

21 - School Violations

What is Truancy?

The Family Court has exclusive jurisdiction concerning any child under 17 years of age, although school attendance is required only until age 16. Truancy is the willful and repeated absence of a juvenile from school, or other learning program intended to meet the juvenile's educational needs, or repeated violation of rules and regulations of the school or other learning program. The court may find 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 that educational counseling and alternative agency help have been sought.

Why do you have to attend school?

Because of the COMPULSORY EDUCATION ACT, MCL 380.1561, which reads in part:

“Every parent, guardian, or other person in this state having control and charge of a child from the age of 6 to the child's sixteenth birthday, shall send that child to the public schools during the entire school year”

There are exceptions for State approved non-public schools. Home schooling is also legal in Michigan.

In addition to what the Court may provide for the child, it may also make orders affecting adults, under the Juvenile Code, “as in the opinion of the court are necessary for the physical, mental, or moral well-being of a particular child.”

Nonattendance at school ...

It shall be the duty of the attendance officer of the district, whenever notified by the teacher, superintendent or other person, of violations of the COMPULSORY EDUCATION ACT, to investigate all cases of nonattendance at school. Then he/she shall immediately proceed as provided by law, namely:

When a child has been repeatedly absent from school without valid excuse, or is failing in school work or gives evidence of behavior problems, and after attempts to confer with the parent or other person in parental relationship to such child have failed, the superintendent of schools may request the attendance officer to notify such parent or other person in parental relationship by registered mail to come to the school or to a place designated by him/her at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.

Failure to send child to school ...

In case any parent or other person in parental relation shall fail to send the child or children under his/her control to the public school or other school as provided by law, it shall be the duty of the attendance officer, after having given the formal notice requiring the child to appear at school and to continue school attendance, to determine whether the parent or other person in parental relation has complied with the notice, and in case of failure to so comply, he/she shall make a complaint against said parent or other person in parental relation having legal charge and control of such child or children before District Court in the county where such party resides for such refusal or neglect to send such child or children to school; and said district court judge shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as is provided by statute for other cases under the court's jurisdiction, and in case of conviction of any parent or other person in parental relation, shall be punished 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 by both such fine and imprisonment.

In conclusion, a child **MUST** attend school and obey the rules and regulations thereof. Failure of the parents or child may result in either or both being brought into court; the child charged with Truancy and the parent criminally prosecuted.

Other school law acts ...

RULES:

Sec. 1300. The Board of a school district shall make reasonable regulations relative to anything necessary for the proper establishment, maintenance, management, and carrying on of the public schools of the district, including regulations relative to the conduct of pupils concerning their safety while in attendance at school or en route to and from school.

CORPORAL PUNISHMENT:

Sec. 1312.

(1) As used in this section, "corporal punishment" means the deliberate infliction of physical pain by any means upon the whole or any part of a pupil's body as a penalty or punishment for a pupil's offense.

(2) A person employed by or engaged as a volunteer or contract - or by a local or intermediate school board shall not threaten to inflict, or cause to be inflicted, corporal punishment upon any pupil. However, the person, within the scope of his or her responsibilities, may use such reasonable physical force as may be necessary to:

- (a) Protect him/herself, the pupil, or others from immediate physical injury.
- (b) Obtain possession of a weapon or other dangerous object upon or within the control of a pupil.
- (c) Protect property from physical damage.

(3) A person employed by or engaged as a volunteer or contract - by a local or intermediate school board who exercises necessary reasonable physical force upon a pupil as described in subsection (2) shall not be liable in a civil action for damages arising from sections 691.1401 to 691.1415 of the Michigan Compiled Laws.

What can happen in Juvenile Court?

If found in violation, you may:

- a.. Receive a warning
- b.. Be placed on probation in child's own home, with rules for yourself or parents, guardians or custodian.
- c. Be removed from your home and placed in a relative's home, or foster care
- d.. Be placed in a private institution or agency, or committed to a public institution.

The parents may be ordered to pay the cost of care while the child is in the Court's care and custody, and for other necessary expenses.