

HOUSE BILL No. 4340

February 17, 2005, Introduced by Reps. Clack, Williams, Farrah, Kathleen Law, Gillard, Meisner, Gonzales, Hunter, Vagnozzi, Gleason, Sak, Zelenko, Hopgood, Tobocman, Donigan, Plakas, Polidori, Kehrl, Phillips, Spade and Virgil Smith and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1599 (MCL 380.1599) and by adding section 1590.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1590. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),
2 NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,
3 EACH INTERMEDIATE SCHOOL BOARD AND THE COUNTY PROSECUTOR FOR EACH
4 COUNTY IN THE TERRITORY OF THE INTERMEDIATE SCHOOL DISTRICT SHALL
5 MEET AND CONFER TO DEVELOP A LOCAL TRUANCY POLICY UNDER SUBSECTION
6 (3) THAT WILL APPLY TO ALL SCHOOL DISTRICTS WITHIN THE INTERMEDIATE
7 SCHOOL DISTRICT EXCEPT THOSE DESCRIBED IN SUBSECTION (2) AND TO
8 DISCUSS AND PLAN IMPLEMENTATION OF THE POLICY.

9 (2) IF A SCHOOL DISTRICT EMPLOYS ITS OWN ATTENDANCE OFFICER OR

1 OFFICERS UNDER SECTION 1571, NOT LATER THAN 180 DAYS AFTER THE
2 EFFECTIVE DATE OF THIS SECTION, THE SCHOOL BOARD OF THAT SCHOOL
3 DISTRICT AND THE COUNTY PROSECUTOR FOR THE COUNTY IN WHICH IT IS
4 LOCATED SHALL MEET AND CONFER TO DEVELOP A LOCAL TRUANCY POLICY
5 UNDER SUBSECTION (3) THAT WILL APPLY TO THAT SCHOOL DISTRICT AND TO
6 DISCUSS AND PLAN IMPLEMENTATION OF THE POLICY.

7 (3) A LOCAL TRUANCY POLICY UNDER THIS SECTION SHALL CLEARLY
8 STATE ALL SCHOOL ATTENDANCE REQUIREMENTS AND TRUANCY PREVENTION
9 STEPS CURRENTLY REQUIRED UNDER THIS PART AND SHALL ADDRESS AT LEAST
10 ALL OF THE FOLLOWING:

11 (A) ESTABLISHMENT OF A DEFINITION OF A TRUANT CHILD. THIS PART
12 OF THE POLICY SHALL ALLOW A SCHOOL DISTRICT TO ESTABLISH ITS OWN
13 DEFINITION OF TRUANCY AS LONG AS IT IS CONSISTENT WITH THIS PART.

14 (B) PROTOCOLS AND CRITERIA FOR NOTIFYING THE PARENTS OF A
15 TRUANT CHILD, WHICH SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

16 (i) THE REQUIREMENTS AND PROCEDURES FOR THE WRITTEN NOTICE BY
17 REGISTERED MAIL REQUIRED UNDER SECTION 1587.

18 (ii) REQUIREMENTS FOR THE NOTICE CONCERNING THE RESPONSE THAT
19 SHOULD BE REQUESTED FROM THE PARENT OR OTHER PERSON IN PARENTAL
20 RELATIONSHIP.

21 (iii) REQUIREMENTS FOR THE NOTICE CONCERNING ADVISING THE PARENT
22 THAT IF THE TRUANCY CONTINUES, THE PARENT OR OTHER PERSON IN
23 PARENTAL RELATIONSHIP MAY BE SUBJECT TO CRIMINAL PROSECUTION.

24 (C) PROTOCOLS AND CRITERIA FOR NOTIFICATION OF APPROPRIATE
25 INDIVIDUALS AND AGENCIES IF A PARENT DOES NOT RESPOND TO THE
26 WRITTEN NOTICE OR CONTINUES TO FAIL TO COMPLY WITH THIS PART. THIS
27 PART OF THE POLICY SHALL CLEARLY REQUIRE THE ATTENDANCE OFFICER OF

1 THE INTERMEDIATE SCHOOL DISTRICT OR SCHOOL DISTRICT, AS APPLICABLE,
2 TO NOTIFY THE COUNTY PROSECUTOR IN A TIMELY FASHION.

3 (D) PROTOCOLS FOR A SCHOOL DISTRICT, ATTENDANCE OFFICER, OR
4 COUNTY PROSECUTOR TO FILE A COMPLAINT UNDER SECTION 1588 OR
5 OTHERWISE TO PETITION AN APPROPRIATE COURT FOR INTERVENTION OR
6 OTHER ACTION.

7 (4) UPON ADOPTION OF THE LOCAL TRUANCY POLICY AS REQUIRED
8 UNDER THIS SECTION, AN INTERMEDIATE SCHOOL BOARD OR SCHOOL BOARD,
9 AS APPLICABLE, SHALL SUBMIT ITS LOCAL TRUANCY POLICY TO THE STATE
10 BOARD FOR APPROVAL. THE STATE BOARD SHALL PROMPTLY APPROVE A LOCAL
11 TRUANCY POLICY IF THE STATE BOARD DETERMINES THAT IT IS CONSISTENT
12 WITH THE PURPOSES AND PROCEDURES OF THIS PART. IF THE STATE BOARD
13 DOES NOT APPROVE A LOCAL POLICY, THE STATE BOARD SHALL WORK WITH
14 THE INTERMEDIATE SCHOOL BOARD OR SCHOOL BOARD TO DEVELOP AND
15 APPROVE AN ACCEPTABLE LOCAL TRUANCY POLICY AS SOON AS POSSIBLE.

16 (5) AFTER THE STATE BOARD APPROVES A LOCAL TRUANCY POLICY
17 UNDER THIS SECTION, THE INTERMEDIATE SCHOOL DISTRICT OR SCHOOL
18 DISTRICT, AS APPLICABLE, EACH AFFECTED SCHOOL DISTRICT, AND EACH
19 AFFECTED COUNTY PROSECUTOR SHALL BEGIN COMPLIANCE WITH THE TRUANCY
20 POLICY.

21 (6) AS USED IN THIS SECTION:

22 (A) "SCHOOL BOARD" MEANS THE BOARD OF A SCHOOL DISTRICT OR THE
23 BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

24 (B) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT OR PUBLIC SCHOOL
25 ACADEMY.

26 Sec. 1599. (1) A parent or other person in parental ~~relation~~
27 RELATIONSHIP who fails to comply with this part is guilty of a

1 misdemeanor ~~—~~ punishable by ~~a~~ **ANY COMBINATION OF THE FOLLOWING:**

2 **(A) A** fine of not less than ~~—\$5.00 nor more than—~~ \$50.00 ~~—, or~~
3 ~~imprisonment—~~ **OR MORE THAN \$500.00.**

4 **(B) IMPRISONMENT** for not less than 2 ~~—nor—~~ **DAYS OR** more than
5 ~~90— 93~~ days. ~~—, or both—.~~

6 **(C) COMMUNITY SERVICE FOR NOT MORE THAN 50 HOURS.**

7 **(2) THIS SECTION DOES NOT PROHIBIT CHARGING A PERSON WITH,**
8 **CONVICTING A PERSON OF, OR PUNISHING A PERSON FOR ANY OTHER CRIME**
9 **INCLUDING ANY OTHER VIOLATION OF LAW ARISING FROM THE SAME ACT OR**
10 **OMISSION AS THE VIOLATION OF THIS PART.**