

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1109

By: Pogemiller

4
5
6 AS INTRODUCED

7 An Act relating to truancy; amending 10A O.S. 2021,
8 Section 2-2-503, as amended by Section 2, Chapter
9 259, O.S.L. 2022 (10A O.S. Supp. 2024, Section 2-2-
10 503), which relates to disposition orders,
11 prohibiting detention for failure to attend school;
12 amending 70 O.S. 2021, Sections 10-105, as amended by
13 Section 1, Chapter 128, O.S.L. 2024 and 10-106 (70
14 O.S. Supp. 2024, Section 10-105), which relate to
15 school attendance; adding title to misdemeanor;
16 mandating waiver of certain fines under certain
17 conditions; requiring written notice to be sent to
18 parents after five unexcused absences; mandating
19 truancy intervention requirements after certain
20 absences; permitting local boards of education to
21 adopt pre-intervention plans; requiring school
22 districts to create and adopt progressive truancy
23 intervention plans; establishing three-tiered
24 requirements for progressive truancy intervention
plans; prohibiting suspension as part of a truancy
intervention plan; permitting report of absences to
court under certain circumstances; defining evidence
of unwillingness to cooperate; establishing report
requirements; allowing court dismissal of complaints
under certain circumstances; providing an effective
date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-2-503, as
amended by Section 2, Chapter 259, O.S.L. 2022 (10A O.S. Supp. 2024,
Section 2-2-503), is amended to read as follows:

1 Section 2-2-503. A. The following kinds of orders of
2 disposition may be made in respect to children adjudicated in need
3 of supervision or delinquent:

4 1. The court may place the child on probation with or without
5 supervision in the home of the child, or in the custody of a
6 suitable person, upon such conditions as the court shall determine.
7 If the child is placed on probation in a county having a juvenile
8 bureau, the court may impose a probation fee of not more than
9 Twenty-five Dollars (\$25.00) per month, if the court finds that the
10 child or parent or legal guardian of the child has the ability to
11 pay the fee. In counties having a juvenile bureau, the fee shall be
12 paid to the juvenile bureau; in all other counties, no fee shall be
13 paid to the Office of Juvenile Affairs;

14 2. If it is consistent with the welfare of the child, the child
15 shall be placed with the parent or legal guardian of the child, but
16 if it appears to the court that the conduct of such parent,
17 guardian, legal guardian, stepparent or other adult person living in
18 the home has contributed to the child becoming delinquent or in need
19 of supervision, the court may issue a written order specifying
20 conduct to be followed by such parent, guardian, legal custodian,
21 stepparent or other adult person living in the home with respect to
22 such child. The conduct specified shall be such as would reasonably
23 prevent the child from continuing to be delinquent or in need of
24 supervision.

1 a. If it is consistent with the welfare of the child, in
2 cases where the child has been adjudicated to be in
3 need of supervision due to repeated absence from
4 school, the court may order counseling and treatment
5 for the child and the parents of the child to be
6 provided by the local school district, the county, the
7 Office or a private individual or entity. Prior to
8 final disposition, the court shall require that it be
9 shown by the appropriate school district that a child
10 found to be truant has been evaluated for learning
11 disabilities, hearing and visual impairments and other
12 impediments which could constitute an educational
13 handicap or has been evaluated to determine whether
14 the child has a disability if it is suspected that the
15 child may require special education services in
16 accordance with the Individuals with Disabilities
17 Education Act (IDEA). The results of such tests shall
18 be made available to the court for use by the court in
19 determining the disposition of the case.

20 b. In issuing orders to a parent, guardian, legal
21 guardian, stepparent or other adult person living in
22 the home of a child adjudicated to be a delinquent
23 child or in making other disposition of said
24 delinquent child, the court may consider the testimony

1 of said parent, guardian, legal guardian, stepparent
2 or other adult person concerning the behavior of the
3 juvenile and the ability of such person to exercise
4 parental control over the behavior of the juvenile.

