

SENATE FILE NO. SF0015

Absenteeism and truancy.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to compulsory attendance; amending
2 responsibilities for enforcing attendance requirements
3 among school districts, district attorneys, parents and
4 others; providing that a child subjected to willful
5 absenteeism is neglected for purposes of the Child
6 Protection Act; providing that a child who is an habitual
7 truant is a child in need of supervision; creating
8 definitions; amending penalties; and providing for
9 effective dates.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 14-3-402(a)(xii) by creating a new
14 subparagraph (C), 14-6-402(a)(iv), 14-6-411(b)(iv),
15 21-3-111(a)(xvi), 21-4-101(a)(i), (ii) and by creating a

1 new paragraph (vii), 21-4-104(a)(i) and (ii), 21-4-105 and
2 21-4-107 are amended to read:

3

4 **14-3-402. Definitions.**

5

6 (a) As used in this act:

7

8 (xii) "Neglected child" means a child:

9

10 (C) Who has been subjected to willful
11 absenteeism as defined in W.S. 21-4-101(a)(vii).

12

13 **14-6-402. Definitions.**

14

15 (a) As used in this act:

16

17 (iv) "Child in need of supervision" means any
18 child who has not reached his eighteenth birthday who is
19 habitually truant as defined in W.S. 21-4-101(a)(ii) or has
20 run away from home or habitually disobeys reasonable and
21 lawful demands of his parents, guardian, custodian or other
22 proper authority or is ungovernable and beyond control.

23 "Child in need of supervision" includes any child who has

1 not reached his eighteenth birthday who has committed a
2 status offense;

3

4 **14-6-411. Complaints alleging child in need of**
5 **supervision; investigation and determination by district**
6 **attorney.**

7

8 (b) In determining the action necessary to protect
9 the interest of the public or the child with regard to a
10 petition alleging a child in need of supervision, the
11 prosecuting attorney shall consider the following:

12

13 (iv) Use of ~~truancy~~ compulsory attendance
14 statute enforcement under W.S. 21-4-101 through 21-4-107;

15

16 **21-3-111. Powers of boards of trustees.**

17

18 (a) The board of trustees in each school district
19 within the state may:

20

21 (xvi) Define "unexcused absence_u" ~~and~~ "habitual
22 truancy" and "willful absenteeism" in accordance with W.S.
23 21-4-101 for all students who are attending public schools

1 ~~and who have met compulsory attendance requirements,~~ and
2 establish ~~rules and regulations~~ policies regarding their
3 attendance. For purposes of this paragraph, ~~students~~
4 ~~participating~~ an absence due to participation in a district
5 cocurricular activity program or participation in the
6 annual state fair held under W.S. 11-10-101 as an exhibitor
7 shall be ~~considered as participating in a district~~
8 ~~cocurricular activity program and shall be defined by the~~
9 ~~board as~~ an excused absence;

10

11 **21-4-101. Definitions.**

12

13 (a) For the purposes of this article:

14

15 (i) "Unexcused absence" means the absence, as
16 defined in the policies of the local board of trustees
17 pursuant to W.S. 21-3-111(a)(xvi), of any child required by
18 this article to attend school when such absence is not
19 excused for good cause to the satisfaction of the board of
20 trustees by the parent, guardian, or other person having
21 control of such child;

22

1 (ii) "Habitual truant" means any child ~~with five~~
2 ~~(5) or more unexcused absences~~ who disobeys reasonable and
3 lawful demands of the child's parent, guardian, custodian
4 or other proper authority as defined in the policies of the
5 local board of trustees pursuant to W.S. 21-3-111(a)(xvi)
6 in any one (1) school year;

7
8 (vii) "Willful absenteeism" means exceeding the
9 limit of unexcused absences as defined in the policies of
10 the local board of trustees pursuant to W.S.
11 21-3-111(a)(xvi) when the excess absences are the result of
12 a parent's, guardian's or custodian's willful failure,
13 neglect or refusal to require a child's regular attendance
14 at school.

