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SCHOOL ATTENDANCE POLICIES

House Bill 6219

Sponsor: Rep. Raymond Basham

Committee: Education

Complete to 11-6-98

A SUMMARY OF HOUSE BILL 6219 AS INTRODUCED 11-5-98

House Bill 6219 would amend the Revised School Code to further establish both a school district's and a parent's duty to ensure school attendance for school age children, and to provide penalties for failing to do so.

Under the bill, beginning in the 1999-2000 school year, a parent would be required to ensure that a child who must attend school is not absent without a valid excuse for more than five days in a semester. If a child is absent more than five days, the child would be subject to the filing of a petition with the family division of circuit court, and the parent would be subject to certain penalties.

Not later than July 1, 1999, the governing board of a school or school district would be required to develop and adopt a policy defining an absence without valid excuse. House Bill 6219 would require the district to distribute the attendance policy to each pupil's parent at the beginning of each school year, and to make the written policy available at each school.

Under current law, a school attendance officer is required to investigate each case of nonattendance at school when notified by a teacher, superintendent, or other person. If a child is repeatedly absent from school without valid excuse, the superintendent of schools may request the attendance officer to notify the parent by registered mail to come to a meeting to discuss the child's irregularity in attendance, failing work, or behavior problems. If a parent fails to send a child under his or her control to the public school, the attendance officer must give a written notice in person or by registered mail to the parent, requiring the child to appear at public school on the next regular school day following the receipt of notice, and to continue in regular and consecutive attendance. The attendance officer must notify the superintendent of the service of notice, and the superintendent must, in turn, notify the attendance officer if the parent fails to comply. If the parent does not comply, the attendance officer must make a complaint in court against the parent for refusal or neglect to send the child to school. The court must then issue a warrant and proceed to hear the complaint. Current law specifies that a parent who fails to comply is guilty of a misdemeanor, punishable by a fine of not less than \$5 or more than \$50, or imprisonment for not less than 2 days or more than 90 days, or both.

Under House Bill 6219, if a school attendance officer determined that a parent had not complied either with the formal notice or with the attendance policy, the officer would have to do two things: 1) make a court complaint for refusal or neglect to send the child to school against the parent who fails to comply, or who has violated the excused absence policy; and, 2) file a

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petition with the family division of circuit court alleging that the child was within the court's jurisdiction.

If a parent was convicted for failing to comply with a notice because the child was absent from school without valid excuse for more than five days, the court could order the parent to perform at least four hours of community service, or to serve at least four hours of detention with the child at the child's school, in addition to the misdemeanor penalties assessed by the court.

MCL 380.1588 and 380.1599

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.