

1 **TRUANCY AMENDMENTS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Duane E. Bourdeaux**

5 **This act clarifies a provision regarding parental response in truancy situations.**

6 This act affects sections of Utah Code Annotated 1953 as follows:

7 AMENDS:

8 **53A-11-101**, as last amended by Chapter 99, Laws of Utah 1999

9 *Be it enacted by the Legislature of the state of Utah:*

10 Section 1. Section **53A-11-101** is amended to read:

11 **53A-11-101. Responsibility for minor required to attend school -- Penalty for**
12 **violation.**

13 (1) For purposes of this part:

14 (a) "Habitual truant" is a school-age minor who has received more than two truancy
15 citations within one school year from the school in which the minor is or should be enrolled
16 and eight absences without a legitimate or valid excuse or who, in defiance of efforts on the
17 part of school authorities to resolve a student's attendance problem as required under Section
18 53A-11-103, refuses to regularly attend school or any scheduled period of the school day.

19 (b) "Minor" means a person under the age of 18 years.

20 (c) "Parent" includes:

21 (i) a custodial parent of the minor;

22 (ii) a legally appointed guardian of a minor; or

23 (iii) any other person purporting to exercise any authority over the minor which could
24 be exercised by persons listed under Subsections (1)(c)(i) and (ii) [~~above~~].

25 (d) "School-age minor" means a minor who has reached the age of six years but has not
26 reached the age of [~~eighteen~~] 18 years, but does not include a minor emancipated by marriage.

27 (e) "Truancy citation" is an administrative notice to a truant minor requiring an



28 appearance before the school truancy control officer or body from which the minor is truant.

29 (f) ~~§ (i)~~ § "Truant minor" is any school-age minor who is subject to the state's compulsory
30 education law and who is absent from school without a legitimate or valid excuse.

30a **§ (ii) "TRUANT MINOR" DOES NOT INCLUDE A MINOR WHO IS HOMESCHOOLED UNDER THE**

30b **PROVISIONS OF SUBSECTION 53A-11-102(1)(b)(ii).** §

31 (2) A parent shall enroll and send a school-age minor to a public or regularly
32 established private school during the school year of the district in which the minor resides.

33 (3) It is a class B misdemeanor for a parent to knowingly:

34 (a) fail to enroll a school-age minor in school; or

35 (b) refuse to ~~§ [f] respond [j] [cooperate with] TO~~ § school authorities ~~§ [in response to]~~ **AFTER**

35a **HAVING RECEIVED** § a written

36 request which is delivered to the parent pursuant to the provisions of Subsection

37 53A-11-103(1)(b) by a local school board or school district.

38 (4) For the purposes of this section, ~~§ ["cooperate with school authorities"]~~ **RESPOND TO**

38a **SCHOOL AUTHORITIES** § means to take

39 reasonable steps to work with school authorities to resolve a minor's truancy by either meeting

40 with school officials to discuss the issue or by providing the school with information to enable

41 the school to work with the student to resolve a truancy problem. It does not, however, require

42 that the parent ~~h~~ AND SCHOOL ~~h~~ agree with the ~~h~~ [school's] ~~h~~ assessment.

43 [~~4~~] (5) The provisions of this section do not apply to a parent of a school-age minor

44 who has been declared by the local school board to be exempt from school attendance in

45 conformity with Section 53A-11-102.

46 [~~5~~] (6) A local board of education or school district shall report violations of

47 Subsection (3) to the appropriate city, county, or district attorney.

Legislative Review Note

as of 10-18-02 10:22 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0076

Truancy Amendments

18-Jan-03

3:43 PM

State Impact

Provisions of this bill can be implemented within existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst