The St. Joseph County Probate Court/45th Circuit Court – Family Division has jurisdiction over a youth under age 18 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)

For middle school and high school truancy cases (ages 12-18), 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. If after the conference, the child’s absences continue, the Truancy Officer may file a Truancy petition. If there is evidence the absences are the result of parent/guardian issues, the case may be referred back to the district’s truancy officer for an investigation and potential complaint filed with the prosecutor.

For elementary truancy cases, follow the checklist of document communication and school level meetings. If the absences continue after documented efforts, the Truancy Officer may file a complaint with the district’s local police department, who may contact the Prosecutor’s Office after an investigation. See the checklist for required documentation. If it is believed that truancy is the result of a student behavior, the case may be referred back to the family division for students age 12 and up.

School and Court Protocol

Truancy personnel will be identified at each school. The Truancy personnel will monitor attendance for absences and excessive tardiness.

Absences in excess of 5 days/semester or 10% 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, behavioral write ups, drug or alcohol use.

Protocol for Elementary Schools: (Ages 6-11)

The St. Joseph County Probate Court/45th 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, referencing the Truancy Procedure Checklist.

1. If a problem exists, the Truancy personnel shall send or provide letter #1 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 may be sent via certified mail, return receipt requested, delivered 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 if they do not live in the same house. For single family households, address the letter to both parents.

Additional strategies are included in the addendum as interventions or have documented evidence of three (3) attempts to schedule that may be used.

2. The meeting must be held with the child’s parent or guardian, Truancy personnel and other appropriate school officials. At least one parent or guardian must attend. An agreement regarding attendance should be reached and signed. Consequences should be discussed in the

3. 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. If the parent or guardian refuses to attend this meeting the school will note the attempts and/or refusals and continue with the process.
4. The Truancy personnel 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 back to the Truancy personnel.
5. If the child misses school two times in the next 30 calendar days or 3 more times in the next three months, the Truancy personnel can send letter #2 to the guardian. Failure to respond to the second letter would result in a referral to the Truancy Officer. ***Ensure all efforts have been completed and documented per the checklist before referring for complaint consideration.*
6. Truancy personnel will provide the truancy checklist and supporting documentation to the district's local police department. The police department will investigate and may contact the Prosecutor's Office. The Prosecutor's Office will review the complaint. If the Prosecutor's Office files a petition, and the parent is found guilty, the Court may recommend 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: (Ages 12-18)

1. If a problem exists, the Truancy personnel shall send letter #1 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 may be sent via certified mail, return receipt requested, delivered 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 if they do not live in the same house. For single family households, address the letter to both parents.

Additional strategies are included in the addendum as interventions that may be used.

2. The school meeting must include the child, the child's parent or guardian, Truancy personnel 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. An 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. If the parent/guardian or student refuses to attend or sign the agreement then note their refusal on the form and keep with the file for future processing if behavior continues.
3. The Truancy personnel 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 personnel.

4. If the child misses school two times in the next 30 calendar days or 3 more times in the next three months, the Truancy personnel may request a Truancy Conference with the Court. The school will send letter #2 to parents at this time and contact the Court Services Coordinator. The Court will send a letter to the family and schedule the Truancy Conference. The Court Services Coordinator, Local School Representative with knowledge of the student, Youth Intervention Specialist (optional) and the Truancy Officer (mandatory) will meet with the parent or guardian and the child. A parent/guardian and the child must attend the meeting.

Scheduling a Truancy Conference: (Ages 12-18)

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

- 1) Student Information Summary (contact information for both parents).
- 2) Student Attendance Report.
- 3) Copy of letters sent to parents and other parent contact information.
- 4) Copy of signed Attendance Agreement.
- 5) Truancy checklist with documented dates.

The Court Services Coordinator will contact the parent, Truancy Officer and the 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 Complaint: (Ages 6-11)

1. To successfully prove a case in Court, the Truancy Officer must document every action taken in potential truancy cases. Therefore, each Truancy personnel 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, as appropriate. All paperwork and the completed checklist must be turned into the Truancy Officer. If the Truancy Officer, after investigating, is satisfied that he/she and the school has exhausted all efforts, a truancy petition may be filed. Note: For out of resident districts, the court of resident would need to be involved, not St. Joseph Courts. In Middle and High School cases, contact the Court Services Coordinator (269-467-5500) and email the truancy petition and the student's updated attendance report to the Court. **If the parents are identified as a reason for ongoing truancy, truancy personnel may file a Complaint with the district's local police department.** The police department will contact the Prosecutor's Office. The Prosecutor's Office will review the complaint. If the Prosecutor's Office files a petition, and the parent is found guilty, the Court may recommend the parent(s) to participate in a parenting class and/or other recommended services or impose a jail sentence or fine.
2. 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.

3. For middle school and high school (ages 12-18), please see the petition and sample petition. When completing the petition, please check "Box 6a" 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. When filing a petition a school also needs to complete and include a MCL 97 form for the confidentiality of the student. **Elementary complaints MUST BE completed by local law enforcement, and must include the checklist and all supporting documentation.**
4. 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 269-467-5500.

If you have concerns regarding a student's mental or emotional health, please contact the Youth Intervention Specialist at 269-467-1000.

Home School Students

1. 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.
2. Then, have the family complete the Request to Start a Home School Form, have the parent/guardian sign. Place the form in the student's school file. If they refuse to sign or return the document, write "Refused" on the form.
3. Finally, mark the family file "Home School" and file for later reference.

Students previously on Probation for Truancy

Use your discretion for students dismissed from truancy with new/recurring truancy issues starting. If you see effort, try interventions to solve the problem. If there is no effort from the student regarding truancy, you can file a petition again with updated information of absences, grades, behavioral logs that support any new truancy issues..