



State of Tennessee

PUBLIC CHAPTER NO. 379

SENATE BILL NO. 196

By Overbey

Substituted for: House Bill No. 483

By Forgety, Sparks, Hardaway, Akbari, Camper, Miller, Parkinson, Turner

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 49-6-3006(b), is amended by deleting the existing language in its entirety and substituting instead the following language:

(b) To facilitate the enforcement of this part, the director of schools shall designate at least one (1) qualified employee who shall be identified as the system attendance supervisor. The duties of an attendance supervisor shall include, but shall not be limited to, assisting the board, under the direction of the director of schools, with the enforcement of the compulsory attendance laws of the state and to discharge such other duties that are necessary to effectuate enforcement of laws and local policies related to absenteeism and truancy. The attendance supervisor may also be directed to devise and recommend to the director of schools, for board approval, a progressive truancy intervention plan consistent with the provisions of this part.

SECTION 2. Tennessee Code Annotated, Section 49-6-3007, is amended by deleting subsection (e) in its entirety and substituting instead the following:

(e)(1) On or before the beginning of each school year, the principal or head of school at every public, private, or parochial school shall give written notification to the parent, legal guardian, or person having control of a student subject to compulsory attendance that it is a parent or guardian's duty to monitor the student's school attendance and require the student to attend school. The written notice shall also include language that informs a parent or guardian that if the student is absent from school for an aggregate of five (5) days during the school year without adequate excuse, then the student is subject to referral to juvenile court.

(2) It is the duty of the principal at every public school to report promptly to the director of schools, or to the attendance supervisor, the names of all children who have withdrawn from school, or who have been absent for five (5) days without adequate excuse. For the purposes of this part, five (5) days shall mean the aggregate of five (5) days during the school year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(3) Upon the requisite number of absences, the director of schools or attendance supervisor shall serve, or cause to be served, upon the parent, guardian, or other person having control of a child subject to compulsory attendance who is unlawfully absent from school, written notice that attendance of the child at school is required by law. The director of schools or attendance supervisor shall send a new notice after each successive accumulation of five (5) unexcused absences.

(4) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian, or other person in parental relation has failed to comply with this part, then the director of schools or the attendance supervisor shall request a

conference between school officials and the parent to discuss the absences and to trigger the first tier of the progressive truancy interventions.

SECTION 3. Tennessee Code Annotated, Section 49-6-3007(i)(1)(B), is amended by deleting the language "two (2)" wherever it appears in the subdivision and substituting instead the language "five (5)".

SECTION 4. Tennessee Code Annotated, Section 49-6-3009, is amended by deleting subsection (c) in its entirety; by adding the following new subsections; and by renumbering the remaining subsection accordingly:

(c) As an alternative to the filing of a truancy petition or for criminal prosecution for educational neglect, a director of schools or attendance supervisor shall devise and recommend, and the school board shall adopt, progressive truancy interventions for students who violate compulsory attendance requirements. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.

(d) Progressive truancy interventions adopted by a school district pursuant to subsection (c) shall be applied prior to referral to juvenile court for the conduct described in § 49-6-3007 and shall meet the following requirements:

(1) The first tier of progressive truancy interventions is triggered by at least three (3) unexcused absences within a school year;

(2) The first tier of progressive truancy interventions must include, at a minimum:

(A) A conference with the student and the student's parent or guardian;

(B) A resulting attendance contract to be signed by the student, the student's parent or guardian, and an attendance officer, which shall include:

(i) A specific description of the school's attendance expectations for the child;

(ii) The period for which the contract is effective, not to exceed ninety (90) school days, or the last day of the semester after the date the contract becomes effective, whichever comes first; and

(iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and

(C) Regularly scheduled follow-up meetings to discuss the student's progress;

(3) The progressive truancy interventions shall include, in addition to the first tier, at least two (2) additional tiers of interventions that are applied if the student accumulates additional unexcused absences in violation of the attendance contract;

(4) At least one (1) tier shall include an individualized assessment by a school employee of the reasons a student has been absent from school, and if necessary, referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's attendance problems;

(5) Additional interventions may consist of one (1) or more of the following:

(A) School-based community services;

(B) Participation in a school-based restorative justice program;

(C) Referral to a school-based teen court; or

(D) Saturday courses designed to improve attendance and behavior;

(6) In-school suspension or out-of-school suspension shall not be used as part of the progressive truancy interventions adopted by schools for unexcused absences from class or school; and

(7) A referral made under subdivisions (d)(1)-(5) may include participation by the child's parent or guardian if necessary.

(e) Each referral to juvenile court for conduct described in § 49-6-3007(f) and § 49-6-3007(i)(4)(D) shall be accompanied by a statement from the student's school certifying that:

(1) The school applied the progressive truancy interventions adopted under subsection (d) to the student; and

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

(f) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with subsection (e).

(g) Each intervention program shall report school attendance of program participants to the director of schools or the attendance supervisor in the year following the intervention.

(h) Notwithstanding any other law, each LEA having previously adopted an effective progressive truancy intervention program that substantially conforms to the provisions of this section may present such intervention program to the commissioner of education for approval in lieu of strict compliance with the provisions specified herein.

(i) Each head of school of a private or parochial school shall recommend, and the board of the school shall adopt, a policy addressing compulsory attendance and truancy that describes the interventions that such school shall employ for violations of the compulsory attendance laws. Such policy shall contain a provision that the director of schools or the attendance supervisor in the system where the child's home of record is located shall be notified in the event that a student at such private or parochial school is expelled or withdraws from school.

SECTION 5. This act shall take effect July 1, 2018, the public welfare requiring it.

SENATE BILL NO. 196

PASSED: May 9, 2017


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2017


BILL HASLAM, GOVERNOR