

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; requiring rulemaking; and
9 providing for effective dates.

10

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

12

13 **Section 1.** W.S. 14-3-202(a)(vii), 14-6-402(a)(iv),
14 14-6-411(b)(iv), 21-3-111(a)(intro) and (xvi),
15 21-4-101(a)(i), (ii) and by creating a new paragraph (vii),
16 21-4-104(a), 21-4-105 and 21-4-107 are amended to read:

1

2 **14-3-202. Definitions.**

3

4 (a) As used in W.S. 14-3-201 through 14-3-216:

5

6 (vii) "Neglect" means a failure or refusal by
7 those responsible for the child's welfare to provide
8 adequate care, maintenance, supervision, education or
9 medical, surgical or any other care necessary for the
10 child's well being. "Neglect" as applied to "education" in
11 this paragraph includes willful absenteeism as defined in
12 W.S. 21-4-101(a)(vii). Treatment given in good faith by
13 spiritual means alone, through prayer, by a duly accredited
14 practitioner in accordance with the tenets and practices of
15 a recognized church or religious denomination is not child
16 neglect for that reason alone;

17

18 **14-6-402. Definitions.**

19

20 (a) As used in this act:

21

22 (iv) "Child in need of supervision" means any
23 child who has not reached his eighteenth birthday who is

1 habitually truant as defined in W.S. 21-4-101(a)(ii) or has
2 run away from home or habitually disobeys reasonable and
3 lawful demands of his parents, guardian, custodian or other
4 proper authority or is ungovernable and beyond control.
5 "Child in need of supervision" includes any child who has
6 not reached his eighteenth birthday who has committed a
7 status offense;

8

9 **14-6-411. Complaints alleging child in need of**
10 **supervision; investigation and determination by district**
11 **attorney.**

12

13 (b) In determining the action necessary to protect
14 the interest of the public or the child with regard to a
15 petition alleging a child in need of supervision, the
16 prosecuting attorney shall consider the following:

17

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

20

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

22

1 (a) Except as provided in paragraph (xvi) of this
2 subsection, the board of trustees in each school district
3 within the state may:

4
5 (xvi) The board of trustees in each school
6 district shall define "unexcused absence," and—"habitual
7 truancy" and "willful absenteeism" in accordance with W.S.
8 21-4-101 for all students who are attending public schools
9 and who have met compulsory attendance requirements, and
10 establish rules and regulations regarding their attendance.
11 For purposes of this paragraph, students participating in
12 the annual state fair held under W.S. 11-10-101 as an
13 exhibitor shall be considered as participating in a
14 district cocurricular activity program and shall be defined
15 by the board as an excused absence a preapproved absence or
16 an absence due to the illness, injury or health care needs
17 of the student or a death or serious illness in the
18 student's family shall not constitute an unexcused absence;

19
20 **21-4-101. Definitions.**

21
22 (a) For the purposes of this article:

23

1 (i) "Unexcused absence" means the absence, as
2 defined in the ~~policies~~rules of the local board of
3 trustees,~~of any child required by this article to attend~~
4 ~~school when such absence is not excused to the satisfaction~~
5 ~~of the board of trustees by the parent, guardian, or other~~
6 ~~person having control of such child~~ pursuant to W.S.
7 21-3-111(a)(xvi);

8
9 (ii) "Habitual truant" means any child ~~with five~~
10 ~~(5) or more unexcused absences~~ who disobeys reasonable and
11 lawful demands of the child's parent, guardian, custodian
12 or other proper authority with regard to school attendance
13 as defined in the rules of the local board of trustees
14 pursuant to W.S. 21-3-111(a)(xvi) in any one (1) school
15 year;

16
17 (vii) "Willful absenteeism" means exceeding the
18 limit of unexcused absences as defined in the rules of the
19 local board of trustees pursuant to W.S. 21-3-111(a)(xvi)
20 when the excess absences are the result of a parent's,
21 guardian's or custodian's willful failure, neglect or
22 refusal to require a child's regular attendance at school.

23

1 **21-4-104. Duties of attendance officers.**

2

3 (a) Subject to the ~~policy~~rules and policies of the
4 board of trustees, it shall be the duty of each attendance
5 officer to:

6

7 (i) Counsel with students, parents, guardians or
8 custodians and teachers; and to investigate the causes of
9 unexcused absences,habitual truancy and willful
10 absenteeism;

11

12 (ii) Give written notice to the parent,
13 guardian, or custodian of any child having an unexcused
14 absence that the attendance of such child at school is
15 required by law under W.S. 21-4-102 and local board rules
16 pursuant to W.S. 21-3-111(a)(xvi). If after such notice
17 has been given, the child has ~~a second continued~~unexcused
18 ~~absence, which~~absences in violation of W.S. 21-4-102 or
19 local board of trustees rules under W.S. 21-3-111(a)(xvi)
20 and the attendance officer reasonably believes ~~was that the~~
21 unexcused absences were due to ~~the willful~~neglect or
22 ~~failure of the parent, guardian, or custodian of the child,~~
23 ~~then he shall make and file a complaint against such~~

1 ~~parent, guardian, or custodian of such child before the~~
2 ~~district court for the violation of W.S. 21-4-102 as~~
3 defined in W.S. 14-3-202(a)(vii), willful absenteeism or
4 habitual truancy then the attendance officer shall proceed
5 in accordance with W.S. 21-4-107.
6

7 **21-4-105. Penalty for failure of parent, guardian or**
8 **custodian to comply with article.**
9

10 Any parent, guardian or custodian of any child to whom this
11 article applies who willfully fails, neglects, or refuses
12 to comply with the provisions of this article shall be
13 guilty of a misdemeanor and shall be punished by a fine of
14 ~~not less than five dollars (\$5.00) nor not~~ more than
15 ~~twenty five dollars (\$25.00) or by imprisonment in the~~
16 ~~county jail not more than ten (10) days or by both such~~
17 ~~fine and imprisonment~~ one hundred fifty dollars (\$150.00).
18

19 **21-4-107. Notice to district attorney and tribe of**
20 **habitual truancy or willful absenteeism; duty of district**
21 **attorney.**
22

1 When the board of trustees of any school district shall
2 determine that a child is an habitual truant or is subject
3 to willful absenteeism as defined by this article the board
4 or its attendance officer shall notify the district
5 attorney who ~~shall then~~ may initiate proceedings in the
6 interest of the child under the Juvenile Justice Act, W.S.
7 14-6-201 through 14-6-252, Children In Need of Supervision
8 Act, W.S. 14-6-401 through 14-6-440, or the Child
9 Protection Act, W.S. 14-3-401 through 14-3-441, as
10 appropriate. If the child is an Indian child as defined in
11 the federal Indian Child Welfare Act (ICWA), 25 U.S.C. 1901
12 et seq., the district attorney shall notify the child's
13 tribe and may initiate proceedings in the interest of the
14 child.

15
16 **Section 2.** The board of trustees in each school
17 district within the state shall adopt rules necessary to
18 implement this act by September 1, 2020.

19
20 **Section 3.**

21
22 (a) This act is effective September 1, 2020, except
23 as provided in subsection (b) of this section.

1

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

6

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(END)