

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 58

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-202, IDAHO CODE, TO
 2 PROVIDE THAT THE PARENT OR GUARDIAN OF ANY CHILD RESIDENT
 3 IN THIS STATE WHO HAS NOT ATTAINED THE AGE OF EIGHTEEN YEARS
 4 SHALL CAUSE SUCH CHILD TO BE INSTRUCTED IN SUBJECTS COMMONLY
 5 AND USUALLY TAUGHT IN THE PUBLIC SCHOOLS OF THIS STATE AND TO
 6 PROVIDE FOR EXCEPTIONS; AMENDING SECTION 33-207, IDAHO CODE, TO
 7 PROVIDE THAT WHENEVER THE PARENTS OR GUARDIANS OF ANY CHILD
 8 BETWEEN THE AGES OF SEVEN AND EIGHTEEN YEARS HAVE FAILED,
 9 NEGLECTED OR REFUSED TO PLACE SUCH CHILD IN SCHOOL OR TO HAVE
 10 SUCH CHILD COMPARABLY INSTRUCTED OR KNOWINGLY HAVE ALLOWED
 11 A PUPIL TO BECOME AN HABITUAL TRUANT, CERTAIN PROCEEDINGS SHALL
 12 BE BROUGHT AGAINST SUCH PARENT OR GUARDIAN AND TO MAKE A
 13 TECHNICAL CORRECTION.
 14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Section 33-202, Idaho Code, be, and the same is hereby amended to
 17 read as follows:

18 33-202. SCHOOL ATTENDANCE COMPULSORY. (1) The parent or guardian of
 19 any child resident in this state who has attained the age of seven (7) years at the time of
 20 the commencement of school in his district, but not the age of ~~sixteen~~ eighteen (~~16~~18) years,
 21 shall cause the child to be instructed in subjects commonly and usually taught in the public
 22 schools of the state of Idaho. Unless the child is otherwise comparably instructed, the parent
 23 or guardian shall cause the child to attend a public, private or parochial school during a period
 24 in each year equal to that in which the public schools are in session; there to conform to
 25 the attendance policies and regulations established by the board of trustees, or other governing
 26 body, operating the school attended.

27 (2) The attendance requirements provided for in subsection (1) of this section shall not
 28 apply in instances where a child resident in this state, prior to such child attaining the age
 29 of eighteen (18) years, has successfully graduated from a public, private or parochial high
 30 school, or has successfully passed a general educational developmental (GED) test or similar
 31 assessment, or has been otherwise comparably instructed as provided for in subsection (1) of
 32 this section.

33 SECTION 2. That Section 33-207, Idaho Code, be, and the same is hereby amended to
 34 read as follows:

35 33-207. PROCEEDINGS AGAINST PARENTS OR GUARDIANS. (1) Whenever the
 36 parents or guardians of any child between the ages of seven (7) years, as qualified in section
 37 33-202, Idaho Code, and ~~sixteen~~ eighteen (~~16~~18) years, have failed, neglected or refused to place

1 the child in school as provided in this chapter or to have the child comparably instructed, or
2 knowingly have allowed a pupil to become an habitual truant, proceedings shall be brought
3 against such parent or guardian under the provisions of the juvenile corrections act or as
4 otherwise provided in subsection (2) of this section.

5 (2) Whenever it is determined by the board of trustees of any school district that a
6 child enrolled in public school is an habitual truant, as defined in section 33-206, Idaho Code,
7 an authorized representative of the board shall notify in writing the prosecuting attorney in
8 the county of the child's residence. Proceedings may be brought directly against any parent
9 or guardian of a public school pupil who is found to have knowingly allowed such pupil to
10 become an habitual truant, and such parent or guardian shall be guilty of a misdemeanor.

11 (3) Whenever it is determined by the board under provisions providing due process of
12 law for the student and his or her parents that the parents or guardians of any child not enrolled
13 in a public school are failing to meet the requirements of section 33-202, Idaho Code, an
14 authorized representative of the board shall notify in writing the prosecuting attorney in the
15 county of the pupil's residence and recommend that a petition shall be filed in the magistrates
16 division of the district court of the county of the pupil's residence, in such form as the court
17 may require under the provisions of section 20-510, Idaho Code.