

1 **TRUANCY AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Francis D. Gibson**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill amends certain provisions related to truancy.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that a local school board or charter school governing board may not issue a
13 habitual truant citation to a school-age minor if the school-age minor:

- 14 • has at least a 3.5 cumulative grade point average; and
- 15 • is at least 16 years old; and

16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53A-11-101.7**, as last amended by Laws of Utah 2012, Chapter 203

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

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

27 **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 school governing board, or school district may
33 impose administrative penalties on a school-age minor who is truant.

34 (3) A local school board or ~~[local]~~ charter school governing board:

35 (a) may authorize a school administrator, a designee of a school administrator, a law
36 enforcement officer acting as a school resource officer, or a truancy specialist to issue notices
37 of truancy to school-age minors who are at least 12 years old; 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) may not be issued to a minor exempt from school attendance as provided in Section
45 [53A-11-102](#) or [53A-11-102.5](#);

46 (d) shall direct the school-age minor and the parent of the school-age minor to:

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

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

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

51 (5) ~~[(a)]~~ (a) Except as provided in Subsection (5)(b), a habitual truant citation may be
52 issued to a habitual truant if:

53 ~~[(a)]~~ (i) the local school board, ~~[local]~~ charter school governing board, or school
54 district has made reasonable efforts, under Section [53A-11-103](#), to resolve the school
55 attendance problems of the habitual truant; and

56 ~~[(b)]~~ (ii) the efforts to resolve the school attendance problems, described in Subsection
57 (5)(a)(i), have not been successful.

58 **(b) A habitual truant citation may not be issued to a habitual truant if the habitual**
59 **truant:**

60 **(i) has at least a 3.5 cumulative grade point average; and**

61 **(ii) is at least 16 years old.**

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

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

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

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

66 (a) a school administrator, or a truancy specialist, who is authorized by a local school
67 board or ~~[local]~~ charter school governing board;

68 (b) a designee of a school administrator described in Subsection (7)(a); or

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

70 (8) Nothing in this part prohibits a local school board, ~~[local]~~ charter school governing
71 board, or school district from taking action to resolve a truancy problem with a school-age
72 minor who has been truant less than five times, provided that the action does not conflict with
73 the requirements of this part.

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