

# PROPOSED TRUANCY CODE CHANGES

The Salt River Pima-Maricopa Indian Community Council has approved proposed changes to the Truancy Code to move into the public comment period. This document explains what these changes accomplish and how they could benefit Community Members and families. Clean and redline copies of the changes are available for review.

## 1. THE NEW CODE FOCUSES ON SUPPORT, NOT PUNISHMENT.

This keeps kids in school by addressing problems early and supporting families.

- Current code relies mainly on fines issued to youth and/or parents.
- New code requires schools to offer supportive services first: mentoring, counseling, tutoring, transportation help, and more.
- Emphasizes positive reinforcement, not punishment.

## 2. THE NEW CODE CREATES SHARED RESPONSIBILITY BETWEEN PARENTS, SCHOOLS, AND STUDENTS.

- Current code places most responsibility on the youth and parents.
- New code adds clear duties for parents and Education.
- Clarifies definitions and requirements so that families become partners in solving attendance issues, not targets of blame.

## 3. THE NEW CODE REQUIRES EARLY, SUPPORTIVE INTERVENTION.

Helps children and families before issues get worse.

- Currently, action typically happens after violations occur.
- New code begins support (not citation) after 3 unexcused absences.
- Requires creation of an Attendance Support Plan (ASP) with the family.

## 4. THE NEW CODE INCLUDES SERVICES AND SUPPORTS FOR PARENTS.

Provides practical and cultural support to strengthen families. Examples include:

- Parenting workshops
- Cultural parenting circles
- Family counseling
- Help accessing benefits, childcare, and healthcare

## 5. THE CODE ADDS REASONABLE CONSEQUENCES FOR PARENTS, BUT ONLY IF SUPPORTS ARE REFUSED OR INEFFECTIVE.

Consequences are fair and tied directly to helping children succeed.

- Support always comes first.
- If a parent refuses support, or if the supports are not effective in solving the attendance issue, the Court may order:
  - Community service
  - Parenting classes
  - Weekly check-ins
  - Fines
  - Education-related service projects
  - Other consequences connected to school attendance

## 6. THE NEW CODE STRENGTHENS CULTURAL VALUES AND COMMUNITY INVOLVEMENT.

Reflects Community values and promotes collective responsibility.

- Encourages elder mentorship, community service, and cultural workshops.
- Increases connection between families, schools, and tribal programs.

## 7. THE GOAL: BETTER ATTENDANCE, STRONGER FAMILIES, AND SAFER FUTURES.

Improves student success and family stability across the Community.

- Reduces barriers to school attendance.
- Encourages trust between schools and families.
- Promotes healing rather than punishment.
- Ensures fairness and due process.

## HOW TO PARTICIPATE IN PUBLIC COMMENT

Community Members are invited to read the proposed laws and submit comments or questions.

- Public Comment Period ends March 3, 2026.

- How to Comment: You may access draft ordinance materials and make your Comments to the Office of the General Counsel at the following link:

<https://srpmicnsn.gov/government/ogc/proposed-ordinances/>. Additionally, the ordinances will be presented at several Council district meetings, and comments can be provided in person. Finally, you can email your comments directly to Chief Prosecutor Alane Breland at [Alane.Breland@SRPMIC-nsn.gov](mailto:Alane.Breland@SRPMIC-nsn.gov).

# TRUANCY

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P R O P O S E D   S T A T U T O R Y   U P D A T E S

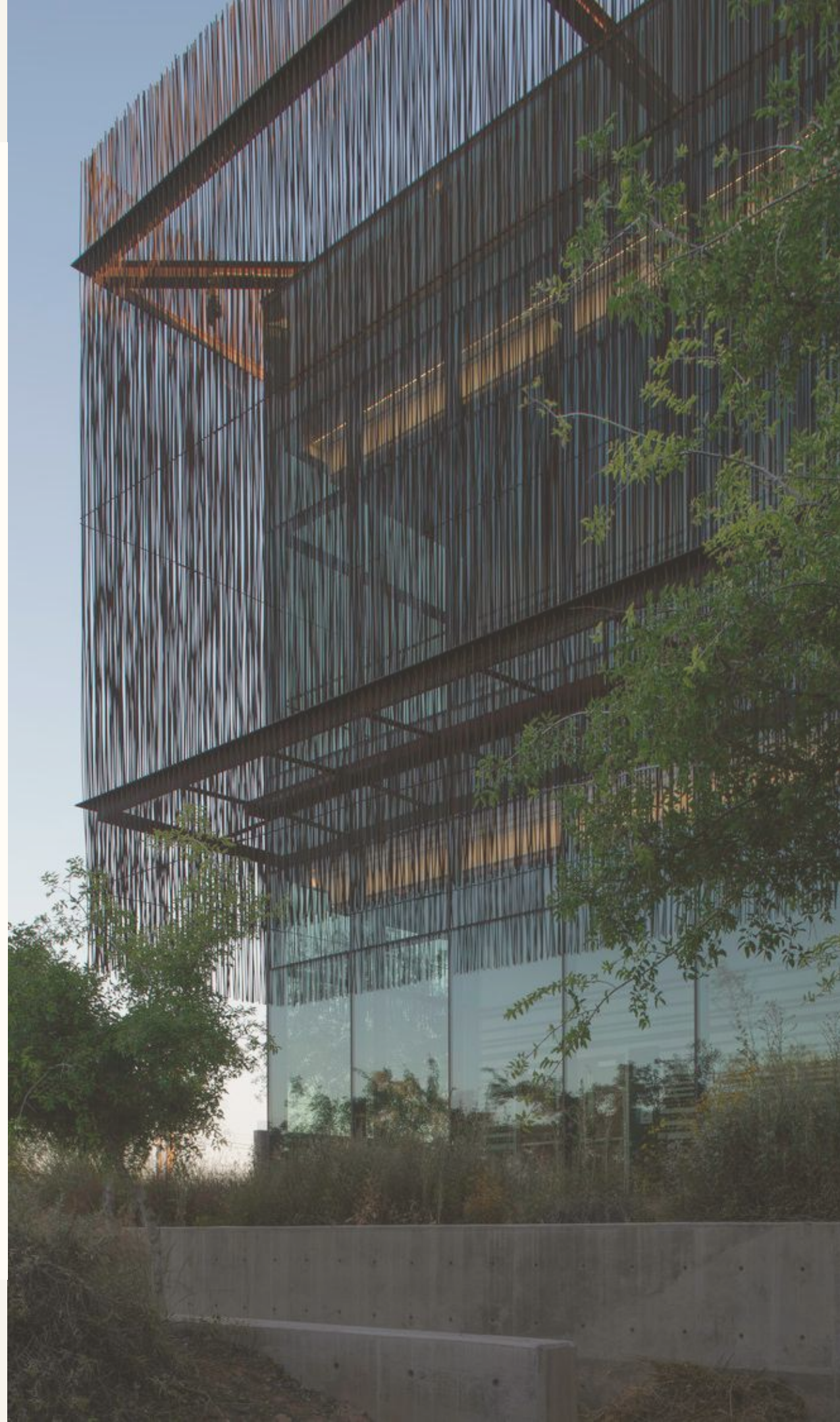
Alane Breland, Chief Prosecutor  
Simon Goldenberg, Assistant General Counsel

