

1 **TRUANCY AMENDMENTS**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Duane E. Bourdeaux**

5 **This act clarifies a provision regarding parental response in truancy situations.**

6 This act affects sections of Utah Code Annotated 1953 as follows:

7 AMENDS:

8 **53A-11-101**, as last amended by Chapter 99, Laws of Utah 1999

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

10 Section 1. Section **53A-11-101** is amended to read:

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

13 (1) For purposes of this part:

14 (a) "Habitual truant" is a school-age minor who has received more than two truancy  
15 citations within one school year from the school in which the minor is or should be enrolled and  
16 eight absences without a legitimate or valid excuse or who, in defiance of efforts on the part of  
17 school authorities to resolve a student's attendance problem as required under Section 53A-11-103,  
18 refuses to regularly attend school or any scheduled period of the school day.

19 (b) "Minor" means a person under the age of 18 years.

20 (c) "Parent" includes:

21 (i) a custodial parent of the minor;

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

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

25 (d) "School-age minor" means a minor who has reached the age of six years but has not  
26 reached the age of [~~eighteen~~] 18 years, but does not include a minor emancipated by marriage.

27 (e) "Truancy citation" is an administrative notice to a truant minor requiring an appearance



28 before the school truancy control officer or body from which the minor is truant.

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

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

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

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

35 (b) refuse to ~~respond~~ cooperate with school authorities in response to a written request  
36 which is delivered to the parent pursuant to the provisions of Subsection 53A-11-103(1)(b) by a  
37 local school board or school district.

38 (4) The provisions of this section do not apply to a parent of a school-age minor who has  
39 been declared by the local school board to be exempt from school attendance in conformity with  
40 Section 53A-11-102.

41 (5) A local board of education or school district shall report violations of Subsection (3)  
42 to the appropriate city, county, or district attorney.

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**Legislative Review Note**  
**as of 11-7-01 12:09 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**