5 c. In any dispositional order involving a child age
6 sixteen (16) or older, the court shall make a
7 determination, where appropriate, of the services
8 needed to assist the child to make the transition to
9 independent living.

10 d. No child who has been adjudicated in need of
11 supervision only upon the basis of truancy or
12 noncompliance with the mandatory school attendance law
13 shall be placed in a public or private institutional
14 facility or be removed from the custody of the lawful
15 parent, guardian or custodian of the child.

16 e. Nothing in the Oklahoma Juvenile Code or the Oklahoma
17 Children's Code may be construed to prevent a child
18 from being adjudicated both deprived and delinquent if
19 there exists a factual basis for such a finding;

20 3. The court may commit the child to the custody of a private
21 institution or agency, including any institution established and
22 operated by the county, authorized to care for children or to place
23 them in family homes. In committing a child to a private
24 institution or agency, the court shall select one that is licensed

1 by any state department supervising or licensing private
2 institutions and agencies; or, if such institution or agency is in
3 another state, by the analogous department of that state. Whenever
4 the court shall commit a child to any institution or agency, it
5 shall transmit with the order of commitment a summary of its
6 information concerning the child, and such institution or agency
7 shall give to the court such information concerning the child as the
8 court may at any time require;

9 4. The court may order the child to receive counseling or other
10 community-based services as necessary;

11 5. The court may commit the child to the custody of the Office
12 of Juvenile Affairs. Any order adjudicating the child to be
13 delinquent and committing the child to the Office of Juvenile
14 Affairs shall be for an indeterminate period of time;

15 6. If the child has been placed outside the home, and it
16 appears to the court that the parent, guardian, legal custodian, or
17 stepparent, or other adult person living in the home has contributed
18 to the child becoming delinquent or in need of supervision, the
19 court may order that the parent, guardian, legal custodian,
20 stepparent, or other adult living in the home be made subject to any
21 treatment or placement plan prescribed by the Office or other person
22 or agency receiving custody of the child;

23 7. With respect to a child adjudicated a delinquent child, the
24 court may:

- 1 a. for acts involving criminally injurious conduct as
2 defined in Section 142.3 of Title 21 of the Oklahoma
3 Statutes, order the child to pay a victim compensation
4 assessment in an amount not to exceed that amount
5 specified in Section 142.18 of Title 21 of the
6 Oklahoma Statutes. The court shall forward a copy of
7 the adjudication order to the Crime Victims
8 Compensation Board for purposes of Section 142.11 of
9 Title 21 of the Oklahoma Statutes. Except as
10 otherwise provided by law, such adjudication order
11 shall be kept confidential by the Board,
- 12 b. order the child to engage in a term of community
13 service without compensation. The state or any
14 political subdivision shall not be liable if a loss or
15 claim results from any acts or omission of a child
16 ordered to engage in a term of community service
17 pursuant to the provisions of this paragraph,
- 18 c. order the child, the parent or parents of the child,
19 legal guardian of the child, or both the child and the
20 parent or parents of the child or legal guardian at
21 the time of the delinquent act of the child to make
22 full or partial restitution to the victim of the
23 offense which resulted in property damage or personal
24 injury.

1 (1) The court shall notify the victim of the
2 dispositional hearing. The court may consider a
3 verified statement from the victim concerning
4 damages for injury or loss of property and actual
5 expenses of medical treatment for personal
6 injury, excluding pain and suffering. If
7 contested, a restitution hearing to determine the
8 liability of the child, the parent or parents of
9 the child, or legal guardian shall be held not
10 later than thirty (30) days after the disposition
11 hearing and may be extended by the court for good
12 cause. The parent or parents of the child or
13 legal guardian may be represented by an attorney
14 in the matter of the order for remittance of the
15 restitution by the parent or parents of the child
16 or legal guardian. The burden of proving that
17 the amount indicated on the verified statement is
18 not fair and reasonable shall be on the person
19 challenging the fairness and reasonableness of
20 the amount.