# Agenda

- Overview
- Philosophy
- Process Comparison
- Council Guidance



- Sanctions rely primarily on escalating fines.
- Enforcement is focused on punishment with little other accountability.
- No provision for support interventions.
- There is little to no mandate for trauma-informed practices or other supportive intervention.



# Overview

Current laws governing truancy are found in Chapter 11 of the Code. Violations are treated as civil offenses.



# Core Philosophy

In making these changes, we hope to:

- Emphasize support, prevention, and family engagement.
- Employ a trauma-informed and culturally grounded approach.
- Promote shared accountability between students, parents, and school officials.
- Resort to punishment only as a last resort.
- Promote positive reinforcement and community-based supports.



# LEGISLATIVE INTENT

The draft includes a brand new section explaining the legislative intent of the changes, focusing on promoting school attendance in trauma-informed ways by leading with compassion and support rather than punitive measures.



# EARLY INTERVENTION

New draft language promotes early intervention by mandating contact with families after three unexcused absences. This allows attendance officers to meet with families far before a “violation” occurs so that supports can be in place as soon as possible.



# FAMILY INCENTIVES

Rather than focusing entirely on punitive measures as the current code does, the new draft also incentivizes school attendance for students and families.



# SCHOOL ACCOUNTABILITY

The draft includes a provision requiring that before a person can be found in violation of the code, the court must find that the school complied with code intervention requirements. We feel this is important to illustrate a team mentality: if parents and students are being held accountable, so are school officials.



# SANCTIONS

The draft includes changes to sanctions, most notably that fines cannot be levied against children, and other civil sanctions are available that are designed to promote and reward school attendance, family engagement, and accountability.



THANK YOU

## ARTICLE XI: TRUANCY

### SECTION 11-309. LEGISLATIVE INTENT AND PURPOSE

- a) The Salt River Pima-Maricopa Indian Community Council finds that regular school attendance is essential to the success of children, the well-being of families, and the strength of the Salt River Pima-Maricopa Indian Community.
- b) The Council recognizes that truancy is often a symptom of underlying trauma, hardship, or family challenges that must be addressed with compassion and support.
- c) The purpose of this Code is to:
  - 1) Promote consistent school attendance through trauma-informed and culturally appropriate practices;
  - 2) Provide supportive services and positive reinforcement to students and families;
  - 3) Hold parents and guardians accountable for their role in ensuring attendance; and
  - 4) Reserve punitive measures for cases in which supportive interventions have been offered and exhausted.

### SEC. 11-310. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) *Absence* means non-attendance in school for a school day as defined within this section or for the accumulation of the following tardies:
  - 1) Five school days in a semester for elementary school students; or
  - 2) Five class periods in a semester for secondary school students (grades seven through 12).
- b) *Attendance Support Plan ("ASP")* means a written plan created by the school, student, parent or guardian, and attendance officer to address barriers to attendance.
- c) *Community* means the Salt River Pima- Maricopa Indian Community, its government, and any of its political subdivisions, departments, agencies or enterprises.
- d) *Custodian means* a person who has physical custody of a child by arrangement with the child's parent or guardian, or by order of the juvenile court, but does not include any person who has the child in violation of any court order or who has obtained physical custody through illegal means.
- e) *Excessive absences* means when the number of absent days exceeds ten percent of the instructional days scheduled for the semester.

- f) *Fail to attend school during the hours school is in session* means that the student has one or more absences.
- g) *Fail to enroll a child in school* means the failure of a parent, guardian, or custodian to register a child in an educational program as required by law, and includes failure to complete the enrollment process with the appropriate school district or charter school and withdrawing a child from enrollment without promptly re-enrolling the child in another lawful educational program.
- h) *Fail to ensure a child is in school for the full time school is in session* means the failure of a parent, guardian, or custodian to take reasonable steps to ensure the child's regular and punctual attendance at school, and includes but is not limited to the following:
  - 1) *Permitting or neglecting to prevent a child's unexcused absences;*
  - 2) *Failing to respond to school contacts or attendance team meetings regarding absences;*
  - 3) *Refusing to comply with an ASP or other court-ordered attendance requirements.*
- i) *Habitually truant* means a child who is truant for at least ten school days in a semester, whether consecutive or not.
- j) *Reasonable effort to notify* means:
  - 1) If a telephone number is available, attempting to contact the child's parent, guardian or custodian by telephone at least two times a day on three different days;
  - 2) If the residence of the child's parent, guardian or custodian is known and within the Community, attempting to contact the child's parent, guardian or custodian at the residence three times; and
  - 3) If the workplace is known and is within the Community, attempting to contact the child's parent, guardian or custodian once at the workplace.
- k) *Respondent* means the party upon whom a truancy citation is issued.
- l) *School* means any public school, state-approved charter school, Bureau of Indian Affairs boarding or grant school, private, secular or parochial school, whether a boarding or day school, which has been duly licensed by the United States or any state, or any school or instructional program operated by or under the jurisdiction of the Community.
- m) *School day* means for kindergarten through grade six, any day that children are required to be in attendance at school for instructional purposes. For grades seven through 12, school day means one entire class period.
- n) *Support Services* means services that address the root causes of truancy, including but not limited to counseling, tutoring, mentoring, parenting workshops, cultural programs, transportation assistance, or social service referrals.
- o) *Tardy* means an unexcused or unverified failure to arrive at school or for a class period on time (that is, by the time the school day or class period begins).
- p) *Truant* or *truancy* means an unexcused or unverifiable absence for at least one class period during the day that has been referred or is referable to an attendance officer for citation pursuant to the administrative truancy procedures adopted by a

Community school and approved by the Community's board of education, or that has been referred by a school outside the Community pursuant to procedures set forth by the Community's board of education.

