

# HOUSE BILL No. 4844

May 30, 2001, Introduced by Reps. Jacobs, LaSata, Jelinek, Bernero, Bovin, Hardman, Hart, Zelenko, Woodward, Schauer and Stewart 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  
3 SECTION, EACH INTERMEDIATE SCHOOL BOARD AND THE COUNTY PROSECUTOR  
4 FOR EACH COUNTY IN THE TERRITORY OF THE INTERMEDIATE SCHOOL DIS-  
5 TRICT SHALL MEET AND CONFER TO DEVELOP A LOCAL TRUANCY POLICY  
6 UNDER SUBSECTION (3) THAT WILL APPLY TO ALL SCHOOL DISTRICTS  
7 WITHIN THE INTERMEDIATE SCHOOL DISTRICT EXCEPT THOSE DESCRIBED IN  
8 SUBSECTION (2) AND TO DISCUSS AND PLAN IMPLEMENTATION OF THE  
9 POLICY.

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

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

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

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

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

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

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

26 (C) PROTOCOLS AND CRITERIA FOR NOTIFICATION OF APPROPRIATE  
27 INDIVIDUALS AND AGENCIES IF A PARENT DOES NOT RESPOND TO THE

1 WRITTEN NOTICE OR CONTINUES TO FAIL TO COMPLY WITH THIS PART.  
2 THIS PART OF THE POLICY SHALL CLEARLY REQUIRE THE ATTENDANCE  
3 OFFICER OF THE INTERMEDIATE SCHOOL DISTRICT OR SCHOOL DISTRICT,  
4 AS APPLICABLE, TO NOTIFY THE COUNTY PROSECUTOR IN A TIMELY  
5 FASHION.

6 (D) PROTOCOLS FOR A SCHOOL DISTRICT, ATTENDANCE OFFICER, OR  
7 COUNTY PROSECUTOR TO FILE A COMPLAINT UNDER SECTION 1588 OR OTH-  
8 ERWISE TO PETITION AN APPROPRIATE COURT FOR INTERVENTION OR OTHER  
9 ACTION.

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

19 (5) AFTER THE STATE BOARD APPROVES A LOCAL TRUANCY POLICY  
20 UNDER THIS SECTION, THE INTERMEDIATE SCHOOL DISTRICT OR SCHOOL  
21 DISTRICT, AS APPLICABLE, EACH AFFECTED SCHOOL DISTRICT, AND EACH  
22 AFFECTED COUNTY PROSECUTOR SHALL BEGIN COMPLIANCE WITH THE TRU-  
23 ANCY POLICY.

24 (6) AS USED IN THIS SECTION:

25 (A) "SCHOOL BOARD" MEANS THE BOARD OF A SCHOOL DISTRICT OR  
26 LOCAL ACT SCHOOL DISTRICT OR THE BOARD OF DIRECTORS OF A PUBLIC  
27 SCHOOL ACADEMY.

1 (B) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, LOCAL ACT  
2 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.

3 Sec. 1599. (1) A parent or other person in parental  
4 ~~relation~~ RELATIONSHIP who fails to comply with this part is  
5 guilty of a misdemeanor ~~,~~ punishable by ~~a~~ ANY COMBINATION OF  
6 THE FOLLOWING:

7 (A) A fine of not less than ~~\$5.00 nor more than~~ \$50.00 ~~,~~  
8 ~~or imprisonment~~ OR MORE THAN \$500.00.

9 (B) IMPRISONMENT for not less than 2 ~~nor~~ DAYS OR more than  
10 ~~90~~ 93 days. ~~,~~ ~~or both.~~

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

12 (2) THIS SECTION DOES NOT PROHIBIT CHARGING A PERSON WITH,  
13 CONVICTING A PERSON OF, OR PUNISHING A PERSON FOR ANY OTHER CRIME  
14 INCLUDING ANY OTHER VIOLATION OF LAW ARISING FROM THE SAME ACT OR  
15 OMISSION AS THE VIOLATION OF THIS PART.

16 Enacting section 1. This amendatory act does not take  
17 effect unless all of the following bills of the 91st Legislature  
18 are enacted into law:

19 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4845 (request  
20 no. 00772'01 a \*\*).

21 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4842 (request  
22 no. 00772'01 b \*\*).