

SENATE FILE NO. SF0031

Absenteeism and truancy.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to education; amending responsibilities for  
2 enforcing compulsory attendance requirements; providing  
3 that a child subject to willful absenteeism is neglected  
4 for purposes of the Child Protection Act; providing that a  
5 child who is a habitual truant is a child in need of  
6 supervision; creating definitions; requiring rulemaking;  
7 amending penalties; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 14-3-202(a)(vii), 14-6-402(a)(iv),  
12 14-6-411(b)(iv), 21-3-110(a)(xxxix), 21-4-101(a)(i), (ii)  
13 and by creating a new paragraph (vii), 21-4-104(a),  
14 21-4-105 and 21-4-107 are amended to read:

15

16 **14-3-202. Definitions.**

1

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

3

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

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16 **14-6-402. Definitions.**

17

18 (a) As used in this act:

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20 (iv) "Child in need of supervision" means any  
21 child who has not reached his eighteenth birthday who is  
22 habitually truant as defined in W.S. 21-4-101(a)(ii) or has  
23 run away from home or habitually disobeys reasonable and

1 lawful demands of his parents, guardian, custodian or other  
2 proper authority or is ungovernable and beyond control.  
3 "Child in need of supervision" includes any child who has  
4 not reached his eighteenth birthday who has committed a  
5 status offense;

6

7 **14-6-411. Complaints alleging child in need of**  
8 **supervision; investigation and determination by district**  
9 **attorney.**

10

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

15

16 (iv) ~~Use of truancy statute~~ Enforcement of  
17 compulsory attendance requirements under W.S. 21-4-101  
18 through 21-4-107;

19

20 **21-3-110. Duties of boards of trustees.**

21

22 (a) The board of trustees in each school district  
23 shall:

1

2           (xxxix) Define ~~"habitual truancy" and~~ "unexcused  
3 absence", "habitual truant" and "willful absenteeism" for  
4 all students who are attending public schools and establish  
5 rules regarding student attendance. For purposes of this  
6 paragraph, an absence preapproved by the district or an  
7 absence due to an illness, injury or the health care needs  
8 of the student or a death or serious illness in the  
9 student's family shall not constitute an unexcused absence.  
10 Students participating in the annual state fair held under  
11 W.S. 11-10-101 as an exhibitor shall be considered as  
12 participating in a district cocurricular activity program  
13 and the student's absence shall be defined by the board as  
14 an excused absence. Nothing in this paragraph shall  
15 prohibit a school district from requesting verification of  
16 the reasons for an absence.

17

18           **21-4-101. Definitions.**

19

20           (a) For the purposes of this article:

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22           (i) "Unexcused absence" means the absence, as  
23 defined in the ~~policies~~rules of the local board of

1 ~~trustees, of any child required by this article to attend~~  
2 ~~school when such absence is not excused to the satisfaction~~  
3 ~~of the board of trustees by the parent, guardian, or other~~  
4 ~~person having control of such child~~ pursuant to W.S.  
5 21-3-110(a)(xxxix);  
6

7 (ii) "Habitual truant" means any child ~~with five~~  
8 ~~(5) or more unexcused absences in any one (1) school year~~  
9 who disobeys reasonable and lawful demands of the child's  
10 parent, guardian, custodian or other proper authority to  
11 attend school if required under W.S. 21-4-102 and as  
12 further defined in the rules of the local board of trustees  
13 pursuant to W.S. 21-3-110(a)(xxxix);  
14

15 (vii) "Willful absenteeism" means exceeding the  
16 limit of unexcused absences as defined in the rules of the  
17 local board of trustees pursuant to W.S. 21-3-110(a)(xxxix)  
18 when the excess absences are the result of a parent's,  
19 guardian's or custodian's willful failure, neglect or  
20 refusal to require a child's regular attendance at school  
21 in accordance with W.S. 21-4-102.  
22

23 **21-4-104. Duties of attendance officers.**

1

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

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

10

11 (ii) Give written notice to the parent,  
12 guardian, or custodian of any child having an unexcused  
13 absence that the attendance of such child at school is  
14 required by law under W.S. 21-4-102 and local board rules  
15 pursuant to W.S. 21-3-110(a)(xxxix). If after such notice  
16 has been given, the child has ~~a second~~continued unexcused  
17 absence, which absences in violation of W.S. 21-4-102 or  
18 local board of trustees rules under W.S. 21-3-110(a)(xxxix)  
19 and the attendance officer reasonably believes ~~was that the~~  
20 unexcused absences were due to ~~the willful~~ neglect ~~or~~  
21 ~~failure of the parent, guardian, or custodian of the child,~~  
22 ~~then he shall make and file a complaint against such~~  
23 ~~parent, guardian, or custodian of such child before the~~

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

5  
6 **21-4-105. Penalty for failure of parent, guardian or**  
7 **custodian to comply with article.**

8  
9 Any parent, guardian or custodian of any child to whom this  
10 article applies who willfully fails, neglects, or refuses  
11 to comply with the provisions of this article ~~shall be~~  
12 ~~guilty of a misdemeanor and shall~~ may be punished by ~~a fine~~  
13 ~~of not less than five dollars (\$5.00) nor more than~~  
14 ~~twenty five dollars (\$25.00) or by imprisonment in the~~  
15 ~~county jail not more than ten (10) days or by both such~~  
16 ~~fine and imprisonment~~ not more than ten (10) days of  
17 community service and subject to proceedings under the  
18 Child Protection Act, W.S. 14-3-401 et seq., or the  
19 Children In Need of Supervision Act, W.S. 14-6-401 et seq.,  
20 or both.

21

1           21-4-107. Notice to district attorney and tribe of  
2 habitual truancy or willful absenteeism; duty of district  
3 attorney.

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5 When the ~~board of trustees~~ attendance officer of any school  
6 district ~~shall determine~~ determines that a child is an  
7 habitual truant or has been absent due to willful  
8 absenteeism as defined by this article the ~~board or its~~  
9 attendance officer shall notify the board of trustees and  
10 the district attorney who ~~shall then~~ may initiate  
11 proceedings in the interest of the child under the Juvenile  
12 Justice Act-Child Protection Act, W.S. 14-3-401 et seq., or  
13 the Children In Need of Supervision Act, W.S. 14-6-401 et  
14 seq., as appropriate. If the child is an Indian child as  
15 defined in the federal Indian Child Welfare Act, 25 U.S.C.  
16 1901 et seq., the district attorney shall notify the  
17 child's tribe and may initiate proceedings in the interest  
18 of the child if authorized to do so under state and federal  
19 law. If the Indian child resides on the Wind River Indian  
20 Reservation, the attendance officer shall notify the Wind  
21 River Tribal Court prosecutor and the tribal prosecutor may  
22 initiate proceedings pursuant to applicable tribal law and  
23 order codes.



