

ORDINANCE NO. 140981

Amending Chapter 50, Code of Ordinances, by repealing Section 50-243 relating to compulsory school attendance and enacting in lieu thereof one new section of like number relating to the same subject matter and authorizing truancy enforcement by intergovernmental cooperative agreements.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 50-243 relating to compulsory school attendance and enacting in lieu thereof one new section of like number relating to the same subject matter and authorizing truancy enforcement by intergovernmental cooperative agreements, to read as follows:

Sec. 50-243. Compulsory school attendance; intergovernmental cooperative agreement; penalty.

(a) A parent, guardian or other person in this city having charge, control, or custody of a child between the ages of seven years of age and the maximum compulsory attendance age for the school district in which the child resides as defined in sections 167.031.6 and 167.031.7 of the Missouri Revised Statutes shall cause the child to attend regularly some public school not less than the entire school term of the school which the child attends in conformance with that school's or school district's attendance policies. Evidence of failure to regularly attend school may include attendance reports from schools or school districts and reports of children being identified as not being in school when school is in session by targeted truancy enforcement efforts conducted by school personnel or the city police department at the request of a public school district completely or partly within the boundaries of the city. Failure by such child to regularly attend school in conformance with that school's or school district's attendance policies shall cause such parent, guardian or other responsible person to be in violation of this section, except that this section shall not apply to such parent, guardian or other responsible person whose child:

- (1) Regularly attends some public, private, parochial or parish school. A certificate properly attested by the superintendent, principal or person in charge of the school stating that the child is regularly attending will be prima facie evidence of regular attendance by the child.
- (2) Attends a home school authorized by section 167.031 of the Missouri Revised Statutes. A daily log showing that a child attending such home school has a course of instruction which satisfies the requirements of the laws of the state will be prima facie evidence of attendance by the child.
- (3) Between 14 years of age and the maximum compulsory attendance age for the school district in which he resides as defined in sections 167.031.6 and

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167.031.7 of the Missouri Revised Statutes is excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action.

- (4) Who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated and is excused from attendance at school for the full time required, or any part thereof.

(b) A warning, in the case of a first offense, will be issued to any parent, guardian or other person having charge, control or custody of a child who is discovered by a truancy officer or police officer during a targeted truancy enforcement effort as not being in school, as required, when school is in session. Subsequent offenses of non attendance in violation of the school's or school district's policies will be penalized under subsection (d) of this section.

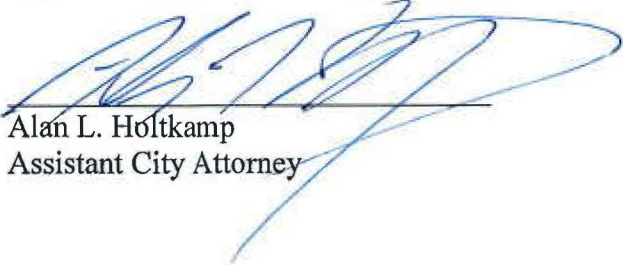
(c) The city manager is authorized to enter into an intergovernmental cooperative agreement with any public school district completely or partly within the boundaries of the city for the purpose of allowing employees of any such district who are assigned to truancy prevention to issue ordinance violation notices for prosecution before the municipal court of violations of this section. Any agreement entered into pursuant to this subsection shall address the appropriate training, oversight and restricted access necessary for the school district employees assigned to truancy prevention to use any of the municipal court's record management services, including services provided by the regional justice information service, when issuing an ordinance violation notice.

(d) Any parent, guardian or other person having charge, control or custody of a child, who violates the provisions of this section is guilty of an ordinance violation. Upon conviction of a violation of this section, a person shall be subject to a fine not to exceed five hundred dollars (\$500.00), provided, however the defendant may be offered the opportunity to enter into a pretrial diversion program, with or without the payment of costs, at the discretion of the prosecutor. The diversion program may require a person to successfully complete community service, to successfully complete an organized parenting or counseling program sponsored by a governmental, church, civic, or school organization to address the child's school attendance and to immediately place and keep the child in regular attendance at a public, private, parochial, parish or home school.

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Upon successful completion of such pretrial diversion, the charge will be dismissed. Persons charged with violating this section shall not be subject to custodial arrest, but shall be issued a summons to appear in municipal court.

Approved as to form and legality:




Alan L. Holtkamp
Assistant City Attorney



Authenticated as Passed



Sly James, Mayor



Marilyn Sanders, City Clerk

DEC 04 2014

Date Passed