

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

PART 24

COMPULSORY SCHOOL ATTENDANCE

380.1561 Compulsory attendance at public school; enrollment dates; exceptions.

Sec. 1561. (1) Except as otherwise provided in this section, for a child who turned age 11 before December 1, 2009 or who entered grade 6 before 2009, the child's parent, guardian, or other person in this state having control and charge of the child shall send that child to a public school during the entire school year from the age of 6 to the child's sixteenth birthday. Except as otherwise provided in this section, for a child who turns age 11 on or after December 1, 2009 or a child who was age 11 before that date and enters grade 6 in 2009 or later, the child's parent, guardian, or other person in this state having control and charge of the child shall send the child to a public school during the entire school year from the age of 6 to the child's eighteenth birthday. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. In a school district that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

(2) A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

(3) A child is not required to attend a public school in any of the following cases:

(a) The child is attending regularly and is 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.

(b) The child is less than 9 years of age and does not reside within 2-1/2 miles by the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this subdivision does not apply.

(c) The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.

(d) The child is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.

(e) The child has graduated from high school or has fulfilled all requirements for high school graduation.

(f) The child is 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.

(4) For a child being educated at the child's home by his or her parent or legal guardian, exemption from the requirement to attend public school may exist under either subsection (3)(a) or (3)(f), or both.

(5) For a child who turns age 11 on or after December 1, 2009 or who was age 11 before that date and enters grade 6 in 2009 or later, this section does not apply to the child if the child is at least age 16 and the child's parent or legal guardian has provided to school officials of the school district in which the child resides a written notice that the child has the permission of the parent or legal guardian to stop attending school.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 339, Eff. July 1, 1996;—Am. 2009, Act 204, Imd. Eff. Jan. 4, 2010.

Constitutionality: Shared time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause of the United States Constitution even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. *Snyder v Charlotte Schools*, 421 Mich 517; 365 NW2d 151 (1984).

Shared time instruction clearly is not intended to benefit one or all religions; rather, the purpose is secular: to provide educational opportunities at public schools for all resident school-age children whether they attend public or religious or secular nonpublic schools. *Snyder v Charlotte Schools*, 421 Mich 517; 365 NW2d 151 (1984).

Popular name: Act 451

Administrative rules: R 340.71 et seq. of the Michigan Administrative Code.

380.1565 Providing opportunity to observe time in silent meditation; guidelines.

Sec. 1565. The board of education of a school district may by resolution provide the opportunity during

each school day to allow students who wish to do so, the opportunity to observe time in silent meditation. The state board shall develop guidelines which a school board may use in the implementation of this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

Popular name: Act 451

380.1571 Attendance officers; acceptance and oath of office; surety bond; powers and duties; list of teachers and superintendent.

Sec. 1571. (1) The intermediate school board shall select 1 or more persons to act as attendance officers for the intermediate school district. An attendance officer shall file with the secretary of the intermediate school board an acceptance and oath of office, and a surety bond in the sum of \$1,000.00.

(2) The board of a school district having a pupil membership of 1,000 or more on the latest pupil membership count day may employ attendance officers. An attendance officer employed by a board of education shall give a surety bond to the board in the sum of \$1,000.00.

(3) An attendance officer of an intermediate school district or a local school district shall have the powers of a deputy sheriff within the district or the intermediate school district while performing official duties. An intermediate school district attendance officer shall perform the duties of the office in each constituent district in which the local board does not employ an attendance officer.

(4) At the opening of the schools the intermediate superintendent shall furnish the intermediate attendance officer with a list of the teachers and superintendents employed in constituent districts other than those employing an attendance officer.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1576 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to attendance report.

Popular name: Act 451

380.1577 Attendance report; school district other than primary school district.

Sec. 1577. The secretary of the board of a school district other than a primary school district at the opening of school shall furnish a copy of the last school census to the superintendent of schools, or the teacher or teachers if no superintendent is employed in the district, together with the name and address of the attendance officer who has jurisdiction in the district. At the opening of school the superintendent, teacher, or teachers shall compare the census list with the enrollment of the school, and shall report to the proper attendance officer the names and addresses of parents or other persons in parental relation to a child of compulsory attendance age not in regular attendance at the public schools, and names of parents or others in parental relation to a child not enrolled in the school and whose name is not included in the census.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1578 Attendance report; nonpublic schools.

