

## **OPERATION GRADUATION**

Clare County Prosecutor Michelle J. Ambrozaitis believes that one of the cornerstones of crime prevention begins with increasing high school graduation rates and reducing truancy throughout Clare County. In 2018, the Clare County Prosecutor's Office, in partnership with the three school districts in Clare County: Clare, Farwell, and Harrison; and law enforcement: Clare County Sheriff's Department and Clare City Police Department, implemented the Operation Graduation initiative. The program is a coordinated effort designed to identify truant students as quickly as possible and utilize community resources to combat the problem.

## **INTRODUCTION TO THE TRUANCY PROTOCOL**

Truancy is a problem in our community that can only be solved through the collaborative efforts of the school, parents, law enforcement officers, the Prosecuting Attorney, community stakeholders, and the Court. This protocol has been developed so that we may work towards achieving the goal of regular attendance for all students.

The truancy law allows for Court intervention where a parent allows and/or a student repeatedly absents his/herself from school, or repeatedly violates school rules or regulations, and the student, the student's parent/guardian, and school officials have met regarding the student's educational problems (i.e. excessive absences, behavioral issues, failing grades, traumatic stressors, etc.), and counseling, alternative agency services, and additional school services have been offered to the student. MCL 712A.2(a)(4).

Effective implementation of our collaborative efforts to eliminate truancy requires all stakeholders to recognize and respond to those who have been impacted by traumatic stress. Those adults include administrators, teachers, staff, parents, community service providers, and law enforcement. A layered team approach is required to create an environment with clear behavior expectations, open communication, and sensitivity to the feelings and emotions of others. Additionally, the team must communicate strategies and tools to guide parents and students in reducing the barriers to regular school attendance. Ultimately, the goal is to not only provide parents and students tools to cope with these barriers to regular attendance but to create an underlying culture of respect and support.

Before Court intervention is sought, the Prosecuting Attorney must have evidence that the juvenile is not attending school or repeatedly violating school rules or regulations, and that the school has taken steps to help the student be successful. Thus, the school must keep a record of all contacts with the parent/guardian detailing who participated in the contact; the place, date and time of the contact; and a summary of what was discussed. It is also important to note if the child was to participate in any additional services, such as counseling, small group instruction, tutoring, IEPs, etc.

## THE HARD FACTS ABOUT TRUANCY

- Individuals who fail to complete high school have higher death rates, poor mental health and increased risk of personal injury than individuals who complete a high school degree. (*Bridgeland et al, 2006*).
- A high school graduate lives 9.2 years longer than a high school dropout. (*Wong et al, 2002*).
- Students with low academic achievement, a risk factor for dropout, are twice as likely to become a parent by their senior year of high school, compared to students with high academic achievement. (*Alliance for Excellent Education, 2003b*).
- High school dropouts tend to marry early and divorce frequently. (*Jones & Lovrich, 2011*).
- Approximately 75% of state inmates, 59% of federal inmates and 69% of local jail inmates are high school dropouts. (*Harlow, 2003*).
- The average annual income for a high school dropout is \$19,540, compared to \$27,380 for a high school graduate. (*Snyder & Dillow, 2011*).
- Over the course of his or her lifetime, a high school dropout earns, on average, about \$260,000 less than a high school graduate. (*Rouse, 2005*).
- Over the course of his or her lifetime, a high school dropout earns almost \$1 million less than college graduates. (*Doland, 2001*).
- Increasing high school dropouts' education to the level of a high school degree would save:
  - \$17 billion per year in Medicaid and expenditures
  - \$1.5 billion to \$3.5 billion in TANF costs per year
  - \$353 million per year in food stamp costs
  - \$18 million per year in housing assistance(*Garfinkel, 2005; Alliance for Excellent Education, 2006*).
- An increase in the graduation rate for boys of just 5% could save \$4.9 billion annually in crime-related costs. (*Alliance for Excellent Education, 2005*).

- Research has shown that truancy is related to delinquency, substance use and abuse, high school dropout, suicidal thoughts and attempts, and early sexual intercourse. (*Chang and Romero 2008; Henry and Huizinga 2005; as reported in Heibrunn 2007; Henry and Huizinga 2007; Kelley et al. 1997; Loeber and Farrington 2000; Seeley 2008a*).
- Truancy is not only the most significant risk factor for predicting first-time marijuana use, but it also predicts 97% of first-time drug use. (*Seeley 2008a*). These early patterns have long-term costs for both the individual and society at large.
- According to the 2000 census, while 83% of college graduates and 71% of high school graduates were employed, high school dropouts had an employment rate of 52%. (*Walker 2007*).

## **NOT JUST TRUANCY, BUT ALSO CHRONIC ABSENTEEISM**

Across the county, more than 7 million students are missing so many days of school that they are academically at risk. Chronic absence – missing 10% or more of school days due to absence for any reason (excused, unexcused, and suspension) can translate into third-graders unable to master reading, sixth-graders failing subjects and ninth-graders dropping out of high school.

Children living in poverty are two to three times more likely to be chronically absent – and face the most harm because their community lacks the resources to make up for the lost learning in school.

