

SB0191S01 compared with SB0191

~~{deleted text}~~ shows text that was in SB0191 but was deleted in SB0191S01.

inserted text shows text that was not in SB0191 but was inserted into SB0191S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Jerry W. Stevenson proposes the following substitute bill:

ACCOUNTABILITY FOR SCHOOL ATTENDANCE

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: ~~{_____}~~ Kay L. McIff

LONG TITLE

General Description:

This bill modifies provisions relating to habitual truants.

Highlighted Provisions:

This bill:

- ▶ allows a law enforcement officer acting as a school resource officer to issue notices of compulsory education violation, notices of truancy, and habitual truant notices;
- ▶ removes exclusive jurisdiction of certain truancy violations from the juvenile court;
- ▶ requires a school board, charter board, or school district to issue a habitual truant citation to a habitual truant if reasonable efforts have been taken to resolve the school attendance problem and the efforts have not been successful; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-101.5, as last amended by Laws of Utah 2009, Chapter 161

53A-11-101.7, as enacted by Laws of Utah 2007, Chapter 81

53A-11-103, as last amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section 53A-11-101.5 is amended to read:

53A-11-101.5. Compulsory education.

(1) For purposes of this section:

(a) "Intentionally" is as defined in Section 76-2-103.

(b) "Recklessly" is as defined in Section 76-2-103.

(c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which the notice of compulsory education violation described in Subsection (3) is served and ending on the last day of the school year.

(d) "School-age child" means a school-age minor under the age of 14.

(2) Except as provided in Section 53A-11-102 or 53A-11-102.5, the parent of a school-age minor shall enroll and send the school-age minor to a public or regularly established private school.

(3) A school administrator, a designee of a school administrator, **a law enforcement officer acting as a school resource officer**, or a truancy specialist may issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.

(4) The notice of compulsory education violation, described in Subsection (3):

(a) shall direct the parent of the school-age child to:

(i) meet with school authorities to discuss the school-age child's school attendance problems; and

(ii) cooperate with the school board, local charter board, or school district in securing

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regular attendance by the school-age child;

(b) shall designate the school authorities with whom the parent is required to meet;

(c) shall state that it is a class B misdemeanor for the parent of the school-age child to intentionally or recklessly:

(i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or

(ii) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year;

(d) shall be served on the school-age child's parent by personal service or certified mail; and

(e) may not be issued unless the school-age child has been truant at least five times during the school year.

(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under Section 53A-11-102 or 53A-11-102.5.

(6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:

(a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or

(b) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year.

(7) A local school board, local charter board, or school district shall report violations of this section to the appropriate county or district attorney.

~~[(8) The juvenile court has jurisdiction over an action filed under this section.]~~

Section ~~44~~2. Section **53A-11-101.7** is amended to read:

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.

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(2) A local school board, local charter board, or school district may impose administrative penalties on a school-age minor who is truant.

(3) A local school board or local charter 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) 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

(d) shall be mailed to, or served on, the school-age minor's parent.

(5) A habitual truant citation [~~may~~] shall be issued to a habitual truant if:

(a) the local school board, local charter board, or school district has made reasonable efforts, under Section 53A-11-103, to resolve the school attendance problems of the habitual truant; and

(b) the efforts to resolve the school attendance problems, described in Subsection (5)(a), have not been successful.

(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 local charter board; [~~or~~]

(b) a designee of a school administrator described in Subsection (7)(a) [~~;~~]; or

(c) a law enforcement officer acting as a school resource officer.

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(8) Nothing in this part prohibits a local school board, local charter 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.

Section ~~2~~3. Section **53A-11-103** is amended to read:

53A-11-103. Duties of a school board, local charter board, or school district in resolving attendance problems -- Parental involvement -- Liability not imposed.

(1) A local school board, local charter board, or school district shall make efforts to resolve the school attendance problems of each school-age minor who is, or should be, enrolled in the school district.

(2) The efforts described in Subsection (1) shall include, as reasonably feasible:

(a) counseling of the minor by school authorities;

(b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in accordance with Section 53A-11-101.7;

(c) issuing a habitual truant citation, in accordance with Section 53A-11-101.7;

~~(c)~~ (d) issuing a notice of compulsory education violation to a parent of a school-age child, in accordance with Section 53A-11-101.5;

~~(d)~~ (e) making any necessary adjustment to the curriculum and schedule to meet special needs of the minor;

~~(e)~~ (f) considering alternatives proposed by a parent;

~~(f)~~ (g) monitoring school attendance of the minor;

~~(g)~~ (h) voluntary participation in truancy mediation, if available; and

~~(h)~~ (i) providing a school-age minor's parent, upon request, with a list of resources available to assist the parent in resolving the school-age minor's attendance problems.

(3) In addition to the efforts described in Subsection (2), the local school board, local charter board, or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible.

(4) This section shall not impose any civil liability on boards of education, local school boards, local charter boards, school districts, or their employees.

(5) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 78A-6-319.

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Legislative Review Note

~~as of 1-3-12 9:43 AM~~

~~Office of Legislative Research and General Counsel}~~