



# MDIE 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, 380.1278a, 380.1278b, 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. A child who was age eleven on or after December 1, 2009 or who was age eleven before that date and entered grade 6 in 2009 or later shall attend school from age six to eighteen. 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:

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



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## **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.

The Michigan Merit Curriculum requires students entering the eighth grade in 2006 to meet specific high school graduation requirements [MCL 380.1278a and MCL 380.1278b]. The district must grant credit if a student passes an exam or series of exams used for testing-out, which the district has determined measures a student's proficiency in meeting the Michigan Merit course/credit content expectations. The district may establish reasonable time lines for when a student may be provided the opportunity to test-out. Additional information regarding the Michigan Merit Curriculum may be accessed at [www.michigan.gov/highschool](http://www.michigan.gov/highschool).

## **Pupil Hours of Instruction**

Beginning in the 2003-2004 school year, the *State School Aid Act* established a minimum of 1,098 hours of pupil instruction. To qualify for state aid without a penalty, a local school district provides to each pupil the required minimum number of 1,098 hours of instruction in a school year [MCL 388.1701(3)]. The state superintendent may waive the minimum instructional hour requirement for a department-approved alternative education program [MCL 388.1701(9)]. School districts have the option of counting up to 38 hours of professional development time toward the 1,098 hours of pupil instruction requirement [MCL 388.1701(10)]. A school district with a collective bargaining agreement that was in effect as of August 15, 2006, that permitted the use of up to 51 hours of professional development as hours of instruction can continue to count up to 51 hours of instruction until the collective bargaining agreement expires. The professional development time must be focused on achieving or improving adequate yearly progress, or be used for accreditation purposes, achieving highly qualified teacher status under No Child Left Behind, or maintaining teacher certification. The first 6 days (or equivalent hours) that schools are closed due to conditions not within control of the school may be counted toward the 1,098 minimum hour requirement (i.e., snow, severe storms, fires, health conditions, utility power unavailability, or water or sewer failure) [MCL 388.1701(4)]. An additional 6 days (or equivalent hours) for extenuating circumstances that occur after April 1 of each year may be counted as hours of



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pupil instruction if the initial 6 days (or equivalent hours) are already used and if approved by the State Superintendent.

## ***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 of 1,098 hours of pupil instruction in a school year. The local school board has the authority to establish the school calendar.

## **Labor Day**

Beginning in the 2006-2007 school year, public schools are prohibited from holding classes before Labor Day [MCL 380.1284b]. The law does not prohibit a public school from offering or requiring professional development for its personnel before Labor Day.

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 September 29, 2005, if that school calendar did not comply with the law. The prohibition, however, against holding classes before Labor Day would apply in that district after the terms of the collective bargaining agreement expired.

The requirement to start school after Labor Day would not apply to districts that are already operating a year-round school or program or an international baccalaureate academy that provides 1,160 hours of pupil instruction. If a district begins operating a year-round school or program after September 29, 2005, the district may apply to the superintendent of public instruction for a waiver from the requirement to start after Labor Day. The superintendent of public instruction would grant the waiver if it is determined that the school or program is a bona fide year-round school or program established for educational purposes. The standards for determining a bona fide year-round school or program for the purposes of the waiver would be determined by the superintendent of public instruction.

An intermediate school district is also exempt from the requirement to start school after Labor Day if the intermediate school district (1) contracts with a constituent district or public school academy to provide programs and services for pupils; (2) operates a program or service within a school building owned by a constituent district or public school academy within the boundaries of the intermediate school district; or (3) provides instructional programs or services to pupils of a constituent district or public school academy. The constituent district or public school academy must also be exempt from the requirement by either obtaining a waiver, having a collective bargaining agreement that does not comply with the requirement to start after Labor Day, or by being an international baccalaureate academy. The programs or services provided by the intermediate school district must be provided according to the school district's or public school academy's calendar.

In addition, a public school that operates all of grades 6-12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone curriculum, and that ends the second semester concurrently with the end of the advanced placement examination period is exempt from the requirement to start school after Labor Day.



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## Common School Calendar

Beginning in the 2008-2009 school year, the board of each constituent district and intermediate school district must ensure that its school calendar complies with the adopted common school calendar [MCL 380.1284a]. The common calendar must identify dates for each school year when school will not be in session for a winter holiday break and a spring break for at least the next five school years.

The provisions of law would not apply in a district where a collective bargaining agreement providing a school calendar was in effect as of July 1, 2008. The requirements of a common school calendar would apply in that district after the terms of the collective bargaining agreement expires.

The requirement to adopt a common school calendar would not apply to districts that are already operating a year-round school or program or an international baccalaureate academy that provides 1,160 hours of pupil instruction. If a district begins a year-round school or program after October 1, 2007, the district may apply to the superintendent of public instruction for a waiver from the requirement of a common school calendar.

A school district or intermediate school district that operates a trimester schedule may apply to the superintendent of public instruction for a waiver from the requirement to adopt a common school calendar.

A public school that operates all of grades 6-12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone curriculum, and that ends the second semester concurrently with the end of the advanced placement examination period is exempt from the requirement to comply with the adopted common school calendar.

In addition, the superintendent of public instruction may grant a waiver from the requirement of a common school calendar for a school district that applies in writing and provides sufficient justification for the waiver.



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