

Oakland County's Early Truancy Intervention Protocol

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by

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OAKLAND COUNTY'S EARLY TRUANCY INTERVENTION PROTOCOL

In 1998, The Oakland County Prosecutor, David G. Gorcyca, the school superintendents of the twenty-eight school districts of Oakland County, and Oakland Schools joined in partnership to develop the Early Truancy Intervention Program. This collaborative effort helped children who were not regularly attending school.

At its inception, this program targeted students in the second and third grades who were exhibiting signs and characteristics for early school failure. This coordinated effort helped identify the at-risk students who would benefit from a three-pronged approach to producing regular daily school attendance. Over the last ten years, the program has grown and accepted referrals for any student between the ages of 6 and 16 in accordance with the state compulsory school attendance law.

We have learned a great deal about school truancy in our County over the past ten years. We have worked to raise awareness of the devastating effects school truancy has on our children, our communities and our economy. In February 2005, we created the Oakland County Truancy Task Force, a collaboration of public schools, state, county and community agencies, who work together to promote the 3As in education – Attendance, Attachment, and Achievement. We have a website containing our county school attendance resources and showcasing state and national positive school attendance resources at www.oakland.k12.mi.us. We have hosted annual conferences on school truancy for k-12 school staff, developed a checklist for schools to assess their school attendance awareness, identified referral resources for the top ten reasons a student misses school and created a document for at-risk high school students entitled “Whatever It Takes Graduate!”

We learned we have to develop different programs for the different school levels – elementary, middle school and high school not only because of the limitations of the state’s compulsory school attendance law (6 - 16) but also because the schools, students, families, community and court respond differently to children in each of these levels. The Early Truancy Intervention Protocol operated in partnership with the Oakland County Prosecutor’s Office and Oakland County Family Court has had the greatest success with the elementary and middle school students and as a result, we plan to focus on the elementary and middle schools. Alongside the Early Truancy Intervention Protocol, we will continue to operate our highly successful Back to School Program, a truancy prevention program for middle school students that encourages them to start the school year right. We will also continue to work with high school students, but many of them will be referred to our credit recovery, operation graduation track.

Our goal is and always will be the 3As: Attendance, Attachment, and Achievement. We need to encourage children to attend school, attach to school and achieve at school. To learn more about the 3As and our protocol, visit the Oakland Schools Government and Community Services department website at <http://www.oakland.k12.mi.us/Services/GovernmentCommunityServices/Truancy/tabid/267/Default.aspx>.

THE LAW

There are three ways in which the Prosecutor's Office and the courts can become involved.

First, the Compulsory School Attendance law requires that "every parent, guardian, or other person in this state having control and charge of a child from the age of six to the child's sixteenth birthday, shall send that child to public schools during the entire school year. The child's attendance shall be continuous and consecutive. . . ." MCL 380.1561(1) A parent or other person in a parental relation who fails to comply with this compulsory school attendance law is guilty of a misdemeanor punishable by up to 90 days in jail, a fine of up to \$50.00 or both. MCL 380.1599. These "compulsory school attendance" cases are handled in District Court.

A violation of this law occurs "if a child is repeatedly absent from school without valid excuse." This can include a pattern of tardiness or a pattern of absences (e.g., late every Monday, or absent 1 day per week).

Second, the Probate Code gives the Family Court jurisdiction over children and their parents where a parent or other person legally responsible for the care and maintenance of children under the age of 18, "when able to do so, neglects or refuses to provide property necessary education. . . ." MCL 712A.2(b)(1). This is called "educational neglect" and the case is brought against the parents of the child.

Third, the Probate Code also gives the Family Court jurisdiction over children and their parents when a child "willfully and repeatedly absents himself or herself from school or other learning program intended to meet the child's educational needs. . . ." However, to take jurisdiction under this provision we must be able to show "that the child, the child's parent, guardian, or custodian, and school officials or learning program personnel have met on the child's educational problems, and educational counseling and alternative agency help have been sought." MCL 712A.2(4). This is called "school truancy" and the case is brought against the child or juvenile.

