

HB0400S01 compared with HB0400

~~text~~ shows text that was in HB0400 but was deleted in HB0400S01.

text shows text that was not in HB0400 but was inserted into HB0400S01.

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Representative Dan N. Johnson proposes the following substitute bill:

SCHOOL ABSENTEEISM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: _____

Cosponsors:

Karen M. Peterson

Cheryl K. Acton

Ryan D. Wilcox

LONG TITLE

General Description:

This bill enacts provisions relating to school absenteeism and student behavior.

Highlighted Provisions:

This bill:

- ▶ directs local education agencies to include certain evidence-based strategies for children as part of their efforts to reduce student absenteeism;
- ▶ requires local education agencies to provide professional learning opportunities for educators to have the tools to address student behavior;
- ▶ enacts new duties for the State Board of Education with respect to addressing

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chronic absenteeism prevention and intervention; and

- ▶ amends the responsibilities of the Division of Juvenile Justice and Youth Services to require the use of evidence-informed and research-informed interventions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-6-206, as last amended by Laws of Utah 2021, Chapter 262

53G-9-802, as last amended by Laws of Utah 2022, Chapter 337

80-5-401, as renumbered and amended by Laws of Utah 2021, Chapter 261

ENACTS:

53G-9-804, Utah Code Annotated 1953

53G-11-306, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-6-206** is amended to read:

53G-6-206. Duties of a local school board, charter school governing board, or school district in promoting regular attendance -- Parental involvement -- Evidence-based supports -- Liability not imposed -- Report to state board.

(1) (a) As used in this section, "intervention" means a series of non-punitive and increasingly frequent and individualized activities that are designed to:

(i) create a trusting relationship between teachers, students, and parents;

(ii) improve attendance;

(iii) improve academic outcomes; and

(iv) reduce negative behavior referrals.

(b) "Intervention" includes:

(i) mentorship programs;

(ii) family connection to community resources;

(iii) academic support through small group or individualized tutoring or similar

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methods; and

(iv) teaching executive function skills, including:

(A) planning;

(B) goal setting;

(C) understanding and following multi-step directions; and

(D) self-regulation.

~~[(1)]~~ (2) (a) Subject to Subsection ~~[(1)(b)]~~ (2)(b), a local school board, charter school governing board, or school district shall make efforts to ~~[resolve the school attendance problems of]~~ promote regular attendance and resolve school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the school district or charter school.

(b) A school-age child exempt from school attendance under Section 53G-6-204 or 53G-6-702, or a school-age child who is enrolled in a regularly established private school or part-time school, is not considered to be a school-age child who is or should be enrolled in a school district or charter school under Subsection ~~[(1)(a)]~~ (2)(a).

~~[(2)]~~ (3) The efforts described in Subsection ~~[(1)]~~ (2) shall include, as reasonably feasible:

- (a) counseling of the school-age child by school authorities;
- (b) (i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or
 - (ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance with Section 53G-6-202;
- (c) making any necessary adjustment to the curriculum and schedule to meet special needs of the school-age child;
- (d) considering alternatives proposed by the school-age child's parent;
- (e) monitoring school attendance of the school-age child;
- (f) voluntary participation in truancy mediation, if available; ~~[and]~~
- (g) providing the school-age child's parent, upon request, with a list of resources available to assist the parent in resolving the school-age child's attendance problems~~[-]; and~~
- (h) ~~providing {an evidence-based}~~ a system of supports that:
 - (i) ~~is {structured in tiers, with each tier addressing teaming, accurate data collection and analysis, and systematic action; and~~

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~~(ii)~~ evidence-based as defined in Section 53G-11-303;

(ii) integrates multiple tiers that provide increasingly intensive interventions for students at risk for or experiencing chronic absenteeism; and

(iii) includes dropout or chronic absenteeism interventions that seek to determine underlying causes of a child's attendance issues and provides specific supports and contact for the child.

~~(3)~~ (4) In addition to the efforts described in Subsection ~~(2)~~ (3), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement agencies and organizations for early intervention services as appropriate and reasonably feasible in accordance with Section 53G-8-211.

~~(4)~~ (5) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.

~~(5)~~ (6) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 53G-6-210.

~~(6)~~ (7) Each LEA shall annually report the following data separately to the state board:

- (a) absences with a valid excuse; and
- (b) absences without a valid excuse.

(8) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the tiers of intervention and supports described in Subsection (3)(h)(ii) which shall:

(a) be developed to:

(i) maximize student achievement;

(ii) reduce behavior problems; and

(iii) increase long-term success; and

(b) in higher tiers of intervention and support, provide targeted interventions that increase structure, support, and feedback to address current attendance deficits experienced by students.

Section 2. Section **53G-9-802** is amended to read:

53G-9-802. Dropout prevention and recovery -- Flexible enrollment options -- Contracting -- Reporting.

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(1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and recovery services to a designated student, including:

- (i) engaging with or attempting to recover a designated student;
- (ii) developing a learning plan, in consultation with a designated student, to identify:

(A) barriers to regular school attendance and achievement;

(B) an attainment goal; and

(C) a means for achieving the attainment goal through enrollment in one or more of the programs described in Subsection (2);

(iii) monitoring a designated student's progress toward reaching the designated student's attainment goal; and

(iv) providing tiered interventions for a designated student who is not making progress toward reaching the student's attainment goal.

(b) An LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a):

(i) throughout the calendar year; and

(ii) except as provided in Subsection (1)(c)(i), for each designated student who becomes a designated student while enrolled in the LEA.

