



MDE Recommends

COMPULSORY SCHOOL ATTENDANCE ATTENDANCE POLICIES AND GRADES

The sections of the *Revised School Code* that address this issue are contained in the Michigan Compiled Laws under MCL 380.1147, 380.1284, 380.1284b, 380.1561-380.1599 and the *State School Aid Act* under MCL 388.1701.

Age of Attendance

The law in Michigan governing compulsory attendance requires a parent, legal guardian, or other person having control or charge of a child age six to sixteen to send the child to school during the entire school year, except under the limited circumstances specified in subsection (3) of section 380.1561. The exceptions include, but are not limited to, sending the child to a state-approved, nonpublic school or educating the child at home in an organized educational program. Although the compulsory school attendance law does not apply to children under the age of six, a child who is at least five years of age by December 1 of the school year and is a resident of a school district which provides kindergarten work is entitled to enroll in the kindergarten [MCL 380.1147].

Enforcement and the Attendance Officer

Attendance officers are employed by an intermediate school district or local school district. The attendance officer has the powers of a deputy sheriff within the school district while performing official duties and pursues cases of nonattendance which are reported to him or her by the proper authority. The attendance officer, upon receiving notice of that fact, must give written notice either in person or by registered mail requiring the child to appear at school on the next regular school day following receipt of notice and to continue in regular and consecutive attendance in school. If the parent or legal guardian fails to comply with the notice, the attendance officer must make a complaint against that individual in the proper court for refusal or neglect to send the child to school. The court then issues a warrant and proceeds to hear and make a determination in the case. The law also states that a parent or legal guardian who fails to comply with the compulsory school attendance section of the *Revised School Code* is guilty of a misdemeanor [MCL 380.1571-380.1599].

Attendance Exceptions

A child is not required to attend a public school in the following cases:

- C A child who 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 within which the nonpublic school is located.
- C A child who 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.



MDE Recommends

- c The child who has graduated from high school or has fulfilled all requirements for high school graduation [MCL 380.1561].

Local Attendance Policies

Local boards of education have the authority to adopt attendance policies addressing the number of days a student may lose due to illness or other causes. Although the law does not mandate that school district policies distinguish between excused and unexcused absences, the State Board of Education has taken the position that districts should make this distinction.

Attendance and Grades

In a matter related to school attendance and grades, the Michigan Attorney General issued an opinion cited as 1978 OAG 5414 that states that the compulsory school attendance law recognizes an educational value in regular attendance at school. The opinion states that classroom attendance instills a concept of self-discipline, exposes a student to group interactions with teachers and fellow students, and enables a student to hear and participate in class discussion and other related learning experiences. Based on these considerations, the Attorney General concluded that a school district may consider attendance in determining a student's grade in a course.

Pupil Days and Hours of Instruction

To qualify for state aid without a penalty, a local school district provides to each pupil the required minimum number of days and hours of instruction in a school year. The state superintendent may approve waivers as allowed for by law. The *State School Aid Act* establishes a minimum of 180 days and 1,098 hours of pupil instruction. This is an increase of 51 hours over the 1999-2000 school year [MCL 388.1701].

Beginning in the 2000-2001 school year, school districts have the option of counting toward the 1,098 hours of pupil instruction requirement up to 51 hours of teacher professional development time [MCL 388.1701(11)].

Section 388.1701(6) of the *State School Aid Act* allows the state superintendent to waive the minimum number of days of pupil instruction for a district if the district has adopted an experimental school year schedule and the experimental school year schedule provides the required minimum number of pupil instruction hours and is consistent with all state board policies on school improvement and restructuring [MCL 388.1701(6)]. The state superintendent may also waive the minimum instructional time requirement for a department-approved alternative education program [MCL 388.1701(10)].

School Calendar

The board of a school district or public school academy must determine the length of a school term and ensure that there are a minimum number of pupil instruction days and hours in a school year. The local school board has the authority to establish the school calendar, including the starting date of a school year. In 1999, legislation (1999 PA 141) was enacted to prohibit



MDE Recommends

public schools from holding classes on the Friday before Labor Day [MCL 380.1284b]. The provisions of the law would not apply in a district where a collective bargaining agreement providing a complete school calendar was in effect as of May 1, 1999, if that school calendar did not comply with the law. The prohibition, however, against holding classes on the Friday before Labor Day would apply in that district after the terms of the collective bargaining agreement expired.

Michigan Department of Education
Office of Government Services
And Customer Satisfaction Program
P.O. Box 30008
Lansing, MI 48909
(517) 373-6534
Toll Free 1-888-323-4231
Fax (517) 373-7113
Web Site Address:
<http://www.state.mi.us/mde/off/csat>

This information is provided as a service of the Michigan Department of Education and is distributed with the understanding that the Department is not engaged in rendering legal advice. Those individuals desiring or requiring legal advice should seek the services of an attorney.

Final February 2002