

# Proposed Amendments to Truancy/Chronic Absenteeism Laws & Zero Tolerance Laws



# Truancy/Chronic Absenteeism

- Adds graduated interventions for repeatedly absent, truant, and chronically absent child,
- Adds definitions for chronically absent, disciplinary absent, excused and unexcused absences,
- Provides authority and jurisdiction over truant or chronically absent juveniles to the Court

# First Level

- **Mandatory notification to meet with school to discuss the issue(s) if:**
- Three consecutive days of unexcused absences, or
- Three days of non-consecutive unexcused absences within a 45 day period, or
- Four unexcused late arrivals/tardies in a semester, or
- Combination of 6 or more excused, unexcused, and/or disciplinary absences in school year, or
- Failing in schoolwork, or  
Evidence of behavioral problems, **and**
- Attempts to confer with parent fail.

## Second Level

- **Mandatory notification to meet with the school to discuss truant or chronically absent behavior, offer attendance agreement and interventions, discuss consequences:**
  - Once a child is identified as chronically absent (child identified as missing 10% of school for any reason) or truant (ten or more unexcused absences).

# Level 3

- **Discretionary action by school to provide or pursue appropriate interventions:**
  - If attendance issue is not resolved above at level two, or
  - If child misses school two more times in the next 30 days, or
  - If child misses three times in the next three months.

# “Chronically Absent”

- Means absent for 10% or more of the enrolled school days in a school year, whether absenteeism is due to unexcused, excused, or disciplinary absences

# “Disciplinary Absence”

- Means absences that are the result of school or district disciplinary action and are neither unexcused nor excused absences
- For purposes of data collection, disciplinary absences should be labeled and tracked as either short-term (1-5 consecutive days) or long-term (6 or more consecutive days)

# “Documentation”

- Means either a written document that includes a signed note from the parent or guardian, or a signed note from a school official that spoke in person to the parent or guardian regarding the child’s absence, or a note confirming the absence by the school nurse or a licensed medical professional
- Documentation is only required from a licensed medical profession beginning with the child’s third and subsequent illness/medical-reason related absence(s) in the same school year.



- Documentation must explain the nature of and the reason for the absence as well as the length of the absence.
- Schools shall take steps to provide appropriate assistance to parents/guardians for illiteracy and allow non-English speaking parents/guardians to submit documentation in their native language.

# “Excused Absence”

- A child’s first five absences from school are considered excused when documentation (as defined previously) of the reason for the absence has been submitted and approved

- A child's sixth and subsequent absence(s) from school are considered excused only for the following reasons when documentation has been submitted and approved:
  - Child's illness/medical reason
  - Medical appointments (including but not limited to medical, counseling, dental, or optometry)
  - Child's observance of a religious holiday
  - Death in the student's family
  - Other emergency beyond the control of the child or the child's family
  - Mandated court appearances (additional documentation required)
  - Extraordinary educational opportunities pre-approved by district administrators and in accordance with the Michigan Department of Education guidance
  - Absences related to parent or guardian's military service
  - Homelessness

## “In Attendance”

- Means, in respect to a school day, a child is present at his or her assigned school, or school activity for 90% of the school day

## “Not In Attendance”

- Means a child who fails to be in attendance for a school day

# “Late Arrivals” or “Tardies”

- Means arriving for class or school activity after the established commencement time, unless excused.
- The accumulation of ten late arrivals/tardies equals one unexcused absence.

## “School Activity”

- Means an activity sponsored by a school at which attendance by the student is mandatory

## “Repeatedly Absent”

- Means being absent for three consecutive days of unexcused absences, three days of non-consecutive unexcused absences within a 45 day period, four unexcused late arrivals/tardies in a semester, or combination of 6 or more excused, unexcused, and/or disciplinary absences in a school year)

# “Truant”

- Means a child who has ten (10) or more unexcused absences per school year. A child should be counted as truant only once in a given school year
- Once deemed truant, a child shall be monitored during the following school year and interventions are to be started after two excused, unexcused, or disciplinary absences

# “Unexcused Absence”

- Means any absence which is neither an excused absence nor a disciplinary absence



# Zero Tolerance

## Proposed Amendments

- Removes mandatory expulsions for physical assault against another pupil, assault against school employee, volunteer, or contractor, possession of a dangerous weapon (other than a firearm), arson and criminal sexual conduct,
- Amends mandatory expulsion requirement for firearm to expulsion no less than a year and allows superintendent modify this on a case by case basis if modification is in writing (both in accordance with federal law),

- Adds mandatory requirement to look at exceptions when weapon expulsion;
- Adds considerations before suspension or expulsion occurs;
- Adds definitions for expulsions, suspensions, and restorative justice,
- Adds restorative justice in correction of bullying behavior to policy requirements,
- Removes all references to “office for safe schools” (as it no longer exists.), and

- Adds the following to the already required reporting requirements for expulsions:
  - Suspensions
  - Chronic absenteeism (child identified as missing 10% of school for any reason)
  - Truancy (ten or more unexcused absences)
  - Disciplinary absences (absences as a result of school or district disciplinary absences)
  - Participants and disciplinary outcomes for each expulsion and suspension
  - Data establishing that the student is truant, chronically absent or disciplinary absent
  - Bomb threats
  - Narrows requirement to report “assaults” to requirement to report “physical assaults which threatened or caused serious injury and were the cause for expulsion”

# Expulsions

1. Removes **mandatory** expulsion requirement for:
  - physical assault against another pupil
  - assault against school employee, volunteer, or contractor
  - possession of a dangerous weapon (other than a firearm)
  - arson
  - criminal sexual conduct

2. Adds provision that a pupil who brings or possesses a firearm to/at school shall be expelled not less than a year and adds the ability for superintendent of school district to modify this on a case by case basis if modification is in writing (in accordance with federal law.)

3. Adds **mandatory** requirement of school board to consider the following **already existing** exceptions before suspending or expelling a student for possessing a weapon:

- The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon, or
- The weapon was not knowingly possessed by the pupil, or
- The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon, or
- The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

#### 4. Adds the following actors for each school district to consider before suspending or expelling a student:

- Age of the student
- Disciplinary history of the student
- Whether the student has a disability
- Seriousness of the violation committed by the student
- Whether the violation committed threatened the safety of any student or staff member
- Whether restorative justice will be used
- Whether a lesser intervention would properly address the violation committed by the student

5. Removes requirement that pupil is expelled from all public schools in state if expelled but provides that other school districts in state may deny admission to pupils if expelled
6. Adds requirement that the school board shall provide a petition form within three days after expulsion to pupil, parents or legal guardian and no longer requires that the petition form must be requested.



# Truancy

## Proposed Amendments to the Revised School Code (Excerpt) Act 451 of 1976

### **Amend 380.1561 as follows:**

1. Remove attendance requirement of “continuous and consecutive.”
2. Remove attendance requirements pertaining to “school year round” school districts.
3. Add requirement that a child shall be “in attendance.”
4. Add requirement that a truant or chronically absent child (and family) shall receive interventions described in Section 380.1586.

## **Amend 380.1561 as follows:**

5. Add a child shall not be suspended or expelled solely for truant or chronically absent behavior.
6. Add that suspensions or expulsions may result in a child being chronically absent.
7. Add definitions for “chronically absent”, “documentation”, “excused absence”, “in attendance”, “late arrivals” or “tardies”, “not in attendance”, “school activity”, “truant”, or “unexcused absence.”

## **Amend 380.1586 as follows:**

- 1.** Add a child shall not be suspended or expelled solely for truant or chronically absent behavior.
- 2.** Add that suspensions or expulsions may result in a child being chronically absent.
- 3.** Add definitions for “chronically absent”, “documentation”, “excused absence”, “in attendance”, “late arrivals” or “tardies”, “not in attendance”, “school activity”, “truant”, or “unexcused absence.”

4. Add following exceptions to mandatory process above that may be considered by the school before requiring a meeting (a) the reason for the child's absences, if provided, and (b) whether a lesser intervention would properly address the absences by the student.
5. Add requirement that a meeting notice is to be sent if a child is truant or chronically absent.
6. Add requirement that the following is to occur at the meeting: an attendance agreement is to be offered that requires the child to resume regular and consecutive attendance, consequences to be discussed if attendance issue is not resolved, interventions offered (if available), and the child's teacher(s) to be given the letter and attendance agreement so they can monitor and report attendance.

7. Add provision that if the attendance issue is not resolved or if the child misses school two times in the next 30 days or 3 more times in the next three months, the designated school official may provide or pursue appropriate interventions.
8. Add definitions for “chronically absent”, “in attendance”, “late arrivals” or “tardies”, “documentation”, “truant” and “unexcused absence”, and “repeatedly absent.