- q) *Truant child* means a child who is at least five years of age but less than 18 years of age who is truant.

#### SEC. 11-311. SCHOOL INSTRUCTION.

Every child over five years of age shall be instructed in at least the subjects of reading, grammar, mathematics, language and culture, social studies, and science.

#### SEC. 11-312. SCHOOL ATTENDANCE.

- a) It is unlawful for any child over the age of five years of age who resides within the Community to fail to attend school during the hours school is in session, unless:
- 1) The child's absence is due to a verified or verifiable temporary illness, disease or injury that has been documented by a medical professional where the medical condition requires absence from school for more than three consecutive absences, or a medical condition that a parent or legal guardian observes and reports to the school when the child must be absent for less than three consecutive days;
  - 2) The child is accompanied by a parent, guardian or custodian or person authorized by a parent, guardian or custodian and the child's absence is due to a compelling verified or verifiable reason; or
  - 3) The child has completed the required instructional program for graduation or its equivalent and documentation can be provided to evidence such completion.
- b) The parent, guardian or custodian of a child between five and 18 years of age shall enroll the child in and ensure that the child attends school for the full time school is in session. A parent, guardian or custodian of the child who fails to enroll a child or fails to ensure that the child attends school for the full time school is in session shall be subject to the civil penalties set forth in sections 11-323 and 11-324.
- c) It is unlawful for any child between five and 18 years of age who resides within the Community to have excessive absences, regardless of the reasons or justification for such.
- d) In addition to the finding of a violation of this section, a child who is found to be habitually truant or who has excessive absences, as defined in section 11-310, may be determined to be an incorrigible child, as defined in Section 11-2, and under the procedures as set forth in Section 11-138. The court may impose reasonable conditions upon the child, under the supervision of the probation department, to remedy any incorrigible behaviors.
- e) This section shall not apply when a court of competent jurisdiction has previously determined that the physical or mental condition of the child makes regular school

attendance inexpedient or impracticable, and the related circumstances have not changed since that determination. In the event of such a finding by a court, the parent, guardian or custodian shall arrange for instruction through an approved alternative education program as is practicable. The parent, guardian or custodian shall notify the Community's education division and/or the school officials of the district in which the child is enrolled or eligible to enroll of such determination.

#### SEC. 11-313. WAIVER OF SCHOOL ATTENDANCE.

The requirement of school attendance in Section 11-311 and 11-312(a) may be waived under the following four conditions:

- a) The child meets one of the following:
  - 1) The child has no one to support him or her or no place to live rent free and it is not possible to arrange a normal school schedule around necessary employment or child care;
  - 2) The child does not have sufficient credits to graduate by June of the calendar year in which he or she will turn 19 years of age even if he or she attends school full-time, including summer school; or
- b) The Community's education division and/or the school officials of the district in which the child is enrolled or eligible to enroll certifies that the child fits within one or more of the criteria listed in subsection (a) of this section;
- c) There is an alternative training/educational plan for the child which will ensure that a GED is earned within one year, or within two years if part of an on-going vocational training program; and
- d) The Community's education board approves the waiver.

#### SECTION 11-314. DUTIES OF PARENTS, GUARDIANS, AND CUSTODIANS

- a) Parents, guardians, and custodians shall ensure that their child is enrolled in school and attends school regularly.
- b) Parents, guardians, and custodians of children who are enrolled in lawful online or virtual school options shall submit a monthly attendance report to the attendance officer, demonstrating compliance with the program's attendance requirements.
- c) Parents, guardians, and custodians shall communicate promptly with the school regarding absences.
- d) Parents, guardians, and custodians shall participate in Attendance Support Plans, meetings, and court-ordered programs under this Code.

#### SEC. 11-315. DUTIES OF ATTENDANCE OFFICER.

- a) The Community may employ attendance officers to enforce the law relating to school attendance of children over the age of five years to implement this article.
- b) The attendance officers shall be authorized to:
  - 1) Issue a civil citation for alleged violations of this article;
  - 2) Refer all violations of this article to the Community prosecutor for prosecution;
- c) Prior to issuing a civil citation, the attendance officer shall:
  - 1) Comply with the notification and intervention requirements set forth in Section 11-316 and 11-317.
  - 2) Meet with students and parents / guardians to develop and administer Attendance Support Plans when needed.
  - 3) Incorporate support services as needed and appropriate.
  - 4) Monitor compliance with ASPs and graduated consequences for students and parents / guardians pursuant to Section 11-318.
- d) After the filing of a civil citation, the attendance officer shall:
  - 1) Make a reasonable effort to notify the child's parent, guardian or custodian that the citation was issued and that the parent, guardian or custodian is required to appear in court with the child;
  - 2) Provide proof of such notice, if available, to the court or shall provide a description of the attempts to provide notice.

#### SECTION 11-316. EARLY INTERVENTION

- a) Upon three (3) unexcused absences, the school shall notify the parent or guardian and refer the case to the attendance officer.
- b) The attendance officer shall convene a meeting with the student and parent or guardian to develop an Attendance Support Plan.
- c) The ASP shall include appropriate supportive services, which may include:
  - a. Family wellness workshops and parenting circles;
  - b. Family-based incentives such as recognition events or community activity passes, or family incentives and restorative opportunities as listed in Section 11-316;
  - c. Resource navigation for childcare, healthcare, or financial supports;
  - d. Counseling or peer support for parents and guardians;
  - e. Other support services as needed and appropriate.

#### SECTION 11-317. FAMILY INCENTIVES AND RESTORATIVE OPPORTUNITIES

- a) Families who demonstrate improved attendance shall be recognized through certificates, community events, or other incentives approved by the education division.

- b) Families may be offered restorative opportunities such as participation in school projects, cultural presentations, or community-based service.
- c) Families may be paired with trained peer advocates to provide ongoing mentorship and encouragement.

#### SECTION 11-318. GRADUATED CONSEQUENCES FOR STUDENTS; GRADUATED CONSEQUENCES FOR PARENTS AND GUARDIANS.

If early intervention is unsuccessful, then habitual truancy shall be addressed on a tier-based system for both students and parents, guardians, and custodians.

