

Amendments to House Bill No. 313
1st Reading Copy

For the House Education Committee

Prepared by Laura Sankey
February 14, 2013 (9:38am)

1. Title, page 1, line 4.

Following: "LAWS"

Insert: " ; "

Strike: "TO PROVIDE AND CLARIFY"

Insert: "CLARIFYING"

2. Title, page 1, line 6.

Following: "SECTIONS"

Insert: "20-5-104, 20-5-105, "

Following: "20-5-106"

Insert: " , "

3. Title, page 1, line 7.

Strike: "IMMEDIATE"

4. Page 1, following line 9.

Insert: "**Section 1.** Section 20-5-104, MCA, is amended to read:

"**20-5-104. Attendance officer.** In order to enforce the compulsory attendance provisions of this title, each district shall have at least one person serving as an attendance officer according to the following requirements:

(1) districts of the first and second class and districts of the second class with a dropout rate higher than the statewide average dropout rate as calculated by the office of public instruction shall ~~employ and~~ appoint one or more of the district's staff as attendance officers;

(2) districts of the second class with a dropout rate at or below the statewide average dropout rate as calculated by the office of public instruction and districts of the third class may ~~employ and appoint an one or more of the district's staff as attendance officer or may appoint a constable or other peace officer as an attendance officer~~ officers; or

(3) the county superintendent ~~shall~~ must be the attendance officer in second class or third-class districts that do not appoint an attendance officer."

{ Internal References to 20-5-104:

x20-3-206 }

Insert: "**Section 2.** Section 20-5-105, MCA, is amended to read:

"**20-5-105. Attendance officer -- powers and duties.** The

attendance officer of a district:

(1) ~~must~~, subject to district policy, be vested with police powers, the authority to serve warrants, and the authority to enter places of employment of children in order to enforce the compulsory attendance provisions of this title;

(2) ~~shall may~~, subject to district policy, take into custody any child subject to compulsory attendance who is not excused under the provisions of this title and conduct the child to the school in which the child is or should be enrolled;

(3) ~~shall may~~, subject to district policy, do whatever else is required to investigate and enforce the compulsory attendance provisions of this title and the pupil attendance policies of the trustees;

(4) ~~shall may~~, subject to district policy, institute proceedings against any parent, guardian, or other person violating the compulsory attendance provisions of this title;

(5) ~~shall may~~, subject to district policy, keep a record of transactions for the inspection and information of the trustees and shall make reports in the manner and to whomever the trustees designate; and

(6) ~~shall may~~, subject to district policy, perform any other duties prescribed by the trustees to preserve the morals and secure good conduct of the pupils of the district."

{Internal References to 20-5-105: None.}"

Renumber: subsequent sections

5. Page 1, line 12.

Following: "means the"

Insert: "persistent"

6. Page 1, line 13.

Following: "excuse"

Insert: ", as defined by district policy,"

Strike: "or period"

Following: "day"

Insert: "equivalent to the length of one class period"

7. Page 1, line 16 through line 17.

Strike: "on 3" on line 16 through "shall" in line 17

Insert: ", the attendance officer may"

8. Page 1, line 19.

Strike: "person's"

Following: "prosecution"

Insert: "of the parent, guardian, or other person responsible for the care of the child"

9. Page 1, line 21.

Strike: "person has received the notice or"

Insert: "attendance officer has made"

Strike: "person has been made"

Insert: "parent, guardian, or other person responsible for the care of the child"

10. Page 1, line 22.

Strike: "shall" through "or"

Insert: "may"

11. Page 1, line 23.

Strike: "person"

Insert: "parent, guardian, or other person responsible for the care of the child"

Following: "and"

Insert: "the"

Strike: "truancy"

Following: "plan"

Insert: "to address and resolve the truancy and otherwise improve the family's engagement and support of the district's efforts to educate the child"

12. Page 1, line 24.

Strike: "person and child fail"

Insert: "parent, guardian, or other person responsible for the care of the child fails"

Strike: "comply with"

Insert: "fails to uphold the responsibilities under"

Strike: "truancy"

13. Page 1, line 25.

Strike: "shall" through "jurisdiction"

Insert: "may refer the matter to the prosecuting attorney in a court of competent jurisdiction for a determination regarding whether to prosecute the parent, guardian, or other person responsible for the care of the child"

14. Title, page 1, line 26.

Strike: "less" through "or"

Strike: "\$100,"

Insert: "\$500, be ordered to perform community service,"

15. Page 1, line 27.

Strike: "required" through "day,"

Following: "or"

Insert: "be"

16. Page 1, line 29 through line 30.

Strike: "to" on line 29 through "that school" on line 30

Insert: "to cooperate with the district in implementing the plan provided for in subsection (2)"

17. Page 2, line 1.

Strike: "refuses" through "court,"

Insert: "fails to comply with an order of the court issued under subsection (3)(a),"

18. Page 2, line 3 through line 4.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

19. Page 2, line 5.

Strike: "the penalties" through "and"

20. Page 2, line 6.

Strike: "10"

Insert: "9"

Strike: "50"

Insert: "54"

Strike: "or periods"

21. Page 2, line 8.

Strike: "An"

Insert: "Following a referral to youth court under subsection (4)(a), an"

22. Page 4, line 9.

Strike: "10"

Insert: "9"

Strike: "50"

Insert: "54"

23. Page 4, line 10.

Strike: "or periods"

Following: "day"

Insert: ", whichever is less,"

24. Page 7, line 19.

Strike: "on passage and approval"

Insert: "July 1, 2013"

- END -