

REQUIRE LOCAL SCHOOL TRUANCY POLICIES

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House Bills 5381 & 5382

Sponsor: Rep. Brenda Clack

Committee: Education

Complete to 1-25-08

A SUMMARY OF HOUSE BILLS 5381 & 5382 AS INTRODUCED 10-30-07

The bills would require intermediate and local school districts and county prosecutors to create and implement education truancy policies, and prohibit the secretary of state from issuing a driver's license to truant students for a period of six months. A more detailed description of each bill follows.

House Bill 5382 would amend the Revised School Code (MCL 380.1599) to require that school district officials develop and implement education truancy policies together with the local prosecutor.

The bill specifies that not later than 180 days after this legislation goes into effect, each intermediate school board and the county prosecutor for each county in the ISD district meet and confer to develop a local truancy policy that would apply to all school districts within the intermediate school district, and also to discuss and plan the implementation of that policy. However, the bill specifies that if a school district employed its own attendance officer, then that district's school board and the county prosecutor would develop and implement the local truancy policy.

Under the bill, a local truancy policy would have to clearly state all school attendance requirements, the truancy prevention steps currently required, and also address at least all of the following:

- A local definition of "a truant child."
- Parental notification protocols (including registered mail, parental response, and notice of possible criminal prosecution if truancy continues).
- Protocols and criteria for notification of appropriate agencies if a parent does not respond to the written notice (including a requirement that the ISD or school district attendance officer notify the county prosecutor).
- Protocols for a school district, attendance officer, or county prosecutor to file a complaint or otherwise petition an appropriate court for intervention.

The bill requires that a local truancy policy be submitted to the State Board of Education for approval in a timely manner. If the state board determined that the local policy was

inadequate, its members would be required to work with the intermediate or local school board to develop and approve an acceptable truancy policy as soon as possible. Compliance with the new policy would begin following state board approval.

The bill would define "school board" to mean the board of a school district or the board of directors of a public school academy (charter school). Further, the term "school district" would be defined to mean a school district or charter school.

House Bill 5381 would amend the Probate Code (MCL 710.21 et al) by adding a section that would require the family division of the circuit court to notify the secretary of state of any truancy disposition. Under the bill, the secretary of state would then be required to suspend the operator's license of a truant student for six months from the date of disposition of the case. In the case of a truant student who was not yet licensed to drive, the secretary of state would be prohibited from issuing an operator's license for six months from the date of disposition of the case.

[Note: House Bill 5381, as drafted, is tie-barred to House Bill 5380, a bill that would amend the Michigan Vehicle Code to require drivers to meet certain school attendance requirements in order to obtain or keep their licenses. House Bill 5381 could not take effect unless House Bill 5380 also were enacted into law. House Bill 5380 has been assigned to the Transportation Committee.]

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on state and local governments. The bills could create increased administrative costs for school districts, local prosecutors, circuit courts, the Department of Education and the Secretary of State associated with truancy policy development, notification protocols, maintaining data and potential court costs.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.