- a) A student progresses to the next tier only when the student has not been successful in previous intervention opportunities as decided by the Attendance Officer in consultation with the Community Prosecutor.
  - 1) Tier One means that early intervention efforts have been unsuccessful. The student shall participate in an ASP with no additional punitive sanctions.
  - 2) Tier Two means that early intervention and Tier One interventions have been unsuccessful. The student shall be required to attend a mediation conference and may be assigned educationally relevant community service.
  - 3) Tier Three means that early intervention, Tier One, and Tier Two interventions have been unsuccessful. If truancy continues, then the student may be cited into Salt River Juvenile Court for a truancy violation at the discretion of the Attendance Officer and the Community Prosecutor.
- b) A parent, guardian, or custodian progresses to the next tier only when the student has not been successful in previous intervention opportunities as decided by the Attendance Officer in consultation with the Community Prosecutor.
  - 1) Tier One means that early intervention efforts have been unsuccessful. The parent, guardian, or custodian shall participate in parenting workshops, cultural parenting circles, or counseling as recommended by the Attendance Officer.
  - 2) Tier Two means that early intervention and Tier One interventions have been unsuccessful. Parent, guardian, or custodian shall participate in the following, as recommended by the attendance officer:
    - i. Attend weekly check-ins with the attendance officer;
    - ii. Perform community service linked to education or cultural programming;
    - iii. Complete a parenting or family wellness program;
    - iv. Sign a School Attendance Agreement with measurable benchmarks.

- 3) Tier Three means that early intervention, Tier One, and Tier Two interventions have been unsuccessful. If truancy continues, then the student may be cited into Salt River Juvenile Court for a truancy violation at the discretion of the Attendance Officer and the Community Prosecutor.

#### SEC. 11-319. CITATION.

- a) A short form citation may be used and shall include the name of the student and the parent, guardian or custodian, the dates alleged to be truant, and shall indicate the time for the court appearance.
- b) The citation shall require the person cited to appear before the Salt River Juvenile Court and shall advise the person to whom the citation is issued that failure to appear at the time and place specified in the citation may result in the issuance of a warrant for the person's arrest.
- c) A citation may be issued to any adult and/or child over the age of 12 who is alleged to be in violation of this article.
- d) A citation may be issued to any child 12 years of age or older who is alleged to be in violation of this article, regardless of whether the parent, guardian or custodian is also cited.
- e) A citation issued to a child under 18 years of age shall require the child's parent, guardian or custodian to appear with the child at the time and place specified in the citation; provided, however, the child may be civilly sanctioned under this section even if there is no proof the parent, guardian or custodian was served but the parent, guardian or custodian does appear at the hearing.
- f) A truant child and the child's parent or guardian shall be referred to an attendance officer for citation when:
  - 1) The child refuses to participate in the school's administrative truancy procedures; or
  - 2) The truancy continues despite the school's administrative truancy procedures, as described in Sections 11-316, 11-317, and 11-318.

#### SEC. 11-320. INFORMAL AGREEMENT.

- a) On a citation for a violation of this article, the Community prosecutor shall have the discretion to adjust the citation by entering into an informal adjustment agreement with the respondent. The informal adjustment agreement shall be consistent with section 11- 130, except that:
  - 1) The Community prosecutor shall have sole authority to enter into such an agreement and may delegate this authority pursuant to Section 4.5-23; and
  - 2) The agreement may be entered into before a citation is filed, or after the citation has been filed but prior to adjudication.
- b) If the terms of the agreement are not met, then the Community prosecutor shall pursue the truancy matter as set forth in Section 11-319, 11-321, et seq., including

but not limited to civil sanctions including the mandatory fine for parents, guardians, and custodians.

#### SEC. 11-321. COMMUNITY COURT HEARINGS.

- a) Procedures for a hearing pursuant to this article shall be governed by section 11-24, and the standard of proof shall be preponderance of the evidence.
- b) A person or persons listed in the school's records for the current school year as the parent, guardian or custodian shall be presumed to be a parent, guardian or custodian for purposes of this section; provided, however, this presumption may be rebutted by a preponderance of the evidence.
- c) Lack of knowledge of the child's truancy shall not be a defense to finding of a violation of this article.
- d) The time set for adjudication shall be at least five and no more than ten business days from the date of citation unless service may be effectuated only by publication; then the time for adjudication shall be no more than 90 calendar days from the date of the citation.
- e) The Community court shall hold hearings each week for all alleged violators of this article who have been issued citations in the previous ten days.
- f) Administrative actions taken by a school due to a student's misconduct shall not be a defense to nonattendance or a finding of a violation of this article.
- g) A truancy citation shall not be dismissed solely because the respondent was not served and did not appear.
- h) Hearings may not be continued unless the court finds that:
  - 1) An emergency circumstance exists that prevents the respondents from attending the hearing;
  - 2) The attendance officer who issued the citation is not at work the day of the hearing or is otherwise unable to attend the hearing as recognized by applicable personnel policies;
  - 3) The respondents do not appear at the hearing and there is no proof of service in the record; or
  - 4) Other serious circumstances arise that require a continuance in the interest of justice.
- i) Upon the court's receipt of a truancy citation accompanied by a sworn statement from the attendance officer that the attendance officer is unable to provide notice to the parent, guardian, or custodian after making a reasonable effort to give notice of a court hearing as required by subsection (d) of this section, the court shall:
  - 1) Issue a summons for the parent, guardian or custodian to appear for an initial hearing within ten days.
  - 2) Order service of process of the summons pursuant to Rule 5-13(d), (e) or (f) of the Rules of Civil Procedure (set forth in article IV of chapter 5) for the Community court. If service may be effectuated only by publication, a hearing shall be held within 90 calendar days from the date of the citation.

- j) If the respondents received proper notice, the court may:
  - 1) Conduct the hearing, including the taking of evidence to substantiate the allegations, without the presence of one or more respondents; or
  - 2) Continue the hearing and determine whether an order to show cause proceeding, issuance of a bench warrant, or other action is appropriate for the respondents who failed to appear. Where a bench warrant is issued, the bench warrant shall direct that the person be brought to the court at the first opportunity and if the person signs a promise to appear, the person shall be released immediately; the court may also allow the respondent to appear in court voluntarily and the bench warrant will be quashed.