This isn't simply a matter of truancy or skipping school. Many of these absences, especially among our youngest students, are excused. Often these absences are tied to health problems. Other barriers including lack of transportation, a safe route to school, or food insecurity make it difficult to go to school every day. In many cases, chronic absence goes unnoticed because schools are focusing on those students who are truant.

### Truancy vs. Chronic Absence

#### Truancy:

Counts only unexcused absences  
Emphasizes compliance with school rules  
Relies on legal and administrative solutions

#### Chronic Absence:

Counts all absences  
Emphasizes academic impact of missed days  
Uses community-based positive strategies

## THE APPLICABLE LAW

MCL 712A.2 sec. 2 states that the Family Division of Circuit Court has the authority and jurisdiction to hear cases where the “juvenile willfully and repeatedly absents himself or herself from school or other learning program intended to meet the juvenile’s educational needs, or repeatedly violates rules and regulations of the school or other learning program, and the court finds on the record that the juvenile, the juvenile’s parent, guardian, or custodian, and school officials or learning program personnel have met on the juvenile’s educational problems and educational counseling and alternative agency help have been sought. As used in this subdivision only, “learning program” means an organized educational program that is appropriate, given the age, intelligence, ability, and psychological limitations of a juvenile, in the subject areas of reading, spelling, mathematics, science, history, civics, writing, and English grammar.”

MCL 380.1561(1): For a child who turned age 11 on or after December 1, 2009 or a child who was age 11 before that date and entered grade 6 in 2009 or later, the child’s parent, guardian, or other person in this state having control and charge of the child **shall** send that child to a public school during the entire school year from the age of **6** to the child’s **18<sup>th</sup>** birthday. The child’s attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. [emphasis added]

MCL 380.1561(3)(a-f): A child is not required to attend a public school in any of the following circumstances [emphasis added]:

- (a) The child is regularly attending and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade.
- (b) The child is less than 9 years of age and does not reside within 2.5 miles by the nearest traveled road of a public school, unless transportation is provided to the students, then this does not apply.
- (c) The child is age 12 or 13 and is in attendance at confirmation classes conducted for period of 5 months or less.
- (d) The child is regularly enrolled in public school while in attendance at religious instruction classes for not more than 2 class hours per week upon written request of the parent, guardian, or person in loco parentis.
- (e) The child has graduated from high school or has fulfilled all requirements for high school graduation.
- (f) The child is being educated at the child’s home by his or her parent or legal guardian in an organized educational program.

MCL 380.1586(1): The attendance officer shall investigate each case of nonattendance at school when notified by a teacher, superintendent, intermediate superintendent, or other person of a violation of this part. If the child complained of is not exempt from public school attendance pursuant to the conditions listed above in MCL 380.1561, the attendance officer shall proceed immediately in the manner provided in this section.

MCL 380.1586(2): If a child is repeatedly absent from school without a valid excuse, or is failing in schoolwork or gives evidence of behavior problems, and attempts to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.

MCL 380.1587: If a parent or other person in parental relation fails to send a child under his or her control to the public school or other school listed MCL 380.1561, the attendance officer, upon receiving notice from proper authority of that fact, shall give written notice in person or by registered mail to the parent or other person in parental relation requiring the child to appear at the public school or other school on the next regular school day following the receipt of notice, and to continue in regular and consecutive attendance in school. The attendance officer shall notify the intermediate superintendent or superintendent of schools of the service of notice. The intermediate superintendent or superintendent shall notify the attendance officer of the failure on the part of the parent or other person in parental relation to comply with the notice. [emphasis added]

MCL 380.1588: The attendance officer, after giving the formal notice as prescribed in MCL 380.1587, shall determine whether the parent or other person in parental relation has complied with the notice. The attendance officer shall make a complaint against the parent or other person in parental relation having the legal charge and control of the child who fails to comply to the court having jurisdiction in the count of residence for refusal or neglect to send the child to school. The court shall issue a warrant upon complaint and shall proceed to hear and determine it in the same manner as is provided for other cases under its jurisdiction. [Note: The Prosecuting Attorney's Office will review the complaint and provide the warrant and complaint to the Court for processing.]

MCL 380.1599: A parent or other person in parental relation who fails to comply with this part (ie. getting their child(ren) to school) is guilty of a misdemeanor, punishable by a fine of not less than \$5.00 nor more than \$50.00, or imprisonment for not less than 2 nor more than 90 days, or both.

## THE PROTOCOL AND PROCEDURE

Success in eliminating truancy requires consistently following a uniform procedure. The first step begins with the school detecting the problem, and ends with the Prosecuting Attorney requesting court intervention. Ideally, the initial steps will resolve the truancy issue by working with the parents/guardians and the student prior to law enforcement involvement and court intervention. *Discretion rests with the school at the initial steps of this process.*

Documentation is important because if the problem does not resolve itself and prosecution is our last available option, that documentation supports the case in court. All contacts shall be documented in the student's file.

Schools are encouraged to include their Department of Health and Human Services Pathways workers and Community Mental Health Youth Intervention Specialists in their meetings with families who come under the purview of this protocol. The purpose of these positions is to help reduce barriers to attendance, refer students and families to services, and address behavior problems and mental health issues that may lead to the student's absences from school.

