

What House Bill 611 Means for Us All

Judge Derwin L. Webb

In 2024, the Kentucky General Assembly enacted House Bill 611 (HB 611), introducing significant reforms to the state's truancy laws. This legislation aims to address rising concerns about student absenteeism by imposing stricter attendance requirements and enhancing accountability measures for both students and their families. The implementation of HB 611 has profound implications for families, educators and the judicial system across Kentucky.

Understanding House Bill 611

HB 611 amends Kentucky Revised Statutes (KRS) 159.140 and 610.030, focusing on the responsibilities of the Director of Pupil Personnel (DPP) and the procedures for handling truancy cases. Under the new law, the DPP is mandated to report to the county attorney if:

- A child in kindergarten through fifth grade accumulates 15 or more unexcused absences during the academic year.
- A student in grades six through twelve, identified as a habitual truant, has 15 or more unexcused absences.

Furthermore, the legislation stipulates that diversion agreements for truant students must include a clause stating that if the student incurs four or more unexcused absences during the diversion period, they will be deemed to have failed the diversion program and will be referred to the county attorney for formal court action. These diversion agreements are not to exceed 12 months in duration.

Rationale Behind the Legislation

The introduction of HB 611 was driven by alarming rates of chronic absenteeism in Kentucky. In the 2022-2023 school year, nearly 30% of students were classified as chronically absent, meaning they missed 10% or more of the school year. Representative Jared Bauman, the bill's sponsor, emphasized the need for early intervention, stating that the bill ensures truancy is identified promptly with a 15-day threshold,

facilitating timely reporting to the county attorney for appropriate court action.

Impact on Families

The enactment of HB 611 places significant responsibility on parents and guardians to ensure their children's regular attendance. For students in kindergarten through fifth grade, parents or guardians may face legal consequences if their child reaches 15 unexcused absences. Potential repercussions include civil cases for educational neglect or criminal charges, which could lead to fines up to \$500 or up to 365 days in jail.

School districts across Kentucky have been proactive in communicating these changes to families. For instance, Bardstown City Schools issued a notice emphasizing the importance of regular attendance and informing parents about the new legal obligations and potential involvement of the county attorney's office if unexcused absences approach the 15-day threshold. Jefferson County Public Schools (JCPS) have issued similar notices to parents and guardians to address the issue in hopes to decrease the risk of prosecution and promote increased attendance with students.

Procedural Changes in Schools

Schools have adjusted their attendance monitoring and intervention strategies to comply with HB 611. JCPS, for example, has implemented measures to identify and support students at risk of chronic absenteeism. JCPS Superintendent Marty Pollio highlighted that each school has a dedicated team focused on monitoring attendance, providing counseling and offering mental health services. These efforts aim to address underlying issues contributing to absenteeism before legal action becomes necessary.

Judicial System's Role

The judicial system now plays a more prominent role in addressing truancy. County attorneys are tasked with evaluating cases referred by DPPs and determining appropriate actions. In cases involving young children, court actions typically

focus on the parents or guardians, holding them accountable for ensuring their child's attendance. Hardin County Attorney Jennifer Oldham noted that the bill's language may require clarification regarding the nature of proceedings—whether civil or criminal—and the discretion allowed for ongoing school interventions.

But without question, Jefferson County Family Court Judges have seen an increase in their caseloads attempting to address the problem. While many of the status cases can be heard and adjudicated on the court's status docket, some of the more severe cases are being referred to the dependency, neglect and abuse case docket to provide more services to families in need that are not available at the initial referral.

Challenges and Considerations

While HB 611 aims to reduce truancy rates, it also presents challenges. Families facing socioeconomic hardships, health issues or other barriers may find it difficult to comply with the stringent attendance requirements. Critics argue that legal penalties may not address the root causes of absenteeism and could disproportionately affect disadvan-

tagged communities. Therefore, it is crucial for schools and community organizations to provide resources and support to address these underlying issues, ensuring that punitive measures are not the sole approach to improving attendance.

Conclusion

House Bill 611 represents a significant shift in Kentucky's approach to managing student attendance and truancy. By lowering the threshold for unexcused absences and involving the judicial system more directly, the legislation underscores the importance of regular school attendance. However, its success will largely depend on the collaborative efforts of schools, families and community organizations to address the multifaceted reasons behind absenteeism and to support students in maintaining consistent attendance.



Judge Derwin Webb presides in Division 10 of Jefferson Family Court. ■

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