

IDAHO CODE RELEVANT TO SCHOOL ATTENDANCEIdaho Code § 33-202 School Attendance Compulsory

The parent or guardian of any child resident in this state who has attained the age of seven (7) years at the time of the commencement of school in his/her district, but not the age of sixteen (16) years, shall cause the child to be instructed in subjects commonly and usually taught in the public schools of the state of Idaho. To accomplish this, a parent or guardian shall either cause the child to be privately instructed by, or at the direction of, his/her parent or guardian; or enrolled in a public school or public charter school, including an on-line or virtual charter school or private or parochial school during a period in each year equal to that in which the public schools are in session; there to conform to the attendance policies and regulations established by the board of trustees, or other governing body, operating the school attended.

Idaho Code § 33-206 Habitual Truant Defined

(1) An habitual truant is:

- (a) Any public school pupil who, in the judgment of the board of trustees, or board's designee, repeatedly has violated the attendance regulations established by the board; or
- (b) Any child whose parents or guardians, or any of them, have failed or refused to cause such child to be instructed as provided in section 33-202, Idaho Code.

(2) A child who is a habitual truant shall come under the purview of the juvenile corrections act if he or she is within the age of compulsory attendance at the time of the violations.

Idaho Code § 33-207 Proceedings Against Parents Or Guardians

(1) Whenever the parents or guardians of any child between the ages of seven (7) years, as qualified in section 33-202, Idaho Code, and sixteen (16) years, have failed, neglected or refused to place the child in school as provided in this chapter or to have the child instructed as defined in section 33-202, Idaho Code, or knowingly have allowed a pupil to become a habitual truant, proceedings shall be brought against such parent or guardian under the provisions of the juvenile corrections act or as otherwise provided in subsection (2) of this section.

(2) Whenever it is determined by the board of trustees of any school district that a child enrolled in public school is a habitual truant, as defined in section 33-206, Idaho Code, an authorized representative of the board shall notify in writing the prosecuting attorney in the county of the child's residence. Proceedings may be brought directly against any parent or guardian of a public school pupil who is found to have knowingly allowed such pupil to become a habitual truant, and such parent or guardian shall be guilty of a misdemeanor.

(3) Whenever it is determined by the board under provisions providing due process of law for the student and his or her parents that the parents or guardians of any child not enrolled in a public school are failing to meet the requirements of section 33-202, Idaho Code, an authorized representative of the board shall notify in writing the prosecuting attorney in the county of the pupil's residence and recommend that a petition shall be filed in the magistrates division of the district court of the county of the pupil's residence, in such form as the court may require under the provisions of section 20-510, Idaho Code.