15
16 **21-4-104. Duties of attendance officers.**

17
18 (a) Subject to the policy of the board of trustees,
19 it shall be the duty of each attendance officer to:

20
21 (i) Counsel with students, parents, guardians or
22 custodians and teachers; and to investigate the causes of

1 unexcused absences, habitual truancy and willful
2 absenteeism;

3
4 (ii) Give written notice to the parent,
5 guardian, or custodian of any child having an unexcused
6 absence that the attendance of such child at school is
7 required by law under W.S. 21-4-102 and local board rules
8 pursuant to W.S. 21-3-111(a)(xvi). If after such notice
9 has been given, the child has ~~a second continued~~ unexcused
10 ~~absence, which~~ absences in violation of W.S. 21-4-102 or
11 local board of trustees rules under W.S. 21-3-111(a)(xvi)
12 and the attendance officer reasonably believes ~~was that the~~
13 unexcused absences were due to ~~the willful~~ neglect ~~or~~
14 ~~failure of the parent, guardian, or custodian of the child,~~
15 ~~then he shall make and file a complaint against such~~
16 ~~parent, guardian, or custodian of such child before the~~
17 ~~district court for the violation of W.S. 21-4-102 as~~
18 defined in W.S. 14-3-202(a)(vii), willful absenteeism or
19 habitual truancy then the attendance officer shall proceed
20 in accordance with W.S. 21-4-107.

21
22 **21-4-105. Penalty for failure of parent, guardian or**
23 **custodian to comply with article.**

1

2 Any parent, guardian or custodian of any child to whom this
3 article applies who willfully fails, neglects, or refuses
4 to comply with the provisions of this article shall be
5 guilty of a misdemeanor and shall be punished by a fine of
6 ~~not less than five dollars (\$5.00) nor not~~ more than
7 ~~twenty five dollars (\$25.00) or by imprisonment in the~~
8 ~~county jail not more than ten (10) days or by both such~~
9 ~~fine and imprisonment~~ one hundred fifty dollars (\$150.00).

10

11 **21-4-107. Notice to district attorney of habitual**
12 **truancy; duty of district attorney.**

13

14 (a) When the board of trustees of any school district
15 shall determine that a child is an habitual truant or is
16 subject to willful absenteeism as defined by this article
17 the board or its attendance officer shall notify the
18 district attorney who shall then initiate proceedings in
19 the interest of the child under the ~~Juvenile Justice Act~~
20 Children In Need of Supervision Act, W.S. 14-6-401 through
21 14-6-440 or Child Protection Act, W.S. 14-3-401 through
22 14-3-441, as appropriate. If the parent, guardian or

1 custodian is Indian and living on the Wind River Indian
2 Reservation and the child attends school:

3

4 (i) On the Wind River Indian Reservation, the
5 board or its attendance officer shall notify the Wind River
6 tribal court system so that proceedings may be initiated
7 under the tribal codes that apply in the Wind River tribal
8 court system;

9

10 (ii) At a Wyoming public school that is not
11 located on the Wind River Indian Reservation, the board or
12 its attendance officer shall notify the district attorney
13 who shall then notify the Wind River tribal court system
14 and initiate proceedings in the interest of the child under
15 the Children In Need of Supervision Act or Child Protection
16 Act, as appropriate.

17

18 **Section 2.** The board of trustees in each school
19 district within the state shall adopt policies necessary to
20 implement this act by July 1, 2020.

21

22 **Section 3.**

23

1 (a) This act is effective July 1, 2020, except as
2 provided in subsection (b) of this section.

3

4 (b) Sections 2 and 3 of this act are effective
5 immediately upon completion of all acts necessary for a
6 bill to become law as provided by Article 4, Section 8 of
7 the Wyoming Constitution.

8

9

(END)