

COMPULSORY EDUCATION AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the definition of "school-age minor" for purposes of establishing compulsory education requirements.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of "school-age minor" by reducing the age of a school-age minor from six years old to five years old, for purposes of establishing compulsory education requirements; and

- ▶ provides an exception to compulsory education, allowing a parent to defer kindergarten for one year.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-101, as last amended by Laws of Utah 2007, Chapter 81

53A-11-101.5, as last amended by Laws of Utah 2009, Chapter 161

ENACTS:

53A-11-102.4, Utah Code Annotated 1953



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

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

53A-11-101. Definitions.

For purposes of this part:

(1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.

(b) A school-age minor may not be considered absent under this part more than one time during one day.

(2) "Habitual truant" means a school-age minor who:

(a) is at least 12 years old;

(b) is subject to the requirements of Section 53A-11-101.5; and

(c) (i) is truant at least 10 times during one school year; or

(ii) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53A-11-103.

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

(4) "Parent" includes:

(a) a custodial parent of the minor;

(b) a legally appointed guardian of a minor; or

(c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (4)(a) or (b).

(5) "School-age minor" means a minor who:

(a) is at least [~~six~~] five years old, but younger than 18 years old; and

(b) is not emancipated.

(6) "School year" means the period of time designated by a local school board or local charter board as the school year for the school where the school-age minor:

(a) is enrolled; or

(b) should be enrolled, if the school-age minor is not enrolled in school.

(7) "Truant" means absent without a valid excuse.

(8) "Truant minor" means a school-age minor who:

(a) is subject to the requirements of Section 53A-11-101.5 or 53A-11-101.7; and

- 59 (b) is truant.
- 60 (9) "Valid excuse" means:
- 61 (a) an illness;
- 62 (b) a family death;
- 63 (c) an approved school activity;
- 64 (d) an absence permitted by a school-age minor's:
- 65 (i) individualized education program, developed pursuant to the Individuals with
- 66 Disabilities Education Improvement Act of 2004, as amended; or
- 67 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act
- 68 of 1973, as amended; or
- 69 (e) any other excuse established as valid by a local school board, local charter board, or
- 70 school district.

71 Section 2. Section **53A-11-101.5** is amended to read:

72 **53A-11-101.5. Compulsory education.**

- 73 (1) For purposes of this section:
- 74 (a) "Intentionally" is as defined in Section 76-2-103.
- 75 (b) "Recklessly" is as defined in Section 76-2-103.
- 76 (c) "Remainder of the school year" means the portion of the school year beginning on
- 77 the day after the day on which the notice of compulsory education violation described in
- 78 Subsection (3) is served and ending on the last day of the school year.
- 79 (d) "School-age child" means a school-age minor under the age of 14.
- 80 (2) Except as provided in Section 53A-11-102, 53A-11-102.4, or 53A-11-102.5, the
- 81 parent of a school-age minor shall enroll and send the school-age minor to a public or regularly
- 82 established private school.
- 83 (3) A school administrator, a designee of a school administrator, or a truancy specialist
- 84 may issue a notice of compulsory education violation to a parent of a school-age child if the
- 85 school-age child is absent without a valid excuse at least five times during the school year.
- 86 (4) The notice of compulsory education violation, described in Subsection (3):
- 87 (a) shall direct the parent of the school-age child to:
- 88 (i) meet with school authorities to discuss the school-age child's school attendance
- 89 problems; and

90 (ii) cooperate with the school board, local charter board, or school district in securing
91 regular attendance by the school-age child;

92 (b) shall designate the school authorities with whom the parent is required to meet;

93 (c) shall state that it is a class B misdemeanor for the parent of the school-age child to
94 intentionally or recklessly:

95 (i) fail to meet with the designated school authorities to discuss the school-age child's
96 school attendance problems; or

97 (ii) fail to prevent the school-age child from being absent without a valid excuse five or
98 more times during the remainder of the school year;

99 (d) shall be served on the school-age child's parent by personal service or certified
100 mail; and

101 (e) may not be issued unless the school-age child has been truant at least five times
102 during the school year.

103 (5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or
104 recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt
105 from enrollment under Section 53A-11-102, ~~53A-11-102.4~~, or 53A-11-102.5.

106 (6) It is a class B misdemeanor for a parent of a school-age child to, after being served
107 with a notice of compulsory education violation in accordance with Subsections (3) and (4),
108 intentionally or recklessly:

109 (a) fail to meet with the school authorities designated in the notice of compulsory
110 education violation to discuss the school-age child's school attendance problems; or

111 (b) fail to prevent the school-age child from being absent without a valid excuse five or
112 more times during the remainder of the school year.

113 (7) A local school board, local charter board, or school district shall report violations of
114 this section to the appropriate county or district attorney.

115 (8) The juvenile court has jurisdiction over an action filed under this section.

116 Section 3. Section **53A-11-102.4** is enacted to read:

117 **53A-11-102.4. Minors -- Kindergarten deferral.**

118 If the parent of a school-age minor files a signed affidavit with the school-age minor's
119 school district of residence, as defined in Section 53A-2-201, stating that the school-age minor
120 will attend kindergarten the following year:

121 (1) a local board of education shall excuse the school-age minor from school
122 attendance; and

123 (2) the parent of the school-age minor is exempt from Subsections 53A-11-101.5(2),
124 (5), and (6).

Legislative Review Note
as of 2-14-11 12:44 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 151

SHORT TITLE: **Compulsory Education Amendments**

SPONSOR: **Briscoe, J.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.