21 (2) Restitution may consist of monetary reimbursement
22 for the damage or injury in the form of a lump
23 sum or installment payments after the
24 consideration of the court of the nature of the

1 offense, the age, physical and mental condition
2 of the child, the earning capacity of the child,
3 the parent or parents of the child, or legal
4 guardian, or the ability to pay, as the case may
5 be. The payments shall be made to such official
6 designated by the court for distribution to the
7 victim. The court may also consider any other
8 hardship on the child, the parent or parents of
9 the child, or legal guardian and, if consistent
10 with the welfare of the child, require community
11 service in lieu of restitution or require both
12 community service and full or partial restitution
13 for the acts of delinquency by the child.

14 (3) A child who is required to pay restitution and
15 who is not in willful default of the payment of
16 restitution may at any time request the court to
17 modify the method of payment. If the court
18 determines that payment under the order will
19 impose a manifest hardship on the child, the
20 parent or parents of the child, or legal
21 guardian, the court may modify the method of
22 payment.

23 (4) If the restitution is not being paid as ordered,
24 the official designated by the court to collect

1 and disburse the restitution ordered shall file a
2 written report of the violation with the court.
3 The report shall include a statement of the
4 amount of the arrearage and any reasons for the
5 arrearage that are known by the official. A copy
6 of the report shall be provided to all parties
7 and the court shall promptly take any action
8 necessary to compel compliance.

9 (5) Upon the juvenile attaining eighteen (18) years
10 of age, the court shall determine whether the
11 restitution order has been satisfied. If the
12 restitution order has not been satisfied, the
13 court shall enter a judgment of restitution in
14 favor of each person entitled to restitution for
15 the unpaid balance of any restitution ordered
16 pursuant to this subparagraph. The clerk of the
17 court shall send a copy of the judgment of
18 restitution to each person who is entitled to
19 restitution. The judgment shall be a lien
20 against all property of the individual or
21 individuals ordered to pay restitution and may be
22 enforced by the victim or any other person or
23 entity named in the judgment to receive
24 restitution in the same manner as enforcing

1 monetary judgments. The restitution judgment
2 does not expire until paid in full and is deemed
3 to be a criminal penalty for the purposes of a
4 federal bankruptcy involving the child,

5 d. order the child to pay the fine which would have been
6 imposed had such child been convicted of such crime as
7 an adult. Any such fine collected pursuant to this
8 paragraph shall be deposited in a special Work
9 Restitution Fund to be established by the court to
10 allow children otherwise unable to pay restitution to
11 work in community service projects in the private or
12 public sector to earn money to compensate their
13 victims,

14 e. order the cancellation or denial of driving privileges
15 as provided by Sections 6-107.1 and 6-107.2 of Title
16 47 of the Oklahoma Statutes,

17 f. sanction detention in the residence of the child or
18 facility designated by the Office of Juvenile Affairs
19 or the juvenile bureau for such purpose for up to five
20 (5) days, order weekend detention in a place other
21 than a juvenile detention facility or shelter,
22 tracking, or house arrest with electronic monitoring,
23 and

1 g. impose consequences, including detention as provided
2 for in subparagraph f of this paragraph, for
3 postadjudicatory violations of probation;

4 8. The court may order the child to participate in the Juvenile
5 Drug Court Program;

6 9. The court may dismiss the petition or otherwise terminate
7 its jurisdiction at any time for good cause shown; and

8 10. In any dispositional order removing a child from the home
9 of the child, the court shall, in addition to the findings required
10 by Section 2-2-105 of this title, make a determination that, in
11 accordance with the best interests of the child and the protection
12 of the public, reasonable efforts have been made to provide for the
13 return of the child to the home of the child, or that efforts to
14 reunite the family are not required as provided in Section 2-2-105
15 of this title, and reasonable efforts are being made to finalize an
16 alternate permanent placement for the child.

