



Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne, WY 82002-0050

Phone 307-777-7673 Fax 307-777-6234 Website www.k12.wy.us

MEMORANDUM NO. 2010-174

TO: School District Superintendents
School Principals
Guidance Counselors

FROM: Joe Simpson, Deputy Superintendent
Administrative Division

DATE: October 1, 2010

SUBJECT: Compulsory School Attendance

IMPORTANT INFORMATION

The Wyoming Legislature amended the law which addresses Compulsory Attendance during the 2010 Legislative Session. The amended Wyo. Stat. §21-4-102 is effective July 1, 2010, and accomplishes the following:

- It amends the compulsory school attendance law which requires parents/guardians to send their children to public or private school between the ages of seven through sixteen, or through completion of the tenth grade;
- In addition to requiring attendance for all children ages seven through sixteen or through the completion of tenth grade, parents/guardians are now required to meet with a school district representative regarding any child under the age of eighteen who is withdrawing from school attendance, and to provide the district with written consent to the child's withdrawal;
- Consent requirement is not applicable to any parent/guardian notifying the district that the child is enrolling in another district or in a private school or home-based educational program.

School District Superintendents
School Principals
Guidance Counselors
Memo No. 2010-174
October 1, 2010
Page 2 of 2

Please see 2010 Wyoming Sessions Laws, Ch. 0025 (HEA0021), effective July 1, 2010, for this amendment in its entirety. Copies of the Compulsory Attendance Statute 21-4-101 and the 2010 amendment are attached for your convenience.

If you have questions regarding this requirement or the enclosed information, please contact Jo Ann Numoto at 307-777-7222 or jnumot@educ.state.wy.us.

JS/JN

Attachments: Compulsory Attendance Statute §21-4-101
2010 Amendment

ARTICLE 1
COMPULSORY ATTENDANCE

21-4-101. Definitions.

(a) For the purposes of this article:

(i) "Unexcused absence" means the absence, as defined in the policies of the local board of trustees, of any child required by this article to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent, guardian, or other person having control of such child;

(ii) "Habitual truant" means any child with five (5) or more unexcused absences in any one (1) school year;

(iii) "Private school" is any nonpublic, elementary or secondary school providing a basic academic educational program for children and may include parochial and church or religious schools and home-based educational programs;

(iv) "Parochial, church or religious school" is one operated under the auspices or control of a local church or religious congregation or a denomination established to promote and promulgate the commonly held religious doctrines of the group though it may also include basic academic subjects in its curriculum. Nothing contained in W.S. 21-4-102(b), 21-2-401 or 21-2-406 grants to the state of Wyoming or any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestions as to the control, management or supervision of any parochial, church or religious school which meets the requirements of W.S. 21-2-406(a);

(v) A home-based educational program means a program of educational instruction provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian. An instructional program provided to more than one (1) family unit does not constitute a home-based educational program;

(vi) "Basic academic educational program" is one that provides a sequentially progressive curriculum of fundamental instruction in reading, writing, mathematics, civics, history, literature and science. These curriculum requirements do not require any private school or home-based educational program to include in its curriculum any concept, topic or practice in conflict with its religious doctrines or to exclude from its

curriculum any concept, topic or practice consistent with its religious doctrines.

21-4-102. When attendance required; exemptions.

(a) Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose seventh birthday falls on or before September 15 of any year and who has not yet attained his sixteenth birthday or completed the tenth grade shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the entire time that the public schools shall be in session in the district in which the pupil resides; provided, that the board of trustees of each school district may exempt any child from the operation of this article when:

(i) The board believes that compulsory attendance in school would be detrimental to the mental or physical health of such child or the other children in the school; provided, the board may designate at the expense of the district a medical doctor of its choice to guide it and support it in its decision;

(ii) The board feels that compulsory school attendance might work undue hardship. The board may conduct a hearing on issues pursuant to this paragraph by executive session; or

(iii) The child has been legally excluded from the regular schools pursuant to the provisions of W.S. 21-4-306.

(b) A home-based educational program shall meet the requirements of a basic academic educational program pursuant to W.S. 21-4-101(a)(vi). It shall be the responsibility of every person administering a home-based educational program to submit a curriculum to the local board of trustees each year showing that the program complies with the requirements of this subsection. Failure to submit a curriculum showing compliance is prima facie evidence that the home-based educational program does not meet the requirements of this article.

21-4-103. Enforcement of article; appointment and compensation of attendance officers.

The primary responsibility for the enforcement of this article shall be upon the board of trustees of the school district, which shall appoint an attendance officer or officers to carry out the provisions of this article. Said officer shall be paid

out of the district treasury such sum as may be provided in the order of appointment.

21-4-104. Duties of attendance officers.

(a) Subject to the policy of the board of trustees, it shall be the duty of each attendance officer to:

(i) Counsel with students, parents, guardians or custodians and teachers; and to investigate the causes of unexcused absences;

(ii) Give written notice to the parent, guardian, or custodian of any child having an unexcused absence that the attendance of such child at school is required by law. If after such notice has been given, the child has a second unexcused absence, which the attendance officer reasonably believes was due to the willful neglect or failure of the parent, guardian, or custodian of the child, then he shall make and file a complaint against such parent, guardian, or custodian of such child before the district court for the violation of W.S. 21-4-102.

21-4-105. Penalty for failure of parent, guardian or custodian to comply with article.

Any parent, guardian or custodian of any child to whom this article applies who willfully fails, neglects, or refuses to comply with the provisions of this article shall be guilty of a misdemeanor and shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) or by imprisonment in the county jail not more than ten (10) days or by both such fine and imprisonment.

21-4-106. List of children of school age to be furnished; notice of unexcused absences.

At the beginning of each school year, the board of trustees shall furnish each district attendance officer a list of the names of the children of compulsory school age within the district who are enumerated on the regular enumeration lists. The person in charge of each school within the district shall notify each district attendance officer promptly in writing of all cases of unexcused absence so that the attendance officer may proceed according to the provisions of this article.

**21-4-107. Notice to district attorney of habitual truancy;
duty of district attorney.**

When the board of trustees of any school district shall determine that a child is an habitual truant as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings in the interest of the child under the Juvenile Court Act.

ORIGINAL HOUSE BILL NO.
0109

ENROLLED ACT NO. 21, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING 2010 BUDGET SESSION

AN ACT relating to compulsory school attendance; requiring parental consent to a child's withdrawal from school attendance as specified; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 21-4-102 by creating a new subsection (c) is amended to read:

21-4-102. When attendance required; exemptions; withdrawal.

(c) In addition to subsection (a) of this section, the parent, guardian or other person having control or charge of any child under the age of eighteen (18), who has not otherwise notified the district of enrolling that child in a different school district or in a private school or home-based educational program, shall meet in person with a school district counselor or administrator to provide the school district with written consent to the withdrawal of that child from school attendance.

Section 2. This act is effective July 1, 2010. (END)