

Renumbered 1/24/2018

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 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.