17 B. Prior to adjudication or as directed by a law enforcement
18 subpoena or court order, a school district may disclose educational
19 records to the court or juvenile justice system for purposes of
20 determining the ability of the juvenile justice system to
21 effectively serve a child. Any disclosure of educational records
22 shall be in accordance with the requirements of the Family
23 Educational Rights and Privacy Act of 1974 (FERPA). If the parent,
24 guardian, or custodian of a child adjudicated a delinquent child

1 asserts that the child has approval not to attend school pursuant to
2 Section 10-105 of Title 70 of the Oklahoma Statutes, the court or
3 the Office of Juvenile Affairs may require the parent to provide a
4 copy of the written, joint agreement to that effect between the
5 school administrator of the school district where the child attends
6 school and the parent, guardian, or custodian of the child.

7 C. With respect to a child adjudicated a delinquent child for a
8 violent offense, within thirty (30) days of the date of the
9 adjudication either the juvenile bureau in counties which have a
10 juvenile bureau or the Office of Juvenile Affairs in all other
11 counties shall notify the superintendent of the school district in
12 which the child is enrolled or intends to enroll of the delinquency
13 adjudication and the offense for which the child was adjudicated.

14 D. No child who has been adjudicated in need of supervision may
15 be placed in a secure facility.

16 E. No child charged in a state or municipal court with a
17 violation of state or municipal traffic laws or ordinances, or
18 convicted therefor, may be incarcerated in jail for the violation
19 unless the charge for which the arrest was made would constitute a
20 felony if the child were an adult. Nothing contained in this
21 subsection shall prohibit the detention of a juvenile for traffic-
22 related offenses prior to the filing of a petition in the district
23 court alleging delinquency as a result of the acts and nothing
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1 contained in this section shall prohibit detaining a juvenile
2 pursuant to Section 2-2-102 of this title.

3 F. The court may revoke or modify a disposition order and may
4 order redispotion. The child whose disposition is being
5 considered for revocation or modification at said hearing shall be
6 afforded the following rights:

7 1. Notice by the filing of a motion for redispotion by the
8 district attorney. The motion shall be served on the child and the
9 parent or legal guardian of the child at least five (5) business
10 days prior to the hearing;

11 2. The proceedings shall be heard without a jury and shall
12 require establishment of the facts alleged by a preponderance of the
13 evidence;

14 3. During the proceeding, the child shall have the right to be
15 represented by counsel, to present evidence, and to confront any
16 witness testifying against the child;

17 4. Any modification, revocation or redispotion removing the
18 child from the physical custody of a parent or guardian shall be
19 subject to review on appeal, as in other appeals of delinquent
20 cases;

21 5. If the child is placed in secure detention, bail may be
22 allowed pending appeal; and

23 6. The court shall not enter an order removing the child from
24 the custody of a parent or legal guardian pursuant to this section

1 unless the court first finds that reasonable efforts have been made
2 to maintain the family unit and prevent the unnecessary removal of
3 the child from the home of the child or that an emergency exists
4 which threatens the safety of the child and that:

- 5 a. such removal is necessary to protect the public,
- 6 b. the child is likely to sustain harm if not immediately
7 removed from the home,
- 8 c. allowing the child to remain in the home is contrary
9 to the welfare of the child, or
- 10 d. immediate placement of the child is in the best
11 interests of the child.

12 The court shall state in the record that such considerations
13 have been made. Nothing in this section shall be interpreted to
14 limit the authority or discretion of the agency providing probation
15 supervision services to modify the terms of probation including, but
16 not limited to, curfews, imposing community service, or any
17 nondetention consequences.

