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BILL ANALYSIS



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Senate Bills 405 through 408 (as introduced 6-18-15)
Sponsor: Senator Tonya Schuitmaker (S.B. 405 & 406)
Senator Judy K. Emmons (S.B. 407 & 408)
Committee: Families, Seniors and Human Services

Date Completed: 4-12-16

CONTENT

Senate Bill 405 would amend the Revised School Code to do the following:

- Prohibit a child from being suspended or expelled solely for truancy or chronic absence from school.
- Define "truant" as a child who has at least 10 unexcused absences per school year.
- Define "chronically absent" as a pupil who is absent for at least 10% of the scheduled school days in a school year.
- Provide that a pupil's first five absences would be excused if documentation of the reason for the absence were submitted and approved.
- Provide that a sixth or subsequent absence would be considered excused only for specified reasons and if documentation were submitted and approved.
- Require a public school to take certain measures if a child were truant or chronically absent.
- Require a child to be "in attendance" following enrollment.

Senate Bill 406 would amend the Code to do the following:

- Require, rather than allow, a school district to notify a child's parent or another person in a parental relationship with a child to attend a meeting regarding the child's attendance irregularity, failing work, or behavior problems.
- Authorize the district or intermediate superintendent to consider the reasons for a child's absence and lesser interventions before requiring a meeting with the parent.
- Require school officials, in a meeting with a parent, to offer an attendance agreement and discuss the consequences if the attendance issue were not resolved.
- Permit school officials to offer other available interventions.
- Authorize school officials to pursue appropriate interventions if the attendance issue were not resolved, and require them to pursue court intervention if the other interventions were not effective.

Senate Bill 407 would amend the Code to require a school board's annual report regarding expulsions to include data about suspensions, truancy, chronic absence, and disciplinary absence.

Senate Bill 408 would amend the juvenile code to extend the family court's exclusive jurisdiction to a juvenile who was found truant.

Senate Bills 406, 407, and 408 are tie-barred to Senate Bill 405.

Senate Bill 405

Truancy or Chronic Absence

The Revised School Code allows a school board or school district superintendent, a school building principal, or another school district official designated by the school board to authorize or order a pupil who is guilty of gross misdemeanor or persistent disobedience to be suspended or expelled from school if, in the judgment of the school board or its designee, doing so serves the interest of the school. Under the bill, a child could not be suspended or expelled solely for being truant or chronically absent.

If a child were truant or chronically absent, the bill would require the public school in which the child was enrolled to take the measures required under Section 1586 (which Senate Bill 406 would amend, as described below).

The bill would define "truant" a child who has at least 10 unexcused absences per school year. The bill specifies that a pupil could be considered truant only once in a particular school year. "Chronically absent" would mean a pupil is absent for at least 10% of the scheduled school days in a school year for which the pupil is enrolled in school, whether due to unexcused, excused, or disciplinary absences.

"Unexcused absence" would mean any absence that is neither an excused absence nor a disciplinary absence. The accumulation of 10 late arrivals would equal one unexcused absence. "Late arrival" or "tardy" would mean arriving for class or school activity after the established commencement time, unless excused.

"Disciplinary absence" would mean an absence that is the result of disciplinary action imposed by school officials and is neither an unexcused nor an excused absence. For purposes of data collection, a disciplinary absence of one to five consecutive days would have to be labeled and tracked as short-term. A disciplinary absence of at least six consecutive days would have to be labeled and tracked as long-term.

For a pupil's first five absences from school for a school year, "excused absence" would mean an absence for which documentation of the reason for the absence has been submitted and approved. For a pupil's sixth or subsequent absence for a school year, an absence would be considered excused only for one of the following reasons and only when documentation had been submitted and approved:

- The pupil's illness or medical condition.
- Medical appointment of the pupil, including medical, counseling, dental, or optometry.
- The pupil's observance of a religious holiday.
- Death in the pupil's family.
- Other emergency beyond the control of the pupil or his or her family.
- A mandated court appearance for the pupil.
- An extraordinary educational opportunity that was pre-approved by school officials in accordance with guidelines of the Department of Education.
- Military service of the pupil's parent or legal guardian.
- Homelessness.

"Documentation" would mean a written document that could include a signed note from a pupil's parent or legal guardian, a signed note from a school employee or official who spoke in person to a pupil's parent or legal guardian regarding the pupil's absence, or a note confirming a pupil's absence by a school nurse or a licensed medical professional. For an absence due to a pupil's illness or medical condition, documentation from a licensed medical

professional would be required only if the absence lasted for at least five consecutive school days in the same school year.

For the purposes of requiring a pupil's parent or legal guardian to provide documentation for an excused absence, a school district, intermediate school district, or public school academy would have to take steps to provide appropriate assistance for illiteracy and would have to allow a non-English-speaking parent or legal guardian to submit documentation in his or her native language.

Compulsory Attendance

The Code requires the parent, guardian, or other person having control and charge of a child to send the child to a public school during the entire school year from the age of six to the child's 18th birthday.

The Code also requires the child's attendance to be continuous and consecutive for the school year fixed by the 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 school more than three quarters in one calendar year, but may not be absent for two or more consecutive quarters. The bill would delete these provisions.

In addition, the Code requires a child becoming six years old before December 1 to be enrolled on the first school day of the school year in which the child's sixth birthday occurs. A child becoming six years old on or after December 1 must be enrolled on the first school day of the school year following the school year in which his or her six birthday occurs. Under the bill, in either case, the child would have to be in attendance after enrollment. "In attendance" would mean, for a school day, that a pupil is present at his or her assigned school or school activity for at least 90% of the school day.

Senate Bill 406

Section 1586 of the Revised School Code requires a school attendance officer to investigate each case of nonattendance at school when notified by a teacher, school district or intermediate superintendent, or other person of a violation of Part 24 (Compulsory School Attendance). If the child is not exempt from public school attendance under the Code, the attendance officer immediately must proceed according to Part 24. The bill would refer to the attendance officer or designated school official.

Currently, 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 child's parent or another person in a parental relationship with the child fail, the school district superintendent or the intermediate superintendent, as applicable, may request the attendance officer to notify the parent or other person by registered mail to come to the school to discuss the child's attendance irregularity, failing work, or behavior problems with the proper school authorities. Under the bill, the superintendent would be required to request the attendance officer or designated school official to give this notice to the parent or other person.

The bill provides, however, that the district superintendent, or the intermediate superintendent in a district that did not employ a superintendent, could consider the reason or reasons for a child's absence, if available, and whether a lesser intervention would be likely to properly address the situation before requiring a meeting.

At the meeting, if one were held, school officials would have to offer an attendance agreement that required the child to resume regular and consecutive attendance and discuss

consequences that would occur if the attendance issue were not resolved. In addition, school officials could offer interventions as available, including mental health screening, problem solving, tutoring, and mentoring. School officials would have to ensure that each of the child's teachers was given a copy of the letter and attendance agreement so that they could monitor and report attendance.

If school officials determined that the attendance issue was not resolved, or if the child missed school two times in the next 30 days or three more times in the next three months, the attendance officer or designated school official could provide or pursue appropriate interventions. If these further interventions did not resolve the attendance issue, the attendance officer or school official would have to pursue the appropriate court intervention.

Senate Bill 407

The Code requires each school board to prepare and submit to the Superintendent of Public Instruction an annual report stating the number of pupils expelled from the school district during the prior school year, with a brief description of the incident that caused each expulsion. Under the bill, the report also would have to state the number of pupils suspended and the number who were truant, chronically absent, or disciplinary absent.

The report would have to include a brief written description of the incident that caused each expulsion or suspension, the participants, and the disciplinary outcomes. For each incident of a pupil who was truant, chronically absent, or disciplinary absent, the report would have to contain a brief written statement of the data establishing that the pupil was truant, chronically absent, or disciplinary absent.

Senate Bill 408

The juvenile code gives the Family Division of Circuit Court (family court) exclusive original jurisdiction in proceedings concerning a juvenile under 17 years of age who is found within the county in certain situations, including those in which the juvenile has violated the law, has left home, is repeatedly disobedient to his or her parents, or willfully and repeatedly absents himself or herself from school.

The bill would extend the family court's exclusive jurisdiction to a juvenile who was found to be truant. "Truant" would mean the term as defined in Senate Bill 405.

MCL 380.1311 & 380.1561 (S.B. 1151)
380.1586 (S.B. 1152)
380.1310a (S.B. 1153)
712A.2 (S.B. 1154)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bills 405, 406, & 407

The bills likely would have little to no fiscal impact on the State.

Senate Bills 405 and 406 could result in some additional local costs although the additional costs should be fairly low, since the bills are mostly clarifying in nature and would not change the basic structure in place at the current time regarding truancy or compulsory attendance.

Specifically, a fiscal impact likely could occur with the requirement under Senate Bill 406 to investigate and notify the parents of chronically absent children even if the absences were excused. This differs from the current requirement that refers to being "repeatedly absent from school without valid excuse", and therefore would be a new instance in which

investigative and notification procedures would be required. The extent to which this could be an additional administrative cost is unknown.

Local schools also likely would see additional reporting costs under Senate Bill 407, which would require reporting of pupils truant, chronically absent, or disciplinary absent, along with brief written statements of the data establishing that the pupils were truant, chronically absent, or disciplinary absent. This would be in addition to the current requirement to report on expulsions and suspensions.

Senate Bill 408

The bill could increase costs to local courts. To the extent that adding truancy to the family court's jurisdiction would increase the caseload of local court systems, the administrative costs to the courts could increase. The bill would have no fiscal impact on State government.

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