#### SECTION 11-322. COURT FINDINGS REQUIREMENT

- a) Prior to imposing any fine or punitive sanction under this Code, the Court shall make written findings that:
  - 1) Support services were offered and reasonably accessible;
  - 2) The parent or guardian and student were given an opportunity to participate in an Attendance Support Plan; and
  - 3) Less restrictive measures were attempted and were unsuccessful.

#### SEC. 11-323. FINES.

- a) Fines shall be assessed as follows against parents, guardians, and custodians and who are found by the court to have violated this article:
  - 1) A civil fine of not more than \$1,000.00 for the first finding of a violation within an academic year; provided, however, the court may order that the amount of the fine, minus court costs, are rebated to the respondents only if all of the provisions of the court order have been fulfilled, including any civil sanctions consistent with section 11-324 that may have been imposed, and there has been no further truancy citation for the subsequent five months of school or until graduation, whichever comes first.
  - 2) A civil fine of not less than \$1,000 and not more than \$2,500.00 for the second finding of a violation within an academic year.
  - 3) A civil fine of not less than \$2,000 and not more than \$5,000.00 for the third finding of a violation within an academic year.
  - 4) A civil fine of \$500.00 for each subsequent truancy violation after the finding of a third violation within an academic year.
- b) If an adult Community member who has been fined under this article receives per capita payments and has not paid a fine in full by other means prior to the next quarterly per capita payout, all such fines shall be deducted from the individual's subsequent per capita payment of the parent or guardian beginning with the next scheduled payment and continuing until the entire amount due is paid in full,

consistent with the Community's administrative Policy 3-4 or a similar policy approved by the Community Council.

- c) For individuals who do not receive Community per capita payments, fines shall be paid as directed by the court and may be collected as any other civil fine or judgment.
- d) The fines set forth in this section are mandatory, which means that the fines must be imposed and cannot be suspended or deferred.
- e) Fines shall be assessed on a per child and per violation basis.
- f) The computation of first, second, etc., violations of this article shall begin anew each school year.
- g) No fines shall be assessed against children.

#### SEC. 11-324. CIVIL SANCTIONS.

Civil sanctions shall be ordered for students age 12 and above upon a finding of a violation of this article, and may be ordered for parents, guardians, and custodians, in addition to the mandatory fine as described in Section 11-323. Failure to comply with court orders regarding civil sanctions may be addressed in accordance with the SRPMIC Code of Ordinances, Chapter 6, Section 6-41(f) or (g). The court may order one or any combination of the following civil sanctions:

- a) Community service linked to education or cultural programming, to be performed by a parent, guardian, or custodian and/or the student, for a number of hours consistent with the gravity of the violation;
- b) Saturday school or a similar school-based truancy intervention program, as may be available, to be attended by both a parent, guardian or custodian and the student;
- c) Completion of a Behavioral Health Services assessment for therapeutic services and compliance with the recommendations of such an assessment;
- d) Participation in any other intervention or rehabilitative program;
- e) A report to the court on school progress and attendance as described by the court;
- f) A requirement for the student to be at his or her home, workplace, or school during certain hours as set by the court for the remainder of the school year or other duration imposed by the court.
- g) Any other civil sanction deemed appropriate by the court that is designed to promote school attendance, family engagement, or accountability.

# ARTICLE XI: TRUANCY

## SECTION 11-309. LEGISLATIVE INTENT AND PURPOSE

- a) The Salt River Pima-Maricopa Indian Community Council finds that regular school attendance is essential to the success of children, the well-being of families, and the strength of the Salt River Pima-Maricopa Indian Community.
- b) The Council recognizes that truancy is often a symptom of underlying trauma, hardship, or family challenges that must be addressed with compassion and support.
- c) The purpose of this Code is to:
  - 1) Promote consistent school attendance through trauma-informed and culturally appropriate practices;
  - 2) Provide supportive services and positive reinforcement to students and families;
  - 3) Hold parents and guardians accountable for their role in ensuring attendance; and
  - 4) Reserve punitive measures for cases in which supportive interventions have been offered and exhausted.

## SEC. 11-3~~1009~~. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) *Absence* means non-attendance in school for a school day as defined within this section or for the accumulation of the following tardies:
  - 1) Five school days in a semester for elementary school students; or
  - 2) Five class periods in a semester for secondary school students (grades seven through 12).
- b) *Attendance Support Plan ("ASP")* means a written plan created by the school, student, parent or guardian, and attendance officer to address barriers to attendance.
- b)c) *Community* means the Salt River Pima- Maricopa Indian Community, its government, and any of its political subdivisions, departments, agencies or enterprises.
- c)d) *Custodian* means a person who has physical custody of a child by arrangement with the child's parent or guardian, or by order of the juvenile court, but

does not include any person who has the child in violation of any court order or who has obtained physical custody through illegal means.

d)e) Excessive absences means when the number of absent days exceeds ten percent of the instructional days scheduled for the semester.

e)f) Fail to attend school during the hours school is in session means that the student has one or more absences.

f)g) Fail to enroll a child in school means the failure of a parent, guardian, or custodian to register a child in an educational program as required by law, and includes failure to complete the enrollment process with the appropriate school district or charter school and withdrawing a child from enrollment without promptly re-enrolling the child in another lawful educational program.

h) Fail to ensure a child is in school for the full time school is in session means the failure of a parent, guardian, or custodian to take reasonable steps to ensure the child's regular and punctual attendance at school, and includes but is not limited to the following:

1) Permitting or neglecting to prevent a child's unexcused absences;

2) Failing to respond to school contacts or attendance team meetings regarding absences;

g)3) Refusing to comply with an ASP or other court-ordered attendance requirements.

h)i) Habitually truant means a child who is truant for at least ten school days in a semester, whether consecutive or not.

i)j) Reasonable effort to notify means:

1) If a telephone number is available, attempting to contact the child's parent, guardian or custodian by telephone at least two times a day on three different days;

2) If the residence of the child's parent, guardian or custodian is known and within the Community, attempting to contact the child's parent, guardian or custodian at the residence three times; and

3) If the workplace is known and is within the Community, attempting to contact the child's parent, guardian or custodian once at the workplace.

j)k) Respondent means the party upon whom a truancy citation is issued.