18 G. A willful violation of any provision of an order of the
19 court issued under the provisions of the Oklahoma Juvenile Code
20 shall constitute indirect contempt of court and shall be punishable
21 by a fine not to exceed Three Hundred Dollars (\$300.00) or, as to a
22 delinquent child, placement in a juvenile detention center for not
23 more than ten (10) days, or by both such fine and detention.

1 Notwithstanding the provisions of this subsection, a child shall
2 not be placed into detention for a violation of a valid court order
3 that compels them to attend school.

4 SECTION 2. AMENDATORY 70 O.S. 2021, Section 10-105, as
5 amended by Section 1, Chapter 128, O.S.L. 2024 (70 O.S. Supp. 2024,
6 Section 10-105), is amended to read as follows:

7 Section 10-105. A. It shall be unlawful for a parent,
8 guardian, or other person having custody of a child who is over the
9 age of five (5) years, and under the age of eighteen (18) years, to
10 neglect or refuse to cause or compel the child to attend and comply
11 with the rules of some public, private, or other school, unless
12 other means of education are provided for the full term the schools
13 of the district are in session or the child is excused as provided
14 in this section. One-half (1/2) day of kindergarten shall be
15 required of all children five (5) years of age or older unless the
16 child is excused from kindergarten attendance as provided in this
17 section. A child who is five (5) years of age shall be excused from
18 kindergarten attendance until the next school year after the child
19 is six (6) years of age if a parent, guardian, or other person
20 having custody of the child notifies the superintendent of the
21 district where the child is a resident by certified mail prior to
22 enrollment in kindergarten, or at any time during the first school
23 year that the child is required to attend kindergarten pursuant to
24 this section, of election to withhold the child from kindergarten

1 until the next school year after the child is six (6) years of age.
2 A kindergarten program shall be directed toward developmentally
3 appropriate objectives for such children. The program shall require
4 that any teacher employed on and after January 1, 1993, to teach a
5 kindergarten program within the public school system shall be
6 certified in early childhood education. All teachers hired to teach
7 a kindergarten program within the public school system prior to
8 January 1, 1993, shall be required to obtain certification in early
9 childhood education on or before the 1996-97 school year in order to
10 continue to teach a kindergarten program.

11 B. It shall be unlawful for any child who is over the age of
12 twelve (12) years and under the age of eighteen (18) years, and who
13 has not finished four (4) years of high school work, to neglect or
14 refuse to attend and comply with the rules of some public, private,
15 or other school, or receive an education by other means for the full
16 term the schools of the district are in session.

17 Provided, that this section shall not apply:

18 1. If any child is prevented from attending school by reason of
19 mental or physical disability, to be determined by the board of
20 education of the district upon a certificate of the school physician
21 or public health physician, or, if no such physician is available, a
22 duly licensed and practicing physician;

23 2. If any child is excused from attendance at school, due to an
24 emergency, by the principal teacher of the school in which the child

1 is enrolled, at the request of the parent, guardian, custodian, or
2 other person having custody of the child;

3 3. If any child who has attained his or her sixteenth birthday
4 is excused from attending school by written, joint agreement
5 between:

6 a. the school administrator of the school district where
7 the child attends school, and

8 b. the parent, guardian, or custodian of the child.

9 Provided, further, that no child shall be excused from
10 attending school by the joint agreement between a
11 school administrator and the parent, guardian, or
12 custodian of the child unless and until it has been
13 determined that the action is for the best interest of
14 the child and/or the community, and that the child
15 shall thereafter be under the supervision of the
16 parent, guardian, or custodian until the child has
17 reached the age of eighteen (18) years;

18 4. If any child is excused from attending school for the
19 purpose of observing religious holy days if before the absence, the
20 parent, guardian, or other person having custody or control of the
21 child submits a written request for the excused absence. The school
22 district shall excuse a child pursuant to this subsection for the
23 days on which the religious holy days are observed and for the days
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1 on which the child must travel to and from the site where the child
2 will observe the holy days;

3 5. If any child is excused from attending school for the
4 purpose of participating in a military funeral honors ceremony upon
5 approval of the school principal; or

6 6. If any child is excused from attending school for the
7 purpose of receiving speech therapy, occupational therapy, or any
8 other service related to the child's individualized education
9 program developed pursuant to the Individuals with Disabilities
10 Education Act and the parent, guardian, or other person having
11 custody or control of the child submits a written request for the
12 excused absence. The school district shall excuse the child
13 pursuant to this subsection upon receipt of documentation from the
14 provider of the therapy or other service.

