



28           **53A-11-101. Responsibility for minor required to attend school -- Penalty for**  
 29 **violation.**

30           (1) For purposes of this part:

31           (a) "Child" means a person who is at least six years old but is younger than age 15.

32           ~~(a)~~ (b) "Habitual truant" is a school-age minor who:

33           (i) (A) has received more than two truancy citations within one school year from the  
 34 school in which the minor is or should be enrolled; and

35           (B) eight absences without a legitimate or valid excuse; or ~~[who,]~~

36           (ii) in defiance of efforts on the part of school authorities to resolve a student's  
 37 attendance problem as required under Section 53A-11-103, refuses to regularly attend school or  
 38 any scheduled period of the school day.

39           ~~(b)~~ (c) "Minor" means a person under the age of 18 years.

40           ~~(c)~~ (d) "Parent" includes:

41           (i) a custodial parent of the minor;

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

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

45           ~~(d)~~ (e) "School-age minor" means a minor who has reached the age of six years but  
 46 has not reached the age of eighteen years, but does not include a minor emancipated by  
 47 marriage.

48           ~~(e)~~ (f) "Truancy citation" is an administrative notice to a truant minor requiring an  
 49 appearance before the school truancy control officer or body from which the minor is truant.

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

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

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

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

56           (b) ~~[refuse to respond to a written request which is delivered to the parent]~~ fail to  
 57 resolve a child's excessive absenteeism despite efforts of school authorities pursuant to the  
 58 provisions of [Subsection] Section 53A-11-103(1)(b) by a local school board or school

59 district].

60 ~~Ĥ→ [(4) For the purposes of this section, failure to resolve a child's excessive absenteeism is~~  
 61 ~~evidenced by ten unexcused absences, as defined by a school district's or charter school's~~  
 62 ~~policy, following a parent's receipt of the written notice required under Subsection~~  
 63 ~~53A-11-103(1)(b).]~~

63a (4)(a) For the purposes of this section, a parent is considered to have knowingly failed  
 63b to resolve a child's excessive absenteeism if the child, during any one school year, has ten  
 63c absences without a valid excuse, as defined in Subsection (4)(b), following the parent's receipt  
 63d of the written notice required under Subsection 53A-11-103(1)(b).

63e (b) As used in this section, "valid excuse" means:

63f (i) illness;

63g (ii) family death or crisis;

63h (iii) approved school activity;

63i (iv) family activity with prior school notice [and approval] ; or

63j (v) additional reasons established by a local school board or school community

63k council. ←Ĥ

64 ~~[(4)] (5)~~ The provisions of this section do not apply to a parent of a school-age minor  
 65 who has been declared by the local school board to be exempt from school attendance in  
 66 conformity with Section 53A-11-102.

67 ~~[(5)] (6)~~ A local board of education or school district shall report violations of  
 68 Subsection (3) to the appropriate city, county, or district attorney.

69 Section 2. Section **53A-11-103** is amended to read:

70 **53A-11-103. Duties of boards of education in resolving child's attendance**  
 71 **problems -- Parental involvement -- Issuance of truancy citations -- Procedure for**  
 72 **contesting citations -- Liability not imposed.**

73 (1) For each school-age minor who is or should be enrolled within that school district,  
 74 the local school board or school district shall make efforts to resolve a minor's school  
 75 attendance problems. Those efforts shall include, as reasonably feasible:

76 (a) counseling of the minor by school authorities;

77 (b) a written request for parental support in securing regular attendance by the minor  
 78 delivered by certified mail or by hand to the parent, containing notice of the requirements of  
 79 this section ~~[and stating that refusal to respond to the notice is a class B misdemeanor];~~

80 (c) at least one meeting with the minor and the parents;

81 (d) any necessary adjustment to the curriculum and schedule to meet special needs of

82 the minor; [~~and~~]

83 (e) monitoring school attendance of the minor for a period not to exceed 30 days[~~-~~];

84 ~~H~~→ [~~and~~] ←~~H~~

85 (f) consideration of alternatives proposed by the parent ~~H~~→ [~~;~~] ; **and**

85a (g) participation in a truancy mediation. ←~~H~~

86 (2) In addition to the efforts listed in Subsection (1), the local school board or school  
87 district may enlist the assistance of community and law enforcement agencies as appropriate  
88 and reasonably feasible.

89 (3) In the event that the minor's school attendance problem cannot be resolved by the

90 efforts of the local school board or school district, the local school board or school district shall  
91 refer the school-age minor to the appropriate district or county attorney or juvenile court as a  
92 habitual truant.

93 (4) Any parent of a school-age minor shall, upon written request from a local school  
94 board or school district, cooperate with school authorities in resolving the minor's school  
95 attendance problem.

96 (5) (a) A local school board may authorize the issuance of truancy citations by school  
97 administrators and appointed truancy specialists. Recipients of truancy citations may be  
98 subjected to administrative penalties.

99 [~~6~~] (b) A local school board that authorizes the issuance of truancy citations shall  
100 establish a procedure for students to contest citations.

101 (c) Any minor having received three prior truancy citations within a single school year  
102 and for whom reasonable efforts to resolve the attendance problem have failed, shall be issued  
103 a habitual truancy citation and referred by the local school board or school district to the  
104 appropriate county or district attorney or juvenile court as a habitual truant. Proceedings for  
105 habitual truancy shall be expedited by the court.

106 [~~7~~] (6) This section shall not impose any civil liability on boards of education or their  
107 employees. Proceedings initiated under this part do not obligate or preclude action by the  
108 Division of Child and Family Services under Section 78-3a-316.

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**Legislative Review Note**  
**as of 1-25-05 5:16 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0148**

**School Truancy Amendments**

*01-Feb-05*

*12:32 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**