k)l) School means any public school, state-approved charter school, Bureau of Indian Affairs boarding or grant school, private, secular or parochial school, whether a boarding or day school, which has been duly licensed by the United States or any state, or any school or instructional program operated by or under the jurisdiction of the Community.

l)m) School day means for kindergarten through grade six, any day that children are required to be in attendance at school for instructional purposes. For grades seven through 12, school day means one entire class period.

n) Support Services means services that address the root causes of truancy, including but not limited to counseling, tutoring, mentoring, parenting workshops, cultural programs, transportation assistance, or social service referrals.

m) o) *Tardy* means an unexcused or unverified failure to arrive at school or for a class period on time (that is, by the time the school day or class period begins).

n) p) *Truant* or *truancy* means an unexcused or unverifiable absence for at least one class period during the day that has been referred or is referable to an attendance officer for citation pursuant to the administrative truancy procedures adopted by a Community school and approved by the Community's board of education, or that has been referred by a school outside the Community pursuant to procedures set forth by the Community's board of education.

o) q) *Truant child* means a child who is at least five years of age but less than 18 years of age who is truant.

#### SEC. 11-31~~10~~. SCHOOL INSTRUCTION.

Every child ~~between five and 18 years of age~~ over five years of age shall be instructed in at least the subjects of reading, grammar, mathematics, language and culture, social studies, and science.

#### SEC. 11-31~~21~~. SCHOOL ATTENDANCE.

- a) It is unlawful for any child ~~between five and 18~~ over the age of five years of age who resides within the Community to fail to attend school during the hours school is in session, unless:
- 1) The child's absence is due to a verified or verifiable temporary illness, disease or injury that has been documented by a medical professional where the medical condition requires absence from school for more than three consecutive absences, or a medical condition that a parent or legal guardian observes and reports to the school when the child must be absent for less than three consecutive days;
  - 2) The child is accompanied by a parent, guardian or custodian or person authorized by a parent, guardian or custodian and the child's absence is due to a compelling verified or verifiable reason ~~such as death or serious illness of an immediate family member, legal proceedings, etc.~~; or
  - 3) The child has completed the required instructional program for graduation or its equivalent and documentation can be provided to evidence such completion.
- b) The parent, guardian or custodian of a child between five and 18 years of age shall enroll the child in and ensure that the child attends school for the full-time school is in session. A parent, guardian or custodian of the child who fails to enroll a child or fails to ensure that the child attends school for the full time school is in session shall be subject to the civil penalties set forth in sections 11-3~~2317~~ and 11-3~~2418~~.
- c) It is unlawful for any child between five and 18 years of age who resides within the Community to have excessive absences, regardless of the reasons or justification for such.

- d) In addition to the finding of a violation of this section, a child who is found to be habitually truant or who has excessive absences, as defined in section 11-310~~09~~, may be determined to be an incorrigible child, as defined in Section 11-2, and under the procedures as set forth in Section 11-138. The court may impose reasonable conditions upon the child, under the supervision of the probation department, to remedy any incorrigible behaviors.
- e) This section shall not apply when a court of competent jurisdiction has previously determined that the physical or mental condition of the child makes regular school attendance inexpedient or impracticable, and the related circumstances have not changed since that determination. In the event of such a finding by a court, the parent, guardian or custodian shall arrange for instruction through an approved alternative education program as is practicable. The parent, guardian or custodian shall notify the Community's ~~department of education~~ education division and/or the school officials of the district in which the child is enrolled or eligible to enroll of such determination.

#### SEC. 11-313~~4~~. WAIVER OF SCHOOL ATTENDANCE.

The requirement of school attendance in ~~S~~section 11-311 and 11-312(a)~~1(a)~~ may be waived under the following four conditions:

a) The child meets one of the following:

- 1) The child has no one to support him or her or no place to live rent free and it is not possible to arrange a normal school schedule around necessary employment or child care;
- 2) The child does not have sufficient credits to graduate by June of the calendar year in which he or she will turn 19 years of age even if he or she attends school full-time, including summer school; or  
~~The child will be 18 years of age by December 31 of the next calendar year and has fewer than six high school credits;~~

b) The Community's ~~education division and/or the school officials of the district in which the child is enrolled or eligible to enroll~~ education division or Salt River High School certifies that the child fits within one or more of the criteria listed in subsection (a) of this section;

c) There is an alternative training/educational plan for the child which will ensure that a GED is earned within one year, or within two years if part of an on-going vocational training program; and

d) -The Community's education board approves the waiver.

e)

#### SECTION 11-314. DUTIES OF PARENTS, GUARDIANS, AND CUSTODIANS

- a) Parents, guardians, and custodians shall ensure that their child is enrolled in school and attends school regularly.
- b) Parents, guardians, and custodians of children who are enrolled in lawful online or virtual school options shall submit a monthly attendance report to the attendance officer, demonstrating compliance with the program's attendance requirements.
- c) Parents, guardians, and custodians shall communicate promptly with the school regarding absences.
- d) Parents, guardians, and custodians shall participate in Attendance Support Plans, meetings, and court-ordered programs under this Code.

#### SEC. 11-315~~2~~. DUTIES OF ATTENDANCE OFFICER.

- a) The Community may employ attendance officers to enforce the law relating to school attendance of children ~~between the ages of five and 18~~over the age of five years to implement this article.
- b) The attendance officers shall be authorized to:
  - 1) Issue a civil citation for alleged violations of this article;
  - 2) Refer all violations of this article to the Community prosecutor for prosecution;
- c) Prior to issuing a civil citation, the attendance officer shall:
  - 1) Comply with the notification and intervention requirements set forth in Section 11-316 and 11-317.
  - 2) Meet with students and parents / guardians to develop and administer Attendance Support Plans when needed.
  - 3) Incorporate support services as needed and appropriate.
  - 2)4) Monitor compliance with ASPs and and graduated consequences for students and parents / guardians pursuant to Section 11-318.
- e)d) After the filing of a civil citation, tThe attendance officer shall:
  - 1) Make a reasonable effort to notify the child's parent, guardian or custodian that the citation was issued and that the parent, guardian or custodian is required to appear in court with the child;
  - 2) Provide proof of such notice, if available, to the court or shall provide a description of the attempts to provide notice.

2)

#### SECTION 11-316. EARLY INTERVENTION

- a) Upon three (3) unexcused absences, the school shall notify the parent or guardian and refer the case to the attendance officer.

