

PROCEDURES, DISCIPLINE, AND REPORTING FOR TRUANCY AND CHRONIC ABSENCE

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Senate Bill 103 (S-2) as passed by the Senate
Senate Bill 104 (S-1) as passed by the Senate
Sponsor: Sen. Tonya Schuitmaker

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 105 (S-1) as passed by the Senate
Senate Bill 106 as passed by the Senate
Sponsor: Sen. Judith Emmons

House Committee: Judiciary
Senate Committee: Families, Seniors and Human Services

Complete to 2-26-18

BRIEF SUMMARY:

Senate Bills 103 to 105 would amend the Revised School Code to revise the procedures for addressing truancy and chronic absence from school attendance. Generally, SB 103 would require documentation and qualifying reasons for excused absences and define truancy as ten or more unexcused absences per year. For truancy or chronic absence (defined as absence from 10% or more of the days in a student's school year), SB 104 would require notification of the student's parent or guardian. School officials would then offer an attendance agreement requiring regular attendance and discuss consequences for continuing attendance issues, unless they conclude that lesser interventions are sufficient. SB 105 would amend the expulsion and suspension reporting requirements under the Code.

Senate Bill 106 would amend the Probate Code to provide that the family division of circuit court would have exclusive original jurisdiction over juveniles under 17 years of age in the county who are found to be truant.

Senate Bills 104 and 105 are tie-barred to SB 103, meaning that they could not take effect unless SB 103 were also enacted. SBs 103 to 105 would take effect 90 days after enactment.

DETAILED SUMMARY:

Senate Bill 103 would provide that a student could not be suspended or expelled solely for being *truant* (defined as ten or more unexcused absences per year). It would also define terms, below, to provide that a student's first five absences are considered excused as long as the student provides proper documentation, and that subsequent absences are considered excused as long as they fall under a qualifying reason and are accompanied by proper documentation.

That *documentation* would mean a written document that may include a signed note from a parent or legal guardian, or a signed note from a school employee or official who spoke with the parent or guardian, a note from a specified medical professional. (Documentation from a specified medical professional is required only if the medical absence lasts for five or more consecutive school days in the same school year.) In requiring documentation, the school district, intermediate school district (ISD), or public school academy (PSA) must take steps to provide appropriate assistance for illiteracy and allow a non-English-speaking parent or guardian to submit documentation in his or her native language.

The bill would also incorporate the following definitions into Section 1561 of the Code:

Chronically absent means that a student is absent for 10% or more of the days school is in session in a school year for which the student is enrolled in school, whether the absenteeism is due to unexcused, excused, or disciplinary absences. [Note: while “chronically absent” is not currently defined in the Code, one of the metrics for the Detroit Public Schools Community District is “[a]bsenteeism rates, as measured by the percentage of pupils enrolled in that school for the full year who miss more than 10% of school days.”¹]

Disciplinary absence means an absence that is the result of disciplinary action imposed by school officials and is neither an unexcused nor excused absence.

Excused absence means, for a student’s first five absences from school for a school year, an absence for which documentation of the reason for the absence has been submitted and approved. For a student’s sixth or subsequent absence, an absence is only considered excused if documentation is approved and one of the specified reasons—including the student’s illness or medical appointment—applies.

Unexcused absence means any absence that is neither an excused absence nor a disciplinary absence. Also, the accumulation of ten late arrivals equals one unexcused absence.

Additionally, the bill would incorporate the effective date of Public Act 364 of 2016 (House Bill 5693)² into the provisions in the Code amended by that act. PA 364 provided a rebuttable presumption that expulsion for possession of a weapon in a weapon-free school zone is not justified if the school board finds that the student falls under one of the exceptions to the rule and had no history of suspension or expulsion.

MCL 380.1311 and 380.1561

Senate Bill 104 would amend the procedures by which districts address chronic absenteeism and truancy. Currently, a district or ISD superintendent may request that the district’s or ISD’s attendance officer notify the parent to attend a school meeting regarding the student’s irregularity in attendance (or other specified issues). The bill would require

¹ MCL 380.390(4)(c)(iii) <http://legislature.mi.gov/doc.aspx?mcl-380-390>

² <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-5618-B4A00637.pdf>

the district or ISD to notify the parent to attend the meeting, unless the district or ISD superintendent concludes that a *lesser intervention* would be likely to address the situation properly.

Under the bill, if a meeting is held, school officials would have to offer an *attendance agreement* requiring the student to resume regular and consecutive attendance and discuss consequences if the issue is not resolved. They may also offer interventions as available, including: mental health screening, problem solving, tutoring, and mentoring. School officials must also ensure that each of the child's teachers is provided with a copy of the letter and attendance agreement so that they can monitor and report attendance.

If school officials determined that the attendance issue had not been resolved or if the child continued to be chronically absent, the district or ISD may provide or pursue appropriate interventions. If the interventions did not resolve the issue, the district or ISD would be required to pursue the *appropriate court intervention*, which may include any of the following:

- Requesting a *truancy conference* in the juvenile court with the parent and the child if the child is 12 or older.
- Filing a *truancy petition* in the juvenile court.
- Referring the matter to the prosecuting attorney for *review and appropriate action*.

MCL 380.1586

Senate Bill 105 would amend the reporting requirements under the Code. Currently, at least annually, school boards must prepare and submit a report to the superintendent of public instruction stating the number of expulsions in the school year. The bill would require that the report also include suspensions, as well as the number of students who were truant, chronically absent, or disciplinary absent. It would require a description of the triggering incident, participants, and disciplinary outcomes, as well as sufficient data to establish each incident of truancy or chronic or disciplinary absence.

MCL 380.1310a

Senate Bill 106 would amend the Probate Code to specify that the family division of the circuit court would have jurisdiction over juvenile truancy cases.

Currently, the family division of the circuit court has jurisdiction over cases where a juvenile willfully and repeatedly absents himself or herself from *school or other learning program*. The bill would define *willfully* as an act done intentionally, knowingly, and purposefully, without a justifiable excuse. The bill would also add *truancy* matters to the court's jurisdiction, which would encompass situations where a child has 10 or more unexcused absences per *school* year.

These changes would separate cases where a juvenile absents himself or herself of his or her own accord from school *or other learning program*, and cases where a juvenile has 10

or more unexcused absences from *school* only, which may or may not be of the juvenile's own accord.

MCL 712A.2

FISCAL IMPACT:

The bills would increase costs for the state and local units of government.

Senate Bill 103 could increase costs for local school districts, ISDs, and PSAs if the included definitions for absenteeism and truancy changed reporting classifications and follow-up procedures for these pupils.

Senate Bill 104 could increase costs for local school districts, ISDs, and PSAs by changing the circumstances for requiring school officials to set up meetings with parents to discuss their child's attendance from "repeatedly absent from school without valid excuse" to "truant or chronically absent," which presumably would expand the number of pupils requiring meetings because chronically absent would include absenteeism for unexcused, excused, or disciplinary absences.

Senate Bill 105 would increase costs for the Michigan Department of Education to compile additional data concerning suspended, truant, chronically absent, or disciplinarily absent pupils.

Local school districts, ISDs, and PSAs would incur additional data reporting costs to provide the following: the number of suspended pupils along with a written description of the incident that caused the suspension; the number of pupils who were truant, chronically absent, or disciplinarily absent; and sufficient data to show that the pupil meets one of those designations.

Senate Bill 106 would have an indeterminate fiscal impact on local courts. Family court caseloads and related administrative costs would increase with truancy being added to the family court's jurisdiction.

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