15 C. It shall be the duty of the attendance officer to enforce
16 the provisions of this section. In the prosecution of a parent,
17 guardian, or other person having custody of a child for violation of
18 any provision of this section, it shall be an affirmative defense
19 that the parent, guardian, or other person having custody of the
20 child has made substantial and reasonable efforts to comply with the
21 compulsory attendance requirements of this section but is unable to
22 cause the child to attend school. If the court determines the
23 affirmative defense is valid, it shall dismiss the complaint against
24 the parent, guardian, or other person having custody of the child

1 and shall notify the school attendance officer who shall refer the
2 child to the district attorney for the county in which the child
3 resides for the filing of a Child in Need of Supervision petition
4 against the child pursuant to the Oklahoma Juvenile Code.

5 D. Any parent, guardian, custodian, child, or other person
6 violating any of the provisions of this section, upon conviction,
7 shall be guilty of a misdemeanor offense of educational neglect, and
8 shall be punished as follows:

9 1. For the first offense, a fine not less than Twenty-five
10 Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or
11 imprisonment for not more than five (5) days, or both such fine and
12 imprisonment;

13 2. For the second offense, a fine not less than Fifty Dollars
14 (\$50.00) nor more than One Hundred Dollars (\$100.00), or
15 imprisonment for not more than ten (10) days, or both such fine and
16 imprisonment; and

17 3. For the third or subsequent offense, a fine not less than
18 One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty
19 Dollars (\$250.00), or imprisonment for not more than fifteen (15)
20 days, or both such fine and imprisonment.

21 Each day the child remains out of school after an oral and
22 documented or written warning has been given to the parent,
23 guardian, custodian, child, or other person or the child has been
24

1 ordered to school by the juvenile court shall constitute a separate
2 offense.

3 E. At the trial of any person charged with violating the
4 provisions of this section, the attendance records of the child or
5 ward may be presented in court by any authorized employee of the
6 school district.

7 F. The court may order the parent, guardian, or other person
8 having custody of the child to perform community service in lieu of
9 the fine set forth in this section. The court may require that all
10 or part of the community service be performed for a public school
11 district.

12 G. The court may order as a condition of a deferred sentence or
13 as a condition of sentence upon conviction of the parent, guardian,
14 or other person having custody of the child any conditions as the
15 court considers necessary to obtain compliance with school
16 attendance requirements. The conditions may include, but are not
17 limited to, the following:

- 18 1. Verifying attendance of the child with the school;
- 19 2. Attending meetings with school officials;
- 20 3. Taking the child to school;
- 21 4. Taking the child to the bus stop;
- 22 5. Attending school with the child;

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1 6. Undergoing an evaluation for drug, alcohol, or other
2 substance abuse and following the recommendations of the evaluator;
3 and

4 7. Taking the child for drug, alcohol, or other substance abuse
5 evaluation and following the recommendations of the evaluator,
6 unless excused by the court.

7 H. Upon successful completion of the conditions of a deferred
8 sentence or a condition of sentence upon conviction set out in
9 subsection G of this section, and upon a determination by the court
10 that the child has been in substantial compliance with school
11 attendance requirements set out in this section, any fine imposed
12 under subsection D of this section shall be waived.

13 SECTION 3. AMENDATORY 70 O.S. 2021, Section 10-106, is
14 amended to read as follows:

15 Section 10-106. A. It shall be the duty of the principal or
16 head teacher of each public, private or other school in the State of
17 Oklahoma to keep a full and complete record of the attendance of all
18 children at such school and to notify the attendance officer of the
19 district in which such school is located of the absence of such
20 children from the school together with the causes thereof, if known;
21 and it shall be the duty of any parent, guardian or other person
22 having charge of any child of compulsory attendance age to notify
23 the child's teacher concerning the cause of any absences of such
24 child. It shall be the duty of the principal or head teacher to

1 notify the parent, guardian or responsible person of the absence of
2 the child for any part of the school day, unless the parent,
3 guardian or other responsible person notifies the principal or head
4 teacher of such absence. Such attendance officer and teacher shall
5 be required to report to the school health officer all absences on
6 account of illness with such information respecting the same as may
7 be available by report or investigation; and the attendance officer
8 shall, if justified by the circumstances, promptly give to the
9 parent, guardian or custodian of any child who has not complied with
10 the provisions of this article oral and documented or written
11 warning to the last-known address of such person that the attendance
12 of such child is required at some public, private or other school as
13 herein provided. If within five (5) days after the warning has been
14 received, the parent, guardian or custodian of such child does not
15 comply with the provisions of this article, then such attendance
16 officer shall make complaint against the parent, guardian or
17 custodian of such child in a court of competent jurisdiction for
18 such violation, which violation shall be a misdemeanor. If a child
19 is absent without valid excuse four (4) or more days or parts of
20 days within a four-week period or is absent without valid excuse for
21 ten (10) or more days or parts of days within a semester, the
22 attendance officer shall notify the parent, guardian or custodian of
23 the child and immediately report such absences to the district

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1 attorney in the county wherein the school is located for juvenile
2 proceedings pursuant to Title 10A of the Oklahoma Statutes.

3 B. When a student accumulates five (5) days of unexcused
4 absences, the school administrator or attendance officer shall
5 serve, or cause to be served, upon the parent, guardian, or other
6 person having custody of a child subject to compulsory attendance
7 who is unlawfully absent from school, written notice that the
8 child's attendance at school is required by law. The school
9 administrator or attendance officer shall send a new notice after
10 each successive accumulation of five (5) unexcused absences.

11 1. After the child has accumulated five (5) unexcused absences,
12 and after given adequate time, as determined by a school
13 administrator or attendance officer, the child's parent, guardian,
14 or other person having custody of the child has failed to turn in
15 documentation to excuse those absences, the director of schools or
16 attendance supervisor shall implement the first tier of the
17 progressive truancy intervention requirements as described in
18 subsections C and D of this section;

19 2. Nothing in this section shall prohibit a local board of
20 education from adopting a truancy intervention plan that includes
21 intervention actions to be taken before the actions required by this
22 subsection;

23 C. On or before November 1, 2025, every school district
24 superintendent shall devise and recommend a progressive truancy

1 intervention plan for students who violate compulsory attendance
2 requirements prior to the filing of a truancy petition or a criminal
3 prosecution for educational neglect. These interventions shall be
4 designed to address student conduct related to truancy in the school
5 setting and minimize the need for referrals to district court. Each
6 local board of education shall adopt the recommended truancy
7 intervention plan presented by the district superintendent.

8 D. Progressive truancy intervention plans adopted by local
9 boards of education pursuant to subsection C of this section shall
10 be applied prior to referral to a district court as described in
11 Section 10-105 of this title. Progressive truancy intervention
12 plans shall meet the following requirements:

13 1. Tier one of the progressive truancy intervention plan shall
14 include, at a minimum:

15 a. a conference involving, the student, the parent,
16 guardian, or other person having custody of the
17 student, a representative of the school, and a teacher
18 of the student. If the student is served under an
19 Individualized Education Program (IEP), the student's
20 special education teacher or a representative of the
21 school or district's special education services shall
22 also be in attendance. If a student is homeless, as
23 defined under the McKinney-Vento Homeless Assistance

