

1 **SCHOOL TRUANCY AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Eric K. Hutchings**

5

LONG TITLE

6 **General Description:**

7 This bill modifies requirements on parents and local school boards or school districts to
8 resolve a minor's school attendance problems.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ defines "child" as a person who is at least six years old but is younger than age 15;
- 12 ▶ modifies a prohibition regarding parental failure to address a child's school
- 13 attendance problems; and
- 14 ▶ requires local school boards or school districts to consider, as reasonably feasible,
- 15 alternatives proposed by a parent to resolve a minor's school attendance problems.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53A-11-101**, as last amended by Chapter 99, Laws of Utah 1999

23 **53A-11-103**, as last amended by Chapter 221, Laws of Utah 2003

24

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

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



28 **53A-11-101. Responsibility for minor required to attend school -- Penalty for**
 29 **violation.**

30 (1) For purposes of this part:

31 (a) "Child" means a person who is at least six years old but is younger than age 15.

32 ~~(a)~~ (b) "Habitual truant" is a school-age minor who:

33 (i) (A) has received more than two truancy citations within one school year from the
 34 school in which the minor is or should be enrolled; and

35 (B) eight absences without a legitimate or valid excuse; or ~~[who,]~~

36 (ii) in defiance of efforts on the part of school authorities to resolve a student's
 37 attendance problem as required under Section 53A-11-103, refuses to regularly attend school or
 38 any scheduled period of the school day.

39 ~~(b)~~ (c) "Minor" means a person under the age of 18 years.

40 ~~(c)~~ (d) "Parent" includes:

41 (i) a custodial parent of the minor;

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

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

45 ~~(d)~~ (e) "School-age minor" means a minor who has reached the age of six years but
 46 has not reached the age of eighteen years, but does not include a minor emancipated by
 47 marriage.

48 ~~(e)~~ (f) "Truancy citation" is an administrative notice to a truant minor requiring an
 49 appearance before the school truancy control officer or body from which the minor is truant.

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

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

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

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

56 (b) ~~[refuse to respond to a written request which is delivered to the parent]~~ fail to
 57 resolve a child's excessive absenteeism despite efforts of school authorities pursuant to the
 58 provisions of ~~[Subsection]~~ Section 53A-11-103~~(1)(b)~~ by a local school board or school

59 district].

60 (4) For the purposes of this section, failure to resolve a child's excessive absenteeism is
 61 evidenced by ten unexcused absences, as defined by a school district's or charter school's
 62 policy, following a parent's receipt of the written notice required under Subsection
 63 53A-11-103(1)(b).

64 ~~[(4)]~~ (5) The provisions of this section do not apply to a parent of a school-age minor
 65 who has been declared by the local school board to be exempt from school attendance in
 66 conformity with Section 53A-11-102.

67 ~~[(5)]~~ (6) A local board of education or school district shall report violations of
 68 Subsection (3) to the appropriate city, county, or district attorney.

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

70 **53A-11-103. Duties of boards of education in resolving child's attendance**
 71 **problems -- Parental involvement -- Issuance of truancy citations -- Procedure for**
 72 **contesting citations -- Liability not imposed.**

73 (1) For each school-age minor who is or should be enrolled within that school district,
 74 the local school board or school district shall make efforts to resolve a minor's school
 75 attendance problems. Those efforts shall include, as reasonably feasible:

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

77 (b) a written request for parental support in securing regular attendance by the minor
 78 delivered by certified mail or by hand to the parent, containing notice of the requirements of
 79 this section [~~and stating that refusal to respond to the notice is a class B misdemeanor~~];

80 (c) at least one meeting with the minor and the parents;

81 (d) any necessary adjustment to the curriculum and schedule to meet special needs of
 82 the minor; [~~and~~]

83 (e) monitoring school attendance of the minor for a period not to exceed 30 days[-];
 84 and

85 (f) consideration of alternatives proposed by the parent.

86 (2) In addition to the efforts listed in Subsection (1), the local school board or school
 87 district may enlist the assistance of community and law enforcement agencies as appropriate
 88 and reasonably feasible.

89 (3) In the event that the minor's school attendance problem cannot be resolved by the

90 efforts of the local school board or school district, the local school board or school district shall
91 refer the school-age minor to the appropriate district or county attorney or juvenile court as a
92 habitual truant.

93 (4) Any parent of a school-age minor shall, upon written request from a local school
94 board or school district, cooperate with school authorities in resolving the minor's school
95 attendance problem.

96 (5) (a) A local school board may authorize the issuance of truancy citations by school
97 administrators and appointed truancy specialists. Recipients of truancy citations may be
98 subjected to administrative penalties.

99 [(6)] (b) A local school board that authorizes the issuance of truancy citations shall
100 establish a procedure for students to contest citations.

101 (c) Any minor having received three prior truancy citations within a single school year
102 and for whom reasonable efforts to resolve the attendance problem have failed, shall be issued
103 a habitual truancy citation and referred by the local school board or school district to the
104 appropriate county or district attorney or juvenile court as a habitual truant. Proceedings for
105 habitual truancy shall be expedited by the court.

106 [(7)] (6) This section shall not impose any civil liability on boards of education or their
107 employees. Proceedings initiated under this part do not obligate or preclude action by the
108 Division of Child and Family Services under Section 78-3a-316.

Legislative Review Note
as of 1-25-05 5:16 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0148

School Truancy Amendments

01-Feb-05

12:32 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst