

**The Salt River Pima-Maricopa Indian Community Code of Ordinances,
Chapter 11—Minors, Article XI, Truancy**

Sec. 11-309. 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:

Absence means nonattendance 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).

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

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

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.

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).

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.

Sec. 11-311. School attendance.

(a) It is unlawful for any child between five and 18 years of age who resides within the Community to fail to attend school during the hours school is in session, unless:

Sec. 11-316. 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) A 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 circumstance 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.

(Code 1981, § 11-107; Code 2012, § 11-107; Ord. No. SRO-307-06, 11-30-2005; Ord. No. SRO-308-06, 1-4-2006; Ord. No. SRO-309-06, 2-8-2006; Ord. No. SRO-314-06, 8-16-2006; Ord. No. SRO-382-2011, § 11-107, 8-4-2011; Ord. No. SRO-402-2012, § 11-107, 5-30-2012)

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