# Truancy

## Proposed Amendments to the Probate Code of 1939 (Excerpt) Act 288 of 1939

- Amend 712A.2 as follows:
  1. Add Court authority and jurisdiction over truant or chronically absent juveniles.
  2. Add definitions for “chronically absent” and “truant.”

# What interventions and reporting would look like under the proposal:

- **First Level**

- **Mandatory notification to meet with school to discuss the issue(s):**

- Three consecutive days of unexcused absences, or
- Three days of non-consecutive unexcused absences within a 45 day period, or
- Four unexcused late arrivals/tardies in a semester, or
- Combination of 6 or more excused, unexcused, and/or disciplinary absences in school year, or
- Failing in schoolwork, or Evidence of behavioral problems, **and**
- Attempts to confer with parent fail

*Exceptions: School may consider the reason for the child's absences and whether a lesser intervention is appropriate*

- **Second level:**

- **Mandatory notification to meet with the school to discuss truant or chronically absent behavior, offer attendance agreement and interventions, discuss consequences:**

- Once a child is identified as Chronically absent (child identified as missing 10% of school for any reason) or Truant (ten or more unexcused absences).



- **Third level:**

- **Discretionary action by school to provide or pursue appropriate interventions:**

- If attendance issue is not resolved above at level two, or
- If child misses school two more times in the next 30 days, or
- If child misses three times in the next three months.

## Required reporting to state by school:

- Chronic absenteeism (child identified as missing 10% of school for any reason)
- Truancy (ten or more unexcused absences)
- Disciplinary absences (absences as a result of school or district disciplinary absences)

# Zero Tolerance

## Proposed Amendments to the Revised School Code (Excerpt) Act 451 of 1976

- **Amend 380.1308 as follows:**
  - Redirect readers to Section 1311 instead of Section 1311a for definitions of “school board” and “school district.”
- **Remove MCL 380.1310 in its entirety:**
  - Remove **mandatory** expulsion of student for physical assault against another pupil

- **Amend 380.1310a as follows:**

- Modify section description from 1310a to 1310.
- Add “written” to brief description requirement.
- Add “participants” and “disciplinary outcomes” for each expulsion and suspension to the reporting requirements.
- Add “data establishing that the student is truant, chronically absent or disciplinary absent to the reporting requirements.
- Add definitions for “chronically absent”, “disciplinary absence” or “disciplinary absent” “school board”, “school district” and “truant.”

- **Amend 380.1310b as follows:**
  - Modify section description from 380.1310b to 380.1310a.
  - Add restorative justice in correction of bullying behavior to policy requirements.
  - Add “restorative justice” definition.

- **Amend MCL 380.1311 as follows:**

1. Add factors for each school district to consider before suspending or expelling a student:
  - a) the age of the student;
  - b) the disciplinary history of the student;
  - c) Whether the student has a disability;
  - d) The seriousness of the violation committed by the student;
  - e) Whether the violation committed by the student threatened the safety of any student or staff member;
  - f) whether restorative justice will be used; and
  - g) whether a lesser intervention would properly address the violation committed by the student.

- **Amend MCL 380.1311 as follows:**

2. Remove **mandatory** expulsion for a pupil in possession of a dangerous weapon (other than a firearm), arson, or criminal sexual conduct.
3. Add requirement of school board to consider exceptions before suspending or expelling a student for possessing a weapon.
4. Add provision that a pupil who brings or possesses a firearm to/at school shall be expelled not less than a year (in accordance with federal law.)

- **Amend MCL 380.1311 as follows:**

5. Add the ability for superintendent of school district to modify the above requirement on a case by case basis if modification is in writing (in accordance with federal law.)
6. Add provision that a suspension or expulsion not be imposed as a result of a pupil's truant or chronically absent behavior alone.
7. Add definitions for "chronically absent", "expulsion", "restorative justice", "suspension", and "truant."



- **Amend MCL 380.1311a as follows:**

1. Remove **mandatory** expulsion for assault by pupil against school employee, volunteer, or contractor.
2. Modify “individual” to “pupil” throughout section.
3. Remove requirement that pupil is expelled from all public schools in state if expelled.
4. Add provision that other school districts in state may deny admission to pupils if expelled.

- **Amend MCL 380.1311a as follows:**

5. Add requirement that school board shall provide a petition form within three days after expulsion to pupil, parents or legal guardian.
6. Remove requirement that the petition form must be requested.
7. Add requirement to report bomb threats.
8. Narrow requirement to report assaults to physical assaults which threatened or caused serious injury and were the cause for expulsion.
9. Remove all references to “office for safe schools.”