

COMMITTEE ON EDUCATION AND WORKFORCE
DEVELOPMENT

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Thirtieth Legislature of the Virgin Islands

August 28, 2014

An Act amending title 17 Virgin Islands Code, chapter 9, subchapter I relating to school attendance, absenteeism and parental responsibility

PROPOSED BY: Senator Judi Buckley

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 17, Virgin Islands Code, chapter 9, is amended in the following
3 instances:

4 (a) Section 86 is repealed and reenacted with amendments that read as follows:

5 “§86 (a) as used in this section, the term,

6 (1) “Court” means the Family Division of the Superior Court of the Virgin
7 Islands.

8 (2) “Excused absence” means the non-appearance of an enrolled student on a
9 regularly scheduled school day for any of the following reasons:

1 (A) Student's health, including medical appointments for which the
2 school administration may require medical certification for frequent health-related
3 absences;

4 (B) Approved school activities, including field trips and sporting
5 events;

6 (C) Suspension or expulsion;

7 (D) Failure of the school district to provide required transportation to
8 school;

9 (E) Funeral, death or serious illness in the family;

10 (F) Court appearance;

11 (G) Religious holidays;

12 (H) Documented college visits; and

13 (I) An extraordinary circumstance approved by the principal.

14 (3) "Parent" means a biological or adoptive parent, guardian authorized to act
15 as the child's parent or otherwise authorized to make educational decisions for the child,
16 including a foster parent, unless prohibited by a valid court order, or a surrogate parent
17 appointed under the regulations of the Individuals with Disabilities Education Act.

18 (4) "Truant" when used as a noun, means a student with seven or more
19 unexcused absences in a month, or ten unexcused absences in an academic year.

20 (5) "Unexcused absence" means the non-appearance of an enrolled student on
21 a regularly scheduled school day for any reason that is not acceptable as an excused
22 absence under paragraph (2), or five instances of unexcused tardiness.

23 (b) Teachers, principals, attendance officers, or other school officials may require that
24 the reasons given as the cause for absence be substantiated by statements of a physician, dentist,
25 nurse, or any other authoritatively informed person before the absence or tardiness is excused.

1 (c) When a principal or a principal's designee determines that a student's absence is
2 unexcused, school officials shall follow the procedures established in this subsection.

3 (1) After the student has had one unexcused absence or in a calendar month,
4 the school shall inform the parent of the absence in writing or by phone.

5 (2) After the student has had two unexcused absences in a calendar month, the
6 school shall initiate a parent conference to identify potential remedies to improve the
7 student's attendance.

8 (3) No later than the student's fourth unexcused absence in a calendar month,
9 the parent and school shall enter into a written agreement that establishes school
10 attendance requirements and provides for other appropriate actions to reduce the
11 student's absences, and the parent shall complete a parenting education program offered
12 or operated by the school district, social services agency, medical institution or other
13 community resource.

14 (4) After a student's seventh unexcused absences in a calendar month, or tenth
15 unexcused absences in an academic school year, the district superintendent may file a
16 truancy complaint with the Court pursuant to 5 V.I.C. § 2510(a).

17 (d) No punitive action, including out of school suspensions, expulsions, or court
18 action, may be taken against a student for truancy unless available supportive services and other
19 school resources have been provided to the student.

20 (e) The Court may:

21 (1) Order the suspension of the truant's driver's license for not more than one
22 year, including the truant's ability to obtain a learner's permit, and may enjoin the truant
23 from employment and extracurricular activities;

1 (2) Impose a fine on the truant of not less than \$100 nor more than \$300, or
 2 community service of not less than eight hours of community service and a fine of not
 3 less than \$250 for any subsequent unexcused absence; or

4 (3) Detain the truant pursuant to 25 V.I.C. § 2515 for not more than 20 days;
 5 or

6 (4) Take all of the actions set forth in paragraphs (1) through (3).”

7 (f) Section 88, subsection (a) is amended by striking “guardian, or other person in
 8 parental relation” and by striking “\$25” and inserting “\$100 nor more than \$300, or community
 9 service of no less than eight hours, and a fine of not less than \$250 for any subsequent unexcused
 10 absence and imprisonment for not more than 20 days. However, any parent charged with a
 11 violation under this subchapter who shows that he made every reasonable effort to ensure
 12 attendance of the child at school is not subject to the penalties under this section.

13 (g) Section 88a is added and reads as follows:

14 “§88a Fines collected under this subchapter must be used for teacher professional
 15 development and parent education programs.”

16 BILL SUMMARY

17 This bill amends the truancy statute by providing precise and clear definitions of
 18 “excused” and “unexcused absences” from school and providing for penalties to deter violation
 19 of the truancy statute. The bill also establishes procedures for remedial action to reduce truancy.

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 22 BR13-0790/ June 25, 2013/ Reviewed by MMH/Revised 5/15/14/YLT

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