THE RESPONSIBILITIES OF THE INDIVIDUAL SCHOOLS

Schools must follow their own attendance policies and procedures. Under the truancy protocol, Oakland Schools and the Prosecutor's Office consider 10 days absent and/or tardy a potential truancy concern. If a student has 10 days absent and/or tardy, please review the student's history of school attendance, grades and progress and contact the parent/guardian and student.

To successfully prove a case in court, each school official must document every action undertaken in potential truancy cases. Therefore, each school must keep a record of all contacts with the parent and/or child, including: who was involved in the contact; the date, time and location of the contact, and a summary of what was said or done. We strongly recommend the district develop an action plan/attendance agreement for the parents, child and school to sign.

The school district should exhaust all of their efforts to help the student before consideration is given to the Early Truancy Intervention program. These efforts should include school counseling services and other community organizations; e.g., Oakland County Youth Assistance, Community Mental Health, Common Ground Sanctuary, Catholic Social Services, Easter Seals, Wraparound, Big Brothers/Big Sisters, individual, group, and or family counseling, or any other organization which could assist the child and/or family in ensuring the child gets a proper education. We have contact information on the Government and Community Services truancy website under community resources in Oakland County.

If the individual school is satisfied that it has exhausted all of the efforts, then a referral should be given to the Early Truancy Intervention program.

Oakland Schools has developed a web-based truancy referral and tracking system that should be used to make referrals. This system is secure and allows for the schools, the truant officers, and the prosecutor's office to record contacts made with a child or family and send emails updating each other. The court may also view the tracking system log. To access the website, please obtain a login and password from Sharon Leeper at 248-209-2142. Training is also provided by contacting Sharon Leeper.

PROCEDURE

In order to comply with the laws and use the protocol to deal with a student's truancy problem, the following procedure must be followed.

1. The school attendance officer or ISD attendant officer must be notified whenever a child has been excessively tardy or absent. These absences or tardies do not need to be on consecutive days. Excessive tardies/absences may be identified by your local district policy; if not, we recommend the district take action at 10 days absent/tardy. If the absences/tardies reach 20-25 days despite the district's efforts or a previous truancy referral has reverted to poor attendance patterns, the ISD attendance officer should be contacted. To access the protocol, the school must submit a truancy referral to the ISD, preferably via the web-based truancy tracking system.
2. The school attendance officer or ISD will investigate and determine whether the student is appropriate for the program. As part of this investigation, the ISD attendance officer will review the attendance information provided by the school and discuss with school staff the truancy program options, ie district court, formal family court, informal court hearing, and/or referral to operation graduation/credit recovery program.

Compulsory School Attendance Letter

3. If it appears that the child has been excessively absent, and a determination is made that the child is eligible for the Early Truancy Intervention program the ISD will send the parent(s)/guardian(s) of the child LETTER #1. The letter must be mailed via certified mail with return receipt requested. The letter must be delivered to the addressee only or it must be personally delivered by school personnel to the parent(s)/guardian(s). Each parent or guardian must be sent his/her own copy of the letter. The letter will explain the requirements of the compulsory school attendance law and require the parent(s)/guardian(s) to have the child attend school on the next regular school day and to continue regular and consecutive school attendance.

The Meeting

4. Pursuant to LETTER #1, a meeting must* be held between the child, the child's parent(s)/guardian(s), the attendance officer, and other school officials (the school principal/assistant principal, the school counselor, the teacher[s]) to discuss the attendance problem – as well as any educational problems the child may have. At this meeting, educational counseling and alternative agencies help should be considered and sought. The school officials should elicit the cooperation of the parent(s)/guardian(s) and an agreement should be reached and signed by all parties regarding what the child and the parent(s)/guardian(s) will do in the future, what the schools will do to attempt to address any problems, and what counseling or alternative agency help will be sought. All agreements must include the requirement that the child resume regular and consecutive school attendance immediately.

*If the school has sufficient documentation that the school held a school attendance meeting with the parent(s)/guardian(s) and child, the ISD attendance officer may not require a separate meeting be held with the ISD attendance officer. Sufficient document includes: proof of an action plan/attendance agreement, referrals to service agencies and outcomes, and school attendance hearings.

