

Effective 5/13/2014

53A-11-101.7 Truancy -- Notice of truancy -- Failure to cooperate with school authorities -- Habitual truant citation.

- (1) Except as provided in Section 53A-11-102 or 53A-11-102.5, a school-age minor who is enrolled in a public school shall attend the public school in which the school-age minor is enrolled.
- (2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor who is truant.
- (3) A local school board or charter school governing board:
 - (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old; and
 - (b) shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy.
- (4) The notice of truancy described in Subsection (3):
 - (a) may not be issued until the school-age minor has been truant at least five times during the school year;
 - (b) may not be issued to a school-age minor who is less than 12 years old;
 - (c) may not be issued to a minor exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5;
 - (d) shall direct the school-age minor and the parent of the school-age minor to:
 - (i) meet with school authorities to discuss the school-age minor's trancies; and
 - (ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age minor; and
 - (e) shall be mailed to, or served on, the school-age minor's parent.
- (5)
 - (a) Except as provided in Subsection (5)(b), a habitual truant citation may be issued to a habitual truant if:
 - (i) the local school board, charter school governing board, or school district has made reasonable efforts, under Section 53A-11-103, to resolve the school attendance problems of the habitual truant; and
 - (ii) the efforts to resolve the school attendance problems, described in Subsection (5)(a)(i), have not been successful.
 - (b) A habitual truant citation may not be issued to a habitual truant if the habitual truant:
 - (i) has at least a 3.5 cumulative grade point average; and
 - (ii) is at least 16 years old.
- (6) A habitual truant to whom a habitual truant citation is issued under Subsection (5):
 - (a) shall be referred to the juvenile court for violation of Subsection (1); and
 - (b) is subject to the jurisdiction of the juvenile court.
- (7) A notice of truancy or a habitual truant citation may only be issued by:
 - (a) a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board;
 - (b) a designee of a school administrator described in Subsection (7)(a); or
 - (c) a law enforcement officer acting as a school resource officer.
- (8) Nothing in this part prohibits a local school board, charter school governing board, or school district from taking action to resolve a truancy problem with a school-age minor who has been truant less than five times, provided that the action does not conflict with the requirements of this part.

(9) Nothing in this part allows a local school board or charter school governing board to issue a citation pursuant to this section if the minor is exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5.

Amended by Chapter 359, 2014 General Session