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SCHOOL ATTENDANCE AND PENALTIES FOR UNEXCUSED ABSENCES

House Bills 4853 and 4855
Sponsor: Rep. Raymond Basham
Committee: Education

Complete to 10-4-99

A SUMMARY OF HOUSE BILLS 4853 AND 4855 AS INTRODUCED 9-28-99

House Bills 4853 and 4855 would amend the Revised School Code and the Probate Code, respectively, to give the family division of circuit court jurisdiction over students who had more than five unexcused absences from school during a semester. House Bill 4855 is tie-barred to House Bill 4853, and could not become law unless that bill also is enacted.

Absences Per Semester. House Bill 4853 would amend the Revised School Code (MCL 380.1580, 380.1588, and 380.1599) to require, beginning in the 2000-2001 school year, that the parent (or another person in parental relation) of a child required to attend school ensure that the child is not absent without a valid excuse for more than five days in a semester. If a child is absent from school without valid excuse for more than five days in a semester, the child would be subject to the filing of a petition with the family division of circuit court, and the child's parent subject to penalties.

Policy to Define Absence without Valid Excuse. House Bill 4853 also specifies that not later than July 1, 2000, the board of each school district, public school academy, and intermediate school district would be required to develop and adopt a policy defining an absence from school without valid excuse. The school officials would be required to distribute the policy to each pupil's parent at the beginning of each school year, and to make the policy available at each school at other times. (This distribution could be made by including the policy in a student handbook or similar publication that is distributed to parents each school year.)

Penalties for Noncompliance. In addition, House Bill 4853 would require that when an attendance officer determined that a parent had not complied with the notice requirements under section 1587, or that there was a violation of this provision concerning more than five unexcused absences per semester, then the attendance officer would be required to file a petition with the family division of the circuit court alleging that the child is within the court's jurisdiction, as specified under sections of the Probate Code. Under current law, the attendance officer is required to make a complaint against the parent who fails to comply with compulsory school attendance, for refusal or neglect to send a child to school, and the court must issue a warrant upon receiving the complaint, and proceed to hear and determine that complaint.

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Finally, House Bill 4853 specifies that if a parent is convicted of a violation of this section because the child is absent from school without valid excuse for more than five days in a semester, the court could order (in addition to the penalties cited above) that the parent perform at least four hours of community service, or serve at least four hours of detention with the child at the child's school.

House Bill 4855 would amend the Probate Code (MCL 712A.2, 712A.6a, 712A.11, and 712A.17e) to specify that the court would have exclusive original jurisdiction superior to and regardless of the jurisdiction of any other court in proceedings concerning a juvenile under 17 years of age, if the juvenile is absent from school without valid excuse for more than five days in a semester, in violation of House Bill 4853. The bill also would require the parent or guardian of a juvenile who is within the court's jurisdiction for failing to attend school to attend each court hearing unless excused by the court, or be held in contempt and subject to fines.

Petition from School Attendance Officer. Under the bill, a court would be required to hold a hearing within 10 days after a petition is filed by a school attendance officer that requests the court take jurisdiction of a juvenile because of his or her unexcused absences from school. If the court determines the allegations are supported, the court would then be required to authorize a petition to be filed and to obtain formal jurisdiction. In these instances, the court would be required to notify the prosecuting attorney of this action, unless the prosecuting attorney had filed the petition.

Court Hearing and Disposition. Within 10 days after acquiring jurisdiction over a juvenile, the court would be required to hold a hearing. Further, the court would be required to enter an order of disposition within five days after the hearing. That order of disposition would have to order the juvenile a) to attend school, and b) to perform at least four hours of community service, or to serve at least four hours of detention at school with his or her parent (or legal guardian). In addition, the court's order of disposition could contain any provision that is authorized under section 18 of Chapter XIIA of the Probate Code. (Section 18 concerns placing and rehabilitating juveniles, to include among other things probation in the juvenile's own home, placement in a foster care home, placement in a private institution, or commitment to a public institution.)

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■ 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.