

1 AN ACT related to student attendance.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 620.070 is amended to read as follows:

4 (1) (a) A dependency, neglect, or abuse action may be commenced by the filing of a
5 petition by any interested person in the juvenile session of the District Court.

6 **(b) A petition filed by a school district or school personnel based solely on a**
7 **child's school attendance or truancy shall be considered an act to enforce**
8 **compulsory attendance laws under Section 2 of this Act. No school district**
9 **or school personnel shall file such a petition before complying with the**
10 **procedures and duties outlined in subsections (1) and (3) of Section 2 of this**
11 **Act and Section 3 of this Act.**

12 (2) After a petition has been filed, the clerk of the court shall issue, and the sheriff or
13 other authorized agent shall serve, a copy of the petition and a summons to the
14 parent or other person exercising custodial control or supervision, unless their
15 identity or location is unknown, in which case the petition and summons shall be
16 served on the nearest known adult relative.

17 (3) The summons shall include an explanation of the importance of the petition and an
18 explanation of the rights of the parent or other person exercising custodial control in
19 any subsequent proceedings. The summons shall emphasize the importance of
20 immediately contacting the court about legal representation and to be advised of the
21 date, time, and place when the parent or other person exercising custodial control or
22 supervision is to appear before the court. The summons shall include written
23 notification that the case may be reviewed by a local citizen foster care review
24 board and the report of the board review shall become part of the court record.

25 ➔Section 2. KRS 159.140 is amended to read as follows:

26 (1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:
27 (a) Devote his or her entire time to the duties of the office except as provided in

- 1 subsection (2) of this section;
- 2 (b) Enforce the compulsory attendance and census laws in the attendance district
3 he or she serves;
- 4 (c) Acquaint the school with the home conditions of a habitual truant as described
5 in KRS 159.150(3), and the home with the work and advantages of the school;
- 6 (d) Ascertain the causes of irregular attendance and truancy, through documented
7 contact with the custodian of the student, and seek the elimination of these
8 causes;
- 9 (e) Secure the enrollment in school of all students who should be enrolled and
10 keep all enrolled students in reasonably regular attendance;
- 11 (f) Attempt to visit the homes of students who are reported to be in need of
12 books, clothing, or parental care;
- 13 (g) Provide for the interviewing of students and the parents of those students who
14 quit school to determine the reasons for the decision. The interviews shall be
15 conducted in a location that is nonthreatening for the students and parents and
16 according to procedures and interview questions established by an
17 administrative regulation promulgated by the Kentucky Board of Education.
18 The questions shall be designed to provide data that can be used for local
19 district and statewide research and decision-making. Data shall be reported
20 annually to the local board of education and the Department of Education;
- 21 (h) Report to the superintendent of schools in the district in which the student
22 resides the number and cost of books and school supplies needed by any
23 student whose parent, guardian, or custodian does not have sufficient income
24 to furnish the student with the necessary books and school supplies; and
- 25 (i) Keep the records and make the reports that are required by law, by regulation
26 of the Kentucky Board of Education, and by the superintendent and board of
27 education.

1 (2) A local school district superintendent may waive the requirement that a director of
2 pupil personnel devote his or her entire time to his or her duties. The superintendent
3 shall report the decision to the commissioner of education.

4 (3) In any action brought to enforce compulsory attendance laws, **including a**
5 **dependency, neglect, or abuse petition based solely on a child's attendance or**
6 **truancy filed under Section 1 of this Act,** the director of pupil personnel or an
7 assistant shall document the home conditions of the student and the intervention
8 strategies attempted and may, after consultation with the court-designated worker,
9 refer the case to the family accountability, intervention, and response team.

10 ➔Section 3. KRS 159.180 is amended to read as follows:

11 Every parent, guardian, or custodian of a child residing in any school district in this state
12 is legally responsible for any violation of KRS 159.010 to 159.170 by the child. Before
13 **first instituting** any proceedings ~~are instituted~~ against the parent, guardian, or custodian
14 for violation of KRS 159.010 to 159.170, **or for dependency, neglect, or abuse based**
15 **solely on a child's attendance or truancy filed under Section 1 of this Act,** a written
16 notice of the violation shall be served on the person by the director of pupil personnel,
17 and one (1) day shall be given for the termination of the violation. After such notice, if
18 the violation is continued or if the provisions of KRS 159.010 to 159.170 are again
19 violated during the school term by the child, no further notice shall be necessary and the
20 parent or guardian shall be punishable as provided in KRS 159.990. A notice by certified
21 mail, return receipt requested, or by personal service by the director of pupil personnel
22 shall be a legal notice.