**STEP 1:** The school must monitor every student's attendance. When a student has accumulated 5 to 7 unexcused absences, the school shall conduct a screening to determine if there is a violation of the school district attendance policy. If the 5 to 7 absences occur within the first three months of school, the school should look back to the last three months of the prior school year to determine if attendance has been a chronic problem. The school may, in its discretion, do any of the following:

1. Have a meeting scheduled with the student's parent/guardian and the school liaison officer and/or the Pathways Worker and/or the Youth Intervention Specialist to discuss possible barriers to the child(ren) attending school. If attendance was determined to be a problem at the end of the prior school year, this option should be seriously considered. The meeting shall be documented within the student's file.

OR

2. A letter may be sent to the parents/guardians reminding them of the importance of school attendance. If the school opts to send a letter, the school will note in the student file if contact with the parents and/or guardians occurred to confirm receipt of the letter. And, a copy of the letter shall be maintained in the student file.

OR

3. Determine that a meeting and/or a letter is not necessary at this time.

**STEP 2:** When the student accumulates 10 unexcused absences, the school shall notify the student's parents/guardians of the lack of attendance. The school, after conducting a screening, may at their discretion do the following:

1. If the school chose to take no action in STEP 1 above, then the school may:
  - a. Have a meeting scheduled with the student's parent/guardian and the school liaison officer and/or the Pathways Worker and/or the Youth Intervention Specialist to discuss possible barriers to the child(ren) attending school. The meeting shall be documented within the student's file.

OR

- b. A letter may be sent to the parents/guardians reminding them of the importance of school attendance. If the school opts to send a letter, the school will document whether contact with the parents and/or guardians occurred to confirm receipt of the letter. And, a copy of the letter shall be maintained in the student file.
2. If the school sent a letter in STEP 1, the school shall do the following:
  - a. Send a second letter via registered mail or personal service. The letter must warn the parents and/or guardians that the next step, if the truancy does not resolve, will be a scheduled meeting with school officials determine if the matter will result in a referral to the Prosecuting Attorney for delinquency and/or criminal charges.
  - b. The Prosecuting Attorney shall be cc'd to this letter. When the Prosecuting Attorney receives a copy of this letter from the school, the Prosecuting Attorney will also send a letter to the parents/guardians urging them to ensure their child(ren) attend school and explain the penalties for violation of the Compulsory School Attendance Act.
3. If the child has accumulated 10 or more excused absences, the school may request a meeting with the family to discuss the chronic absenteeism and what services might assist in ensuring the child(ren) attends school. And, the parties may determine that proof may be required to support any future excused absences. The attendees of this meeting could include all or any combination of: school administration, the school liaison officer, Pathways worker, Youth Intervention Specialist, parent(s), and child(ren). This meeting shall be documented within the student's file.

**STEP 3:** When the student accumulates 15 unexcused absences then a meeting should be scheduled for the parent/guardian to meet with school officials. A copy of the letter scheduling the meeting should be cc'd to the Prosecuting Attorney. The Prosecuting Attorney will send a letter to the parent/guardian encouraging them to keep the meeting scheduled with the school. In certain cases, it might also be appropriate for the Prosecutor's Office to contact the parents/guardian by telephone in addition to sending a letter. The purpose of the meeting is to investigate the student's circumstances and determine if the student's absences are justified and to refer the family to services to remove any barriers to attendance. If the school believes it is necessary, the Prosecuting Attorney or her representative can also attend the meeting. The child(ren) should be expected to be in school the following day and every day thereafter unless properly excused.

**STEP 4:** If the parent/guardian fails to present the child(ren) to school on the next regular school day or any school day following the meeting in STEP 3, the Prosecuting Attorney should be advised immediately. The Prosecuting Attorney will then schedule a meeting with the parents/guardian at the Prosecutor's Office to review the Compulsory School Attendance Act with the parents/guardian and to offer the parents/guardians the opportunity to sign a contract to comply with attendance requirements or be subject to criminal charges or juvenile delinquency charges for the child or both.

This contract will require the parents/guardian to send their child(ren) to school every day unless properly excused.

The parents/guardian should also meet with the school's PALS team once per month during the term of the contract to check in and discuss the progress and whether barriers still remain that affect attendance. The meeting shall be documented within the student's file.

PALS: Parents, Administrators, Law Enforcement, Students (the Pathways worker and the Youth Intervention Specialist should be brought into these meetings as well).

*This contract opportunity will only be offered once to a family. If they were on contract in any previous school year, this step will be skipped and the matter will be immediately referred to the school liaison officer to submit for review for legal action.*

**STEP 5:** If the parent/guardian breaks the contract, the matter shall be referred immediately to the Prosecuting Attorney for review for appropriate charges against the parents/guardian or child(ren). This referral shall be submitted via the liaison officer as a full report and warrant request for both the parent/guardian and the juvenile. The documentation that supports each step taken to resolve the truancy issue shall be included with the report submitted to the Prosecutor's Office. This report should be submitted within a week of the violation to ensure swift punishment for failure to comply with the contract.