

**ACCOUNTABILITY FOR SCHOOL ATTENDANCE**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor: Kay L. McIff

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to habitual truants.

**Highlighted Provisions:**

This bill:

- 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:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**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

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

Section 1. Section **53A-11-101.7** is amended to read:

**53A-11-101.7. Truancy -- Notice of truancy -- Failure to cooperate with school**



28 **authorities -- Habitual truant citation.**

29 (1) Except as provided in Section 53A-11-102 or 53A-11-102.5, a school-age minor  
30 who is enrolled in a public school shall attend the public school in which the school-age minor  
31 is enrolled.

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

34 (3) A local school board or local charter board:

35 (a) may authorize a school administrator, a designee of a school administrator, or a  
36 truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old;  
37 and

38 (b) shall establish a procedure for a school-age minor, or the school-age minor's  
39 parents, to contest a notice of truancy.

40 (4) The notice of truancy described in Subsection (3):

41 (a) may not be issued until the school-age minor has been truant at least five times  
42 during the school year;

43 (b) may not be issued to a school-age minor who is less than 12 years old;

44 (c) shall direct the school-age minor and the parent of the school-age minor to:

45 (i) meet with school authorities to discuss the school-age minor's trancies; and

46 (ii) cooperate with the school board, local charter board, or school district in securing  
47 regular attendance by the school-age minor; and

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

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

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

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

55 (6) A habitual truant to whom a habitual truant citation is issued under Subsection (5):

56 (a) shall be referred to the juvenile court for violation of Subsection (1); and

57 (b) is subject to the jurisdiction of the juvenile court.

58 (7) A notice of truancy or a habitual truant citation may only be issued by:

59 (a) a school administrator, or a truancy specialist, who is authorized by a local school  
60 board or local charter board; or

61 (b) a designee of a school administrator described in Subsection (7)(a).

62 (8) Nothing in this part prohibits a local school board, local charter board, or school  
63 district from taking action to resolve a truancy problem with a school-age minor who has been  
64 truant less than five times, provided that the action does not conflict with the requirements of  
65 this part.

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

67 **53A-11-103. Duties of a school board, local charter board, or school district in**  
68 **resolving attendance problems -- Parental involvement -- Liability not imposed.**

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

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

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

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

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

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

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

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

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

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

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

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

89 (4) This section shall not impose any civil liability on boards of education, local school

90 boards, local charter boards, school districts, or their employees.

91 (5) Proceedings initiated under this part do not obligate or preclude action by the

92 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**