

Senator Jerry W. Stevenson proposes the following substitute bill:

ACCOUNTABILITY FOR SCHOOL ATTENDANCE

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Kay L. McIff

LONG TITLE

General Description:

This bill modifies provisions relating to habitual truants.

Highlighted Provisions:

This bill:

▶ allows a law enforcement officer acting as a school resource officer to issue notices of compulsory education violation, notices of truancy, and habitual truant notices;

§→ ▶ specifically exempts a student that attends school at home from truancy violation provisions; ←§

▶ removes exclusive jurisdiction of certain truancy violations from the juvenile court; **§→ and ←§**

▶ **§→ [—requires a school board, charter board, or school district to issue a habitual truant citation to a habitual truant if reasonable efforts have been taken to resolve the school attendance problem and the efforts have not been successful; and] ←§**

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



88 (b) shall establish a procedure for a school-age minor, or the school-age minor's
 89 parents, to contest a notice of truancy.

90 (4) The notice of truancy described in Subsection (3):

91 (a) may not be issued until the school-age minor has been truant at least five times
 92 during the school year;

93 (b) may not be issued to a school-age minor who is less than 12 years old;

93a ~~§~~→ (c) may not be issued to a minor exempt from school attendance as provided in
 93b Section 53A-11-102 or 53A-11-102.5; ←~~§~~

94 ~~§~~→ [(c)] (d) ←~~§~~ shall direct the school-age minor and the parent of the school-age minor to:

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

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

98 ~~§~~→ [(d)] (e) ←~~§~~ shall be mailed to, or served on, the school-age minor's parent.

99 (5) A habitual truant citation ~~§~~→ [f] may [g] [~~shall~~] ←~~§~~ be issued to a habitual truant if:

100 (a) the local school board, local charter board, or school district has made reasonable
 101 efforts, under Section 53A-11-103, to resolve the school attendance problems of the habitual
 102 truant; and

103 (b) the efforts to resolve the school attendance problems, described in Subsection
 104 (5)(a), have not been successful.

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

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

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

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

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

111 (b) a designee of a school administrator described in Subsection (7)(a)[-]; or

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

113 (8) Nothing in this part prohibits a local school board, local charter board, or school
 114 district from taking action to resolve a truancy problem with a school-age minor who has been
 115 truant less than five times, provided that the action does not conflict with the requirements of
 116 this part.

116a ~~§~~→ (9) Nothing in this part allows a local school board or charter school governing
 116b board to issue a citation pursuant to this section if the minor is exempt from school attendance
 116c as provided in Section 53A-11-102 or 53A-11-102.5. ←~~§~~

117 Section 3. Section 53A-11-103 is amended to read:

118 **53A-11-103. Duties of a school board, local charter board, or school district in**

119 **resolving attendance problems -- Parental involvement -- Liability not imposed.**

120 (1) ~~§~~→ (a) **Except as provided in Subsection (1)(b), a** [A] ←~~§~~ local school board, local
120a charter board, or school district shall make efforts to
121 resolve the school attendance problems of each school-age minor who is, or should be, enrolled
122 in the school district.

122a ~~§~~→ (b) **A minor exempt from school attendance under Section 53A-11-102 or**
122b **53A-11-102.5 is not considered to be a minor who is or should be enrolled in a school district or**
122c **charter school under Subsection (1)(a).** ←~~§~~

123 (2) The efforts described in Subsection (1) shall include, as reasonably feasible:

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

125 (b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in
126 accordance with Section 53A-11-101.7;

127 (c) issuing a habitual truant citation, in accordance with Section 53A-11-101.7;

128 [~~(e)~~] (d) issuing a notice of compulsory education violation to a parent of a school-age
129 child, in accordance with Section 53A-11-101.5;

130 [~~(d)~~] (e) making any necessary adjustment to the curriculum and schedule to meet
131 special needs of the minor;

132 [~~(e)~~] (f) considering alternatives proposed by a parent;

133 [~~(f)~~] (g) monitoring school attendance of the minor;

134 [~~(g)~~] (h) voluntary participation in truancy mediation, if available; and

135 [~~(h)~~] (i) providing a school-age minor's parent, upon request, with a list of resources
136 available to assist the parent in resolving the school-age minor's attendance problems.

137 (3) In addition to the efforts described in Subsection (2), the local school board, local
138 charter board, or school district may enlist the assistance of community and law enforcement
139 agencies as appropriate and reasonably feasible.

140 (4) This section shall not impose any civil liability on boards of education, local school
141 boards, local charter boards, school districts, or their employees.

142 (5) Proceedings initiated under this part do not obligate or preclude action by the
143 Division of Child and Family Services under Section 78A-6-319.