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SENATE BILL NO. 324

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health
on February 1, 1996)

(Patron Prior to Substitute—Senator Houck)

A BILL to amend and reenact §§ 22.1-258, 22.1-261, 22.1-262 as it is currently effective and as it may become effective, 22.1-263 and 22.1-265 of the Code of Virginia, relating to truancy; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-258, 22.1-261, 22.1-262 as it is currently effective and as it may become effective, 22.1-263 and 22.1-265 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

Every school board shall have power to appoint one or more attendance officers who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the school board, the division superintendent shall act as attendance officer.

Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent or guardian is aware of the pupil's absence, a reasonable effort to notify by telephone the parent or guardian shall be made by the attendance officer, other school personnel or volunteers organized by the school administration for this purpose. School divisions are encouraged to use noninstructional personnel for this notice.

Whenever any pupil fails to report to school for ~~five~~three consecutive school days, *or for a total of five scheduled school days per month or an aggregate of seven scheduled school days per school calendar quarter, whichever occurs sooner*, and no indication has been received by school personnel that the pupil's parent or guardian is aware of the pupil's absence, and a reasonable effort to notify the parent or guardian has failed, the school principal or his designee shall notify the parent or guardian by letter that such parent or guardian is requested to advise the school in writing of the reason for the pupil's absence or to accompany the pupil upon his return to school to explain the reason for his absence. Upon the failure of the parent or guardian to so advise the school or to return the child to school within three school days of the date of the notice, the school principal or his designee shall notify the attendance officer or the division superintendent, as the case may be, who shall enforce the provisions of this article.

However, nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

Attendance officers, other school personnel or volunteers organized by the school administration for this purpose shall be immune from any civil or criminal liability in connection with the notice to parents of a pupil's absence or failure to give such notice as required by this section.

§ 22.1-261. Attendance officer to make list of children not enrolled; duties of attendance officer.

The *attendance officer* or the division superintendent shall check the reports submitted pursuant to § 22.1-260 with the last school census and with reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source the *attendance officer or the* division superintendent shall, within five days after receiving all reports submitted pursuant to § 22.1-260, make a list of the names of children who are not enrolled in any school and who are not exempt from school attendance. It shall be the duty of the attendance officer, *on behalf of the local school board*, to investigate all cases of nonenrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child to require the attendance of such child at the school within three days from the date of such notice.

§ 22.1-262. Complaint to court when parent fails to comply with law.

A list of persons so notified shall be sent by the attendance officer to the appropriate school principal. If the parent, guardian, or other person having control of the child fails to comply with the law within the time specified in the notice, it shall be the duty of the attendance officer, *with the knowledge and approval of the division superintendent*, to make complaint in the name of the Commonwealth before the juvenile and domestic relations district court. In addition thereto, such child may be proceeded against as a child in need of services or a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

§ 22.1-262. (Delayed effective date) Complaint to court when parent fails to comply with law.

A list of persons so notified shall be sent by the attendance officer to the appropriate school principal. If the parent, guardian, or other person having control of the child fails to comply with the law within the time specified in the notice, it shall be the duty of the attendance officer, *with the knowledge and approval of the division superintendent*, to make complaint in the name of the

60 Commonwealth before the family court. In addition thereto, such child may be proceeded against as a
61 child in need of services or a child in need of supervision as provided in Chapter 11 (§ 16.1-226 et seq.)
62 of Title 16.1.
63 § 22.1-263. Violation constitutes misdemeanor.
64 Any person violating the provisions of either § 22.1-254, § 22.1-255, or § 22.1-267 shall be guilty of
65 a Class 43 misdemeanor.
66 § 22.1-265. Inducing children to absent themselves.
67 Any person who induces or attempts to induce any child to be absent unlawfully from school or who
68 knowingly employs or harbors, while school is in session, any child absent unlawfully shall be guilty of
69 a Class 43 misdemeanor and may be subject to the penalties provided by subdivision 5 a of subsection
70 B of § 16.1-278.5 or § 18.2-371.