1 Act, the district's designated homeless liaison or a
2 representative shall also be in attendance,

3 b. a resulting attendance contract to be signed by the
4 student, the parent, guardian, or other person having
5 custody of the student, and an attendance supervisor
6 or designee. The contract shall include:

7 (1) a specific description of the school's attendance
8 expectations for the student,

9 (2) the period for which the contract is in effect,
10 and

11 (3) penalties for additional absences and alleged
12 school offenses, including additional
13 disciplinary action, and

14 c. regularly scheduled follow-up meetings, involving the
15 student, the parent, guardian, or other person having
16 custody of the student, a representative of the
17 school, and a teacher of the student to discuss the
18 student's progress. If the student is served under an
19 Individualized Education Program (IEP), the student's
20 special education teacher or a representative of the
21 school or district's special education services shall
22 also be in attendance. If a student is homeless, as
23 defined under the McKinney-Vento Homeless Assistance
24

1 Act, the district's designated homeless liaison or a
2 representative shall also be in attendance.

3 2. Tier two shall be implemented upon a student's accumulation
4 of additional unexcused absences in violation of the attendance
5 contract required under tier one. Tier two shall include an
6 individualized assessment by a school employee of the reasons a
7 student has been absent from school, and if necessary, referral of
8 the child, the parent or guardian, or both to counseling, community-
9 based services, or other in-school or out-of-school services aimed
10 at addressing the student's attendance problems; and

11 3. Tier three shall be implemented if the truancy interventions
12 under tier two are unsuccessful. Tier three may consist of one (1)
13 or more of the following:

14 a. school-based community services;

15 b. participation in a school-based restorative justice
16 program; and

17 c. Saturday or after school courses designed to improve
18 attendance and behavior.

19 E. In-school suspension or out-of-school suspension shall not
20 be used as part of the progressive truancy intervention plans
21 adopted by school districts for unexcused absences from class or
22 school.

23 F. 1. Notwithstanding subsections D and G of this section, if
24 any tier of a progressive truancy intervention plan is unsuccessful

1 with a student and the school can document that the student's parent
2 or guardian is unwilling to cooperate in the truancy intervention
3 plan, then the district superintendent or attendance officer may
4 report the student's absences to the appropriate judge pursuant to
5 subsection G of this section without first having to implement
6 subsequent tiers, if any;

7 2. For purposes of this subsection, evidence of a parent's or
8 guardian's unwillingness to cooperate in the truancy intervention
9 plan includes, but is not limited to, a parent's or guardian's
10 failure or refusal, on multiple occasions, to attend conferences,
11 return telephone calls, attend follow-up meetings, enter into an
12 attendance contract, or actively participate in any of the tiers of
13 intervention outlined in subsection D of this section or in the
14 local board of education's progressive truancy intervention plan.

15 G. If a local education agency (LEA) has applied a progressive
16 truancy intervention plan that complies with subsection D of this
17 section, and interventions under the plan have failed to
18 meaningfully address the student's school attendance, the district
19 superintendent, after written notice to the parent, guardian, or
20 other person having legal custody of the student, may report the
21 parent or guardian of the student, who is unlawfully absent from
22 school, to the appropriate court in the county or to the Department
23 of Human Services or both.

1 H. Each referral to district court for conduct described in
2 subsection G of this section shall be accompanied by a statement
3 from the student's school, supported by appropriate documentation,
4 certifying that:

5 1. The school applied the progressive truancy intervention plan
6 adopted under subsection D for the student; and

7 2. The progressive truancy interventions failed to meaningfully
8 address the student's school attendance.

9 I. A court shall dismiss a complaint or referral made by an LEA
10 under this section that is not made in compliance with subsection H
11 of this section.

12 SECTION 4. This act shall become effective July 1, 2025.

13 SECTION 5. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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