

ORIGINAL SENATE
FILE NO. SF0031

ENROLLED ACT NO. 2, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

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

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

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

14-3-202. Definitions.

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

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

14-6-402. Definitions.

(a) As used in this act:

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

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

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

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

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

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

(xxxix) Define ~~"habitual truancy" and "unexcused absence"~~, "habitual truant" and "willful absenteeism" for all students who are attending public schools and establish rules regarding student attendance. For purposes of this paragraph, an absence preapproved by the district or an absence due to an illness, injury or the health care needs of the student or a death or serious illness in the

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student's family shall not constitute an unexcused absence. Students participating in the annual state fair held under W.S. 11-10-101 as an exhibitor shall be considered as participating in a district cocurricular activity program and the student's absence shall be defined by the board as an excused absence. Nothing in this paragraph shall prohibit a school district from requesting verification of the reasons for an absence.

21-4-101. Definitions.

(a) For the purposes of this article:

(i) "Unexcused absence" means the absence, as defined in the ~~policies~~ rules of the local board of trustees, ~~of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child~~ pursuant to W.S. 21-3-110(a)(xxxix);

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

(vii) "Willful absenteeism" means exceeding the limit of unexcused absences as defined in the rules of the local board of trustees pursuant to W.S. 21-3-110(a)(xxxix) when the excess absences are the result of a parent's, guardian's or custodian's willful failure, neglect or

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refusal to require a child's regular attendance at school in accordance with W.S. 21-4-102.

21-4-104. Duties of attendance officers.

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

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

(ii) Give written notice to the parent, guardian, or custodian of any child having an unexcused absence that the attendance of such child at school is required by law under W.S. 21-4-102 and local board rules pursuant to W.S. 21-3-110(a)(xxxix). If after such notice has been given, the child has ~~a second continued~~unexcused absence, which absences in violation of W.S. 21-4-102 or local board of trustees rules under W.S. 21-3-110(a)(xxxix) and the attendance officer reasonably believes ~~was that the unexcused absences were~~due to the willful neglect or failure of the parent, guardian, or custodian of the child, then he shall make and file a complaint against such parent, guardian, or custodian of such child before the district court for the violation of as defined in W.S. ~~21-4-102-14-3-202(a)(vii)~~, willful absenteeism or habitual truancy, the attendance officer shall proceed in accordance with W.S. 21-4-107.

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

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

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

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

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initiate proceedings pursuant to applicable tribal law and order codes.

Section 2. This act is effective July 1, 2022.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk