

HOUSE BILL No. 4177

February 13, 2001, Introduced by Reps. Basham and Hardman and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1588 and 1599 (MCL 380.1588 and 380.1599)
and by adding section 1580.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1580. (1) BEGINNING IN THE 2001-2002 SCHOOL YEAR, THE
2 PARENT OR OTHER PERSON IN PARENTAL RELATION OF A CHILD REQUIRED
3 TO ATTEND SCHOOL UNDER THIS PART SHALL ENSURE THAT THE CHILD IS
4 NOT ABSENT FROM SCHOOL WITHOUT VALID EXCUSE, AS DEFINED IN THE
5 POLICY ESTABLISHED UNDER SUBSECTION (2), FOR MORE THAN 5 DAYS IN
6 A SEMESTER. IF A CHILD IS ABSENT FROM SCHOOL WITHOUT VALID
7 EXCUSE FOR MORE THAN 5 DAYS IN A SEMESTER IN VIOLATION OF THIS
8 SECTION, THE CHILD IS SUBJECT TO THE FILING OF A PETITION WITH
9 THE FAMILY DIVISION OF CIRCUIT COURT AS REQUIRED UNDER SECTION

1 1588 AND THE CHILD'S PARENT OR OTHER PERSON IN PARENTAL RELATION
2 IS SUBJECT TO THE PENALTIES UNDER SECTION 1599.

3 (2) NOT LATER THAN JULY 1, 2001, THE BOARD OF EACH SCHOOL
4 DISTRICT, THE BOARD OF DIRECTORS OF EACH PUBLIC SCHOOL ACADEMY,
5 AND THE INTERMEDIATE SCHOOL BOARD OF EACH INTERMEDIATE SCHOOL
6 DISTRICT SHALL DEVELOP AND ADOPT A POLICY DEFINING AN ABSENCE
7 FROM SCHOOL WITHOUT VALID EXCUSE FOR THE PURPOSES OF THIS
8 SECTION. THE BOARD, BOARD OF DIRECTORS, OR INTERMEDIATE SCHOOL
9 BOARD SHALL DISTRIBUTE THIS POLICY TO EACH PUPIL'S PARENT OR
10 OTHER PERSON IN PARENTAL RELATION AT THE BEGINNING OF EACH SCHOOL
11 YEAR AND SHALL MAKE THE POLICY AVAILABLE AT EACH SCHOOL AT OTHER
12 TIMES. THE DISTRIBUTION REQUIRED UNDER THIS SUBSECTION MAY BE
13 MADE BY INCLUDING THE POLICY IN A STUDENT HANDBOOK OR SIMILAR
14 PUBLICATION THAT IS DISTRIBUTED TO PARENTS EACH SCHOOL YEAR.

15 Sec. 1588. (1) The attendance officer, after giving the
16 formal notice prescribed in section 1587, shall determine whether
17 the parent or other person in parental relation has complied with
18 the notice. ~~The~~

19 (2) IF THE ATTENDANCE OFFICER DETERMINES THAT A PARENT HAS
20 NOT COMPLIED WITH THE NOTICE UNDER SECTION 1587 OR DETERMINES
21 THAT THERE IS A VIOLATION OF SECTION 1580, THE attendance officer
22 shall ~~make~~ DO BOTH OF THE FOLLOWING:

23 (A) MAKE a complaint against the parent or other person in
24 parental relation having the legal charge and control of the
25 child who fails to comply, OR WHO HAS VIOLATED SECTION 1580, to
26 the court having jurisdiction in the county of residence for
27 refusal or neglect to send the child to school. The court shall

1 issue a warrant upon the complaint and shall proceed to hear and
2 determine it in the same manner as is provided for other cases
3 under its jurisdiction.

4 (B) FILE A PETITION WITH THE FAMILY DIVISION OF CIRCUIT
5 COURT ALLEGING THAT THE CHILD IS WITHIN THE COURT'S JURISDICTION
6 UNDER SECTION 2(A)(3), 2(A)(4), OR 2(A)(5) OF CHAPTER XIIA OF THE
7 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2, AS APPLICABLE.

8 Sec. 1599. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSEC-
9 TION (2), A parent or other person in parental relation who fails
10 to comply with this part is guilty of a misdemeanor, punishable
11 by a fine of not less than \$5.00 ~~nor~~ OR more than \$50.00, or
12 imprisonment for not less than 2 ~~nor~~ DAYS OR more than 90 days,
13 or both.

14 (2) IF A PARENT OR OTHER PERSON IN PARENTAL RELATION IS CON-
15 VICTED OF A VIOLATION OF SUBSECTION (1) BECAUSE THE CHILD IS
16 ABSENT FROM SCHOOL WITHOUT VALID EXCUSE FOR MORE THAN 5 DAYS IN A
17 SEMESTER IN VIOLATION OF SECTION 1580, IN ADDITION TO THE PENAL-
18 TIES PROVIDED UNDER SUBSECTION (1), THE COURT MAY ORDER THE
19 PARENT OR OTHER PERSON IN PARENTAL RELATION TO PERFORM AT LEAST 4
20 HOURS OF COMMUNITY SERVICE OR TO SERVE AT LEAST 4 HOURS OF DETEN-
21 TION WITH THE CHILD AT THE CHILD'S SCHOOL.