

HOUSE BILL 110

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, Part 30, relative to truancy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3007(f), is amended by deleting the present language, which reads as follows:

(f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars (\$50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.

and by substituting instead the following language:

(f)

(1) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county. Each such case shall be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169.

If a child in kindergarten through grade twelve (K-12) who has been absent more than five (5) days without adequate excuse during any school year is adjudicated to be unruly, the judge shall require the parents or legal guardians of such child to perform fourteen (14) hours of community service for each day the child was absent without adequate excuse. The judge, in the judge's discretion, may also assess a fine of up to fifty dollars (\$50.00) against the parents or legal guardians of such child.

(2) Any parent of a child who has been adjudicated unruly for failure to attend school shall be required by the judge having jurisdiction of the case to attend counseling, mentoring or parenting classes to assist the parent in understanding the causes of and dealing with the child's truancy. The child shall also be required to enter a counseling or mentoring program that will assist the child in improving school attendance.

SECTION 2.

(a) There is created a task force on truancy. The task force shall be convened by the commissioner of education, who shall charge the task force with developing strategies and programs for dealing with truancy through counseling, mentoring or parenting classes to assist parents in understanding the causes of and dealing with their children's truancy. The task force shall also develop strategies and programs for children to assist truant children in improving school attendance.

(b) The task force shall consist of:

(1) The commissioner of education, or the commissioner's designee;

- (2) The commissioner of human services, or the commissioner's designee;
- (3) The commissioner of children's services, or the commissioner's designee;
- (4) The commissioner of mental health, or the commissioner's designee;
- (5) The commissioner of intellectual and developmental disabilities, or the commissioner's designee;
- (6) The executive director of the Tennessee commission on children and youth or the executive director's designee;
- (7) A representative of the Tennessee council of juvenile and family court judges;
- (8) A representative of the Tennessee district attorneys general conference;
- (9) A representative of the Tennessee school boards association;
- (10) A representative of the Tennessee organization of school superintendents;
- (11) A teacher;
- (12) An attendance teacher;
- (13) A parent representative of parent-teacher organizations;
- (14) Two (2) members of the house of representatives, one (1) of whom shall be a member of the education committee of the house of representatives and one (1) of whom shall be a member of the children and family affairs committee of the house of representatives; and
- (15) Two (2) members of the senate, one (1) of whom shall be a member of the education committee of the senate.

(c) The speaker of the house of representatives shall appoint the members of the task force who represent the Tennessee council of juvenile and family court judges and the Tennessee school boards association and the members who are the teacher, the parent representative of parent-teacher organizations and the members of the house of representatives. The speaker of the senate shall appoint the members who represent the Tennessee district attorneys general conference and the Tennessee organization of school superintendents and the members who are the attendance teacher and the members of the senate.

(d) The members shall serve without pay, but may be compensated for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(e) For administrative purposes, the task force shall be attached to the department of education.

(f) The task force shall be appointed within one (1) month of the effective date of this section of this act, and shall convene no later than two (2) months after the date of the last appointment of a member. At its first meeting, the task force shall elect a chair to preside at meetings and such other officers as it deems necessary.

(g) The task force shall report its findings and conclusions before February 1, 2013, to the governor and to the education committees of the house of representatives and the senate. Upon filing of the report, the task force shall cease to exist.

SECTION 3. Section 1 of this act shall take effect July 1, 2011, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.