- b) The attendance officer shall convene a meeting with the student and parent or guardian to develop an Attendance Support Plan.
- c) The ASP shall include appropriate supportive services, which may include:
  - a. Family wellness workshops and parenting circles;
  - b. Family-based incentives such as recognition events or community activity passes, or family incentives and restorative opportunities as listed in Section 11-316;
  - c. Resource navigation for childcare, healthcare, or financial supports;
  - d. Counseling or peer support for parents and guardians;
  - a.e. Other support services as needed and appropriate.

#### SECTION 11-317. FAMILY INCENTIVES AND RESTORATIVE OPPORTUNITIES

- a) Families who demonstrate improved attendance shall be recognized through certificates, community events, or other incentives approved by the education division.
- b) Families may be offered restorative opportunities such as participation in school projects, cultural presentations, or community-based service.
- c) Families may be paired with trained peer advocates to provide ongoing mentorship and encouragement.

#### SECTION 11-318. GRADUATED CONSEQUENCES FOR STUDENTS; GRADUATED CONSEQUENCES FOR PARENTS AND GUARDIANS.

If early intervention is unsuccessful, then habitual truancy shall be addressed on a tier-based system for both students and parents, guardians, and custodians.

- a) A student progresses to the next tier only when the student has not been successful in previous intervention opportunities as decided by the Attendance Officer in consultation with the Community Prosecutor.
  - 1) Tier One means that early intervention efforts have been unsuccessful. The student shall participate in an ASP with no additional punitive sanctions.
  - 2) Tier Two means that early intervention and Tier One interventions have been unsuccessful. The student shall be required to attend a mediation conference and may be assigned educationally relevant community service.
  - 3) Tier Three means that early intervention, Tier One, and Tier Two interventions have been unsuccessful. If truancy continues, then the student may be cited into Salt River Juvenile Court for a truancy violation at the discretion of the Attendance Officer and the Community Prosecutor.

b) A parent, guardian, or custodian progresses to the next tier only when the student has not been successful in previous intervention opportunities as decided by the Attendance Officer in consultation with the Community Prosecutor.

1) Tier One means that early intervention efforts have been unsuccessful. The parent, guardian, or custodian shall participate in parenting workshops, cultural parenting circles, or counseling as recommended by the Attendance Officer.

2) Tier Two means that early intervention and Tier One interventions have been unsuccessful. Parent, guardian, or custodian shall participate in the following, as recommended by the attendance officer:

i. Attend weekly check-ins with the attendance officer;

ii. Perform community service linked to education or cultural programming;

iii. Complete a parenting or family wellness program;

iv. Sign a School Attendance Agreement with measurable benchmarks.

3) Tier Three means that early intervention, Tier One, and Tier Two interventions have been unsuccessful. If truancy continues, then the student may be cited into Salt River Juvenile Court for a truancy violation at the discretion of the Attendance Officer and the Community Prosecutor.

#### SEC. 11-3193. CITATION.

- a) A short form citation may be used and shall include the name of the ~~student~~child and the parent, guardian or custodian, the dates alleged to be truant, and shall indicate the time for the court appearance.
- b) The citation shall require the person cited to appear before the ~~juvenile court~~Salt River Juvenile Court and shall advise the person to whom the citation is issued that failure to appear at the time and place specified in the citation may result in the issuance of a warrant for the person's arrest.
- c) A citation ~~may~~shall be issued to any adult and/or child over the age of 12 who is alleged to be in violation of this article.
- d) A citation may be issued to any child 12 years of age or older who is alleged to be in violation of this article, regardless of whether the parent, guardian or custodian is also cited.
- e) A citation issued to a child under 18 years of age shall require the child's parent, guardian or custodian to appear with the child at the time and place specified in the citation; provided, however, the child may be civilly sanctioned under this section even if there is no proof the parent, guardian or custodian was served but the parent, guardian or custodian does appear at the hearing.

- f) A truant child and the child's parent or guardian shall be referred to an attendance officer for citation when:
- 1) The child refuses to participate in the school's administrative truancy procedures; or
  - 2) The truancy continues despite the school's administrative truancy procedures, as described in Sections 11-316, 11-317, and 11-318.

#### ~~SEC. 11-314. WAIVER OF SCHOOL ATTENDANCE.~~

~~The requirement of school attendance in section 11-311(a) may be waived under the following four conditions:~~

- ~~a) The child meets one of the following:~~
- ~~1) The child has no one to support him or her or no place to live rent free and it is not possible to arrange a normal school schedule around necessary employment or child care;~~
  - ~~2)1) The child does not have sufficient credits to graduate by June of the calendar year in which he or she will turn 19 years of age even if he or she attends school full-time, including summer school; or~~
  - ~~3)1) The child will be 18 years of age by December 31 of the next calendar year and has fewer than six high school credits;~~
- ~~b)a) The Community's education division or Salt River High School certifies that the child fits within one or more of the criteria listed in subsection (a) of this section;~~
- ~~c)a) There is an alternative training/educational plan for the child which will ensure that a GED is earned within one year, or within two years if part of an on-going vocational training program; and~~
- ~~d)a) The Community's education board approves the waiver.~~

#### SEC. 11-32015. INFORMAL AGREEMENT.

- a) On a citation for a violation of this article ~~only~~, the Community prosecutor shall have the discretion to adjust the citation, at any time prior to the adjudication, by entering into an informal adjustment agreement with the respondent. The informal adjustment agreement shall be consistent with section 11- 130, except that:
- 1) ~~Only the prosecutor shall be authorized~~The Community prosecutor shall have sole authority to enter into such an agreement and may delegate this authority pursuant to Section 4.5-23; and
  - 2) The agreement may be entered into before a citation is filed, or after the citation has been filed but prior to adjudication.
- b) If the terms of the agreement are not met, then the Community prosecutor shall pursue the truancy matter as set forth in ~~S~~section 11-319, 11-321, 6 et seq., including but not limited to civil sanctions including the mandatory fine for parents, guardians, and custodians.