After Letter and the Meeting

5. The child's teacher(s) as well as the school principal should closely monitor the child's attendance and compliance with the agreement.
6. Any further absences or tardies must be reported to the ISD attendance officer immediately.**
7. If the agreement is violated by the student having further absences or tardies, the ISD attendance officer will then notify the Assistant Prosecutor School Liaison to send a PROSECUTOR'S LETTER. The letters must be mailed via certified mail with a return receipt requested. It must be delivered to the addressee only or it must be personally delivered to the parent(s)/guardian(s) by school personnel. Each parent or guardian must be sent his/her own copy of the letter.
8. A copy of PROSECUTOR'S LETTER will be sent to the child's teacher(s) and to the school principal so they can closely monitor further attendance and compliance with the agreement.

**The ISD attendance officer may suggest to the district due to the age of the child and/or local parental responsibility or daytime curfew ordinances, that the school consider district court, the informal hearing process or the operation graduation/credit recovery program.

Further Absences

9. Any further absences or tardies must be reported to the ISD attendance officer and the principal immediately.
10. The ISD attendance officer will investigate and determine whether the absences or tardies are excessive or excused.
11. If the attendance officer believes it would be helpful to pursue court intervention, he/she will contact the Assistant Prosecutor School Liaison and a determination will be made at that meeting whether any further investigation or information is necessary and what course of action will be taken, ie district court or family court action.

Court

12. The Prosecutor's Office will file the petition and represent the ISD attendance officer and school in any formal family court matter. The Prosecutor's Office may represent the ISD attendance officer and school in a district court matter.

The Family Court will attempt to hear school truancy cases on the same day of the week. The Court has several disposition options in truancy cases, including "school probation" where the ISD attendance officer monitors, regular probation where a caseworker is assigned to the child and family, and/or detention.

APPENDIX

LETTER #1

Date

Parents Name & Address

RE: Lack of School Attendance by _____

Dear

I am concerned about your child's school attendance. _____ has been repeatedly absent from school. _____ has had _____ absences/tardies this school year. As the Attendance Officer for Oakland County, I am required by law to discuss with you your child's lack of attendance. If we are unable to resolve the problem, I will report the matter to the Oakland County Prosecuting Attorney. The Prosecuting Attorney has the option of filing criminal charges and seeking a warrant for your arrest, filing delinquency charges against _____ in Family Court, filing neglect charges against you in Family Court, or any combination of those alternatives.

Accordingly, please come to the following location at the indicated time so that we, and the appropriate school officials, can talk and resolve this matter.

Place of Meeting

Address

Date of Meeting and Time

If this date, time or location is not convenient for you, please contact me to discuss alternate arrangements. If I do not hear from you, I will expect to see you for the appointment listed above.

I would like to remind you that the Michigan School Law states that it is the responsibility of parents to see that their children between the ages of 6 and 16 be in regular attendance at school. If there are any problems in school or at home, it is important that we discuss them so that we can attempt to resolve them. A child needs a good education to succeed in our society.

Very truly yours,

Oakland Schools Attendance Officer

Prosecutor's Letter

Date

Parent(s)/Guardian(s) Name
City, State, Zip

RE: Lack of School Attendance by (Child's Name)

Dear

The Oakland County Prosecutor's Office has received information from the _____ School District that your child has not been attending school as required by Michigan law. As a result you may be in violation of the Michigan Compulsory Education Act requiring parents to ensure that their children attend school. Your failure to comply with the requirements of the law could result in the following action being taken:

1. A criminal complaint can be filed against you in District Court for failure to have your child attend school and a warrant can be issued for your arrest. If convicted, you could face the following possible penalties:
 - A. At least two and not more than 90 days in jail, and/or,
 - B. A fine of up to \$100, and/or,
 - C. Probation,
 - D. Any combination of the above.
2. A petition being filed against you in Oakland County Family Court for educational neglect of your child.
3. A petition being filed against your child in Oakland County Family Court for school truancy for failing to attend school.

Please comply with the Michigan Compulsory Education Act by having your child attend school, in a timely manner, immediately so that we are not forced to consider taking legal action against you and/or your child.

Your child's school attendance is critical to his/her future.

Very truly yours,

Jessica R Cooper
Prosecuting Attorney

(Assistant Prosecuting Attorney's Name)
Assistant Prosecutor School Liaison