Sec. 1578. The appropriate authority of each nonpublic school at the beginning of the school year shall furnish the superintendent of schools of the district in which the nonpublic school is situated or the intermediate superintendent:

(a) The name and age of each child who is enrolled at the school.

(b) The number or name of the school district and the city or township and county in which the parent, guardian, or person in parental relation resides.

(c) The name and address of the parent, guardian, or other person in parental relation.

(d) The name and age of each child enrolled in the school who is not in regular attendance.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1586 Nonattendance at school; notice; investigation; discussion of irregular attendance, failing work, or behavior problems with parent.

Sec. 1586. (1) The attendance officer shall investigate each case of nonattendance at school when notified by a teacher, superintendent, intermediate superintendent, or other person of a violation of this part. If the child complained of is not exempt from public school attendance under the conditions listed in section 1561, the attendance officer shall proceed immediately in the manner provided in this part.

(2) If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives

evidence of behavior problems, and attempts to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.

(3) The superintendent, or the teacher in a district which does not employ a superintendent, shall provide information concerning the nonattendance of each nonresident pupil to the intermediate superintendent of the intermediate school district in which the nonresident pupil resides. The intermediate attendance officer, when notified by the intermediate superintendent or superintendent of schools, shall investigate and proceed in all cases of nonattendance of nonresident pupils in the same manner provided in this part for enforcing attendance of pupils attending schools in districts in which they reside.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1587 Failure to send child to school; notice to parent; notice of noncompliance.

Sec. 1587. If a parent or other person in parental relation fails to send a child under his or her control to the public school or other school listed under section 1561, the attendance officer, upon receiving notice from proper authority of that fact, shall give written notice in person or by registered mail to the parent or other person in parental relation requiring the child to appear at the public school or other school on the next regular school day following the receipt of notice, and to continue in regular and consecutive attendance in school. The attendance officer shall notify the intermediate superintendent or superintendent of schools of the service of notice. The intermediate superintendent or superintendent of schools shall notify the attendance officer of the failure on the part of the parent or other person in parental relation to comply with the notice.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1588 Complaint against parent; warrant; hearing; determination.

Sec. 1588. The attendance officer, after giving the formal notice prescribed in section 1587, shall determine whether the parent or other person in parental relation has complied with the notice. The attendance officer shall make a complaint against the parent or other person in parental relation having the legal charge and control of the child who fails to comply to the court having jurisdiction in the county of residence for refusal or neglect to send the child to school. The court shall issue a warrant upon the complaint and shall proceed to hear and determine it in the same manner as is provided for other cases under its jurisdiction.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1589 Furnishing assistance and information to attendance officer.

Sec. 1589. School officers, superintendents, administrators, and teachers shall give assistance and furnish information to aid an attendance officer in the performance of official duties.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1596 Ungraded school or department for juvenile disorderly persons.

Sec. 1596. (1) The board of a school district other than a primary school district may establish 1 or more ungraded schools for the instruction of certain pupils classified in subsection (2). The board may require the pupils to attend an ungraded school or a department of the school as the board directs.

(2) A child aged 7 to his or her sixteenth birthday, or his or her eighteenth birthday if the child turns age 11 on or after December 1, 2009 or is age 11 before that date and enters grade 6 in 2009 or later, who resides in the school district and who meets 1 or more of the following is considered a juvenile disorderly person and in the judgment of the proper school authorities may be assigned to the ungraded school or department:

(a) Except for a child described in section 1561(5), a child who is habitually truant from the school in which he or she is enrolled as a pupil.

(b) A child who, while attending school, is incorrigibly turbulent, disobedient, and insubordinate, or who is immoral in conduct.

(c) A child who is not attending school and who habitually frequents streets and other public places, having no lawful business, employment, or occupation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2009, Act 204, Imd. Eff. Jan. 4, 2010.

Popular name: Act 451

380.1597 Repealed. 1978, Act 90, Eff. June 1, 1978.

Compiler's note: The repealed section pertained to work permits for minors 16 years of age.

Popular name: Act 451

380.1599 Noncompliance of parent as misdemeanor; penalty.

Sec. 1599. A parent or other person in parental relation who fails to comply with this part is guilty of a misdemeanor, punishable by a fine of not less than \$5.00 nor more than \$50.00, or imprisonment for not less than 2 nor more than 90 days, or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451