

### **159.990 Penalties.**

- (1) Any parent, guardian, or custodian who intentionally fails to comply with the requirements of KRS 159.010 to 159.170, except as provided in subsection (5) of this section, shall be fined one hundred dollars (\$100) for the first offense, and two hundred fifty dollars (\$250) for the second offense. Each subsequent offense shall be classified as a Class B misdemeanor. A new offense shall not be constituted until any previous offense has been finally adjudicated. The court trying the case may suspend enforcement of the fine if the child is immediately placed in attendance at a school, and may finally remit the fine if the attendance continues regularly for the full school term. School attendance may be proved by an attested certificate of the principal or teacher in charge of the school.
- (2) Any principal, teacher, director of pupil personnel, assistant director of pupil personnel, or other school officer who intentionally fails to comply with the provisions of KRS 159.010 to 159.250, or of KRS 160.330 shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50). Upon conviction under this subsection, a director of pupil personnel or assistant director of pupil personnel shall be removed from office and have his certificate revoked, and a principal, teacher, or other school officer may have his certificate revoked.
- (3) Any person, other than those persons mentioned in subsections (1) and (2) of this section, who fails to comply with any of the provisions of this chapter relating to compulsory attendance, or who violates any of the provisions of KRS 159.130, shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or imprisoned in the county jail for not more than sixty (60) days, or both.
- (4) Any person who violates any of the provisions of KRS 159.270 shall be liable to a fine of not less than fifty dollars (\$50) and shall be liable to the punishment prescribed by law for the crime of false swearing. If he is an officer, he shall be removed from office; and if he is a director of pupil personnel, his certificate shall be revoked.
- (5) Any of the following who intentionally fails to comply with the requirements of KRS 159.150 shall be fined one hundred dollars (\$100) for the first offense and two hundred fifty dollars (\$250) for each subsequent offense:
  - (a) A student enrolled in a public school who has attained the age of eighteen (18) years, but who has not yet reached his or her twenty-first birthday, for whom a guardian has not been appointed by a court of competent jurisdiction, whether or not that student is identified as an exceptional child or youth under KRS 157.200(1)(a) to (m);
  - (b) A parent, guardian, or custodian of a student enrolled in a public school who has not reached his or her eighteenth birthday; or
  - (c) A guardian appointed by a court of competent jurisdiction of a student who is enrolled in a public school, has been identified as an exceptional child or youth under KRS 157.200(1)(a) to (m), and has attained the age of eighteen (18) years, but who has not yet reached his or her twenty-first birthday.

Any person described in paragraph (a), (b), or (c) of this subsection shall be informed by personnel of the local school district that a public school student who has not reached his or her twenty-first birthday shall be subject to truancy laws.

- (6) All fines imposed and all sums required to be paid as penalties under this section shall, after payment of the costs of prosecution and recovery thereof, be paid into the treasury of the district board of education and become a part of the school fund of the district.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 172, sec. 2, effective June 20, 2005. -- Amended 1992 Ky. Acts ch. 42, sec. 1, effective July 14, 1992. -- Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 416, effective July 13, 1990. -- Amended 1966 Ky. Acts ch. 89, sec. 8. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4434-13, 4434-20, 4434-21, 4434-22, 4434-23, 4434-24, 4434-28.