~~Any tardiness or truancy subsequent to the date of the informal agreement shall constitute an automatic termination of the agreement.~~

e) —

## SEC. 11-321+6. COMMUNITY COURT HEARINGS.

- a) Procedures for a hearing pursuant to this article shall be governed by section 11-24, and the standard of proof shall be preponderance of the evidence.
- b) A person or persons listed in the school's records for the current school year as the parent, guardian or custodian shall be presumed to be a parent, guardian or custodian for purposes of this section; provided, however, this presumption may be rebutted by a preponderance of the evidence.
- c) Lack of knowledge of the child's truancy shall not be a defense to finding of a violation of this article.
- d) The time set for adjudication shall be at least five and no more than ten business days from the date of citation unless service may be effectuated only by publication; then the time for adjudication shall be no more than 90 calendar days from the date of the citation.
- e) The Community court shall hold hearings each week for all alleged violators of this article who have been issued citations in the previous ten days.
- f) Administrative actions taken by a school due to a student's misconduct shall not be a defense to nonattendance or a finding of a violation of this article.
- g) A truancy citation shall not be dismissed solely because the respondent was not served and did not appear.
- h) Hearings may not be continued unless the court finds that:
  - 1) An ~~serious~~ emergency circumstance exists that prevents the respondents from attending the hearing;
  - 2) The attendance officer who issued the citation is not at work the day of the hearing or is otherwise unable to attend the hearing as recognized by applicable personnel policies;
  - 3) The respondents do not appear at the hearing and there is no proof of service in the record; or
  - 4) Other serious circumstances s arise that requires a continuance in the interest of justice.
- i) Upon the court's receipt of a truancy citation accompanied by a sworn statement from the attendance officer that the attendance officer is unable to provide notice to the parent, guardian, or custodian after making a reasonable effort to give notice of a court hearing as required by subsection (d) of this section, the court shall:
  - 1) Issue a summons for the parent, guardian or custodian to appear for an initial hearing within ten days.
  - 2) Order service of process of the summons pursuant to Rule 5-13(d), (e) or (f) of the Rules of Civil Procedure (set forth in article IV of chapter 5) for the Community court. If service may be effectuated only by publication, a hearing shall be held within 90 calendar days from the date of the citation.
- j) If the respondents received proper notice, the court may:

- 1) Conduct the hearing, including the taking of evidence to substantiate the allegations, without the presence of one or more respondents; or
- 2) Continue the hearing and determine whether an order to show cause proceeding, issuance of a bench warrant, or other action is appropriate for the respondents who failed to appear. Where a bench warrant is issued, the bench warrant shall direct that the person be brought to the court at the first opportunity and if the person signs a promise to appear, the person shall be released immediately; the court may also allow the respondent to appear in court voluntarily and the bench warrant will be quashed.

#### SECTION 11-322. COURT FINDINGS REQUIREMENT

- a) Prior to imposing any fine or punitive sanction under this Code, the Court shall make written findings that:
  - 1) Support services were offered and reasonably accessible;
  - 2) The parent or guardian and student were given an opportunity to participate in an Attendance Support Plan; and
  - 3) Less restrictive measures were attempted and were unsuccessful.

#### SEC. 11-323~~17~~. FINES.

- a) Fines shall be assessed as follows against parents, guardians, and custodians and ~~children 12 years of age or older~~ who are found by the court to have violated this article:
  - 1) A civil fine of not more than \$1,000.00 for the first finding of a violation within an academic year; provided, however, the court may order that the amount of the fine, minus court costs, are rebated to the respondents only if all of the provisions of the court order have been fulfilled, including any civil sanctions consistent with section 11-324~~18~~ that may have been imposed, and there has been no further truancy citation for the subsequent five months of school or until graduation, whichever comes first.
  - 2) A civil fine of not less than \$1,000 and not more than \$2,500.00 for the second finding of a violation within an academic year.
  - 3) A civil fine of not less than \$2,000 and not more than \$5,000.00 for the third finding of a violation within an academic year.
  - 4) A civil fine of \$500.00 for each subsequent truancy violation after the finding of a third violation within an academic year.
- b) If an adult Community member, who has been fined under this article, receives per capita payments and has not paid a fine in full by other means prior to the next quarterly per capita payout, all such fines shall be deducted from the individual's subsequent per capita payment) ~~of the parents, guardians, custodians and/or children over the age of 12 of the parent or guardian~~ beginning with the next scheduled

payment and continuing until the entire amount due is paid in full, consistent with the Community's administrative Policy 3-4 or a similar policy approved by the Community Council.

- c) For ~~persons~~ individuals who do not receive Community per capita payments, fines shall be paid as directed by the court and may be collected as any other civil fine or judgment.
- d) The fines set forth in this section are mandatory, which means that the fines must be imposed and cannot be suspended or deferred.
- e) Fines shall be assessed on a per child and per violation basis.
- ~~f) For any truancy violation in a citation for each individual child, the court has discretion to determine whether one of or both the cited child or the cited parent, guardian or custodian shall be responsible for the mandatory fines, so long as the mandatory fine is imposed on at least one or the other.~~
- ~~f) (g)~~ The computation of first, second, etc., violations of this article shall begin anew each school year.
- ~~g) No fines shall be assessed against children.~~

g)

#### SEC. 11-3~~2418~~. ~~ADDITIONAL~~ CIVIL SANCTIONS.

~~In addition to a civil fine, u~~Civil sanctions shall be ordered for students age 12 and above upon a finding of a violation of this article, and may be ordered for parents, guardians, and custodians, pon a finding of a violation of this article in addition to the mandatory fine as described in Section 11-323. Failure to comply with court orders regarding civil sanctions may be addressed in accordance with the SRPMIC Code of Ordinances, Chapter 6, Section 6-41(f) or (g). ~~;~~ ~~The court may order one or any combination r more~~ of the following civil sanctions:

- a) Community service linked to education or cultural programming, to be performed by a parent, guardian, or custodian and/or the student, for a number of hours consistent with the gravity of the violation;
- ~~b)~~ Saturday school or a similar school-based truancy intervention program, as may be available, to be attended by both a parent, guardian or custodian and the student;
- ~~b)c)~~ Completion of a Behavioral Health Services assessment for therapeutic services and compliance with the recommendations of such an assessment;
- ~~e)d)~~ Participation in any other intervention or rehabilitative program;
- ~~d)e)~~ A report to the court on school progress and attendance as described by the court;
- ~~f)~~ A requirement for the student to be at his or her home, workplace, or school during certain hours as set by the court for the remainder of the school year or other duration imposed by the court and/or until any imposed fines are paid in full.
- ~~e)g)~~ Any other civil sanction deemed appropriate by the court that is designed to promote school attendance, family engagement, or accountability.