

ORDINANCE NO. 36

Truancy by Minors Ordinance

An ordinance to control the truancy of minors.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Purpose.

This section shall be liberally construed to encourage and compel the exercise of parental control in a continuous and consistent manner to reduce unauthorized absences of school children, and prevent the neglect of parental responsibility in the enforcement of the state law requiring school attendance, MCL 380.1561.

Section 2. Failure in school enrollment and attendance.

- a. *Parental Responsibility.* Every parent, guardian, or other person having control and charge of a child from the age of 6 to the child's sixteenth birthday shall send that child to school during the entire school year. The child's attendance shall be continuous and consecutive for the school year.
- b. *Enrollment.* A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs. A child becoming 6 years of age on or after December 1 shall be enrolled on the first day of the school year following the school year in which the child's sixth birthday occurs.
- c. *Exceptions.* A child is not required to attend a public school in any of the following cases:
 1. The child is attending regularly 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, as determined by the course of study for the public schools of the district in which the nonpublic school is located.
 2. The child is less than 9 years of age and does not reside within 2 ½ miles by the nearest traveled road of a public school, unless transportation is furnished for pupils in the school district of the child's residence.

3. The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.
 4. The child is regularly enrolled in a public school while attending religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.
 5. The child has graduated from high school or has fulfilled all requirements for high school graduation.
 6. The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.
- d. *Parental control.* An enrolled child between the ages of six and 16, not otherwise exempted under this section, shall not be absent from school without the knowledge and consent of his or her parent or guardian. A parent or guardian shall maintain sufficient supervisory control over a child in his or her custody so as to be informed of unexcused absences from school by his or her child.
 - e. *Mandatory parental conference.* When the superintendent, or the designated attendance officer, learns that a child between the ages of six and 16 is not enrolled and not attending school, or is enrolled but, without good cause or excuse, is consistently absent from school or habitually tardy, the superintendent, or designated attendance officer, by official written notice pursuant to this section, shall invite the truant child's parents, guardians, or person serving in loco parentis to attend a conference to correct the unauthorized absence, truancy or willful nonattendance. Such invitation may be sent by regular mail, with confirmation by telephone. The superintendent, designated attendance officer, or other designated administrator, shall attend the conference and attempt to determine and eliminate the cause of any consistent absence.
 - f. *Notice of conference.* If the written invitation of the superintendent or designated attendance officer does not result in a conference with the parent, guardian or person having custody of the child, a notice of conference shall be sent by certified mail (return receipt requested), designating the time and place of the required parental conference.
 - g. *Refusal to attend conference.* A parent, guardian, or person serving in loco parentis as to any delinquent, absent, or nonattending school-age child shall not deliberately ignore, without just cause, such request for parental conference.

- h. *Neglect or refusal to send child to school.* If a parental conference does not result in satisfactory attendance, or if there is a parental refusal to attend a conference, a hearing may be scheduled, upon the verified complaint of a superintendent, or designated attendance officer, before the district court for inquiry into the causes and circumstances of the persistent absences or nonattendance of a child, and of the failure of such parent, guardian, or person acting in loco parentis to eliminate unauthorized absences of such child. The verified complaint shall state the reasons for the complaint and shall contain the following acknowledgment by the superintendent or designated attendance officer: "the information in this complaint is accurate to the best of my information and belief."

Section 3. Violations and Penalties.

Any found by the District Court to be in violation of this ordinance by neglecting or deliberately refusing to send a child to school, for knowingly encouraging or permitting a child's repeated absences or habitual tardiness, shall be deemed:

- a. *Guilty of a misdemeanor.* Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution.
1. *Responsible for a civil infraction.* Penalties may be imposed in fines as follows:
 - (1) first violation \$100.
 - (2) second violation within a 4-year period \$125.
 - (3) third violation within a 4-year period \$250.
 - (4) fourth or subsequent violation within a 4 year period \$400.plus the costs of prosecution.
 2. The decision to charge the alleged violator with a misdemeanor and/or civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township.

Section 4. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 6. Publication and Effective Date.

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating within the Charter Township of Madison, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.