(c) (i) A designated student's school district of residence shall provide dropout recovery services if the designated student:

(A) was enrolled in a charter school that does not include grade 12; and

(B) becomes a designated student in the summer after the student completes academic instruction at the charter school through the maximum grade level the charter school is eligible to serve under the charter school's charter agreement as described in Section 53G-5-303.

(ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include grade 12 shall notify each of the charter school's student's district of residence, as determined under Section 53G-6-302, when the student completes academic instruction at the charter school as described in Subsection (1)(c)(i)(B).

(iii) The notification described in Subsection (1)(c)(ii) shall include the student's name, contact information, and student identification number.

(2) (a) An LEA shall provide flexible enrollment options for a designated student that:

(i) are tailored to the designated student's learning plan developed under Subsection

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(1)(a)(ii); and

(ii) include two or more of the following:

(A) enrollment in the LEA in a traditional program;

(B) enrollment in the LEA in a nontraditional program;

(C) enrollment in a program offered by a private provider that has entered into a contract with the LEA to provide educational services; or

(D) enrollment in a program offered by another LEA.

(b) A designated student may enroll in:

(i) a program offered by the LEA under Subsection (2)(a), in accordance with this public education code, rules established by the state board, and policies established by the LEA; or

(ii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4, Part 5, Statewide Online Education Program.

(c) An LEA shall make the LEA's best effort to accommodate a designated student's choice of enrollment under Subsection (2)(b).

(3) Beginning with the 2017-18 school year and except as provided in Subsection (5), an LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a), for any school year in which the LEA meets the following criteria:

(a) the LEA's graduation rate is lower than the statewide graduation rate; and

(b) (i) the LEA's graduation rate has not increased by at least 1% on average over the previous three school years; or

(ii) during the previous calendar year, at least 10% of the LEA's designated students have not:

(A) reached the students' attainment goals; or

(B) made a year's worth of progress toward the students' attainment goals.

(4) To provide the dropout and recovery services described in Subsection (1)(a), an LEA ~~may~~ shall do at least one of the following:

(a) contract with a third party; ~~or~~

(b) use another program that is evidence-based ~~program~~ as defined in Section 53G-11-303; or

~~(b)~~ (c) create ~~a~~ an evidence-informed dropout prevention and recovery services

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plan that is evidence-informed as defined in Section 53G-11-303.

(5) An LEA is not subject to the requirement described in Subsection (3) if:

(a) the LEA is in the LEA's first three years of operation;

(b) the LEA's average graduation rate for the previous three years is higher than the average statewide graduation rate for the previous three years;

(c) the LEA is a special school as that term is used in 34 C.F.R. 300.115; or

(d) the quotient of the total number of an LEA's graduating students plus 10, divided by the total number of students in an LEA's graduating class, is equal to or greater than the statewide graduation rate.

(6) If an LEA described in Subsection (3) contracts with a third party, the LEA shall ensure that:

(a) a third party with whom the LEA enters into a contract under Subsection (4) has a demonstrated record of effectiveness engaging with and recovering designated students; and

(b) a contract with a third party requires the third party to:

(i) provide the services described in Subsection (1)(a); and

(ii) regularly report progress to the LEA.

(7) An LEA shall annually submit a report to the state board on dropout prevention and recovery services provided under this section, including:

(a) the methods the LEA or third party uses to engage with or attempt to recover designated students under Subsection (1)(a)(i);

(b) the number of designated students who enroll in a program described in Subsection (2) as a result of the efforts described in Subsection (7)(a);

(c) the number of designated students who reach the designated students' attainment goals identified under Subsection (1)(a)(ii)(B); and

(d) funding allocated to provide dropout prevention and recovery services.

(8) The state board shall:

(a) ensure that an LEA described in Subsection (3) contracts with a third party or creates a dropout prevention and recovery services plan to provide dropout prevention and recovery services in accordance with Subsections (3), (4), and (6); and

(b) report on the provisions of this section in accordance with Section 53E-1-203, including a summary of the reports submitted under Subsection (7).

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Section 3. Section **53G-9-804** is enacted to read:

53G-9-804. Duties of the State Board of Education.

(1) The state board shall:

(a) adopt rules that require a local school board or charter school governing board to enact chronic absenteeism prevention and intervention policies that shall:

(i) include provisions that reflect the individual school district's or charter school's unique needs or circumstances; and

(ii) adopt evidence or research informed absenteeism and dropout prevention interventions;

(b) support, train, and inform LEAs regarding evidence-informed or research-based models to reduce dropout and chronic absenteeism;

(c) provide guidance to LEAs on interventions and supports available from the Division of Juvenile Justice and Youth Services; and

(d) provide other technical assistance to LEAs around analysis of attendance data.

(2) The rules described in Subsection (1) may require a local school board or charter school governing board to publicize the policies enacted by the local school board or charter school governing board in accordance with the rules described in Subsection (1) through school websites, handbooks, letters to parents, or other reasonable means of communication.

(3) The state board may consult with appropriate stakeholders, including:

(a) parents;

(b) youth;

(c) LEAs;

(d) human services agencies; or

(e) others as the state board develops, enacts, and administers the rules described in Subsection (1).

Section 4. Section **53G-11-306** is enacted to read:

53G-11-306. Training to address student behavior.

An LEA shall provide ongoing professional learning, coaching, and mentoring opportunities for educators on student behavior, including classroom management, and ensure that educators have the tools necessary to:

(1) differentiate student needs regarding behavior in the classroom; and

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(2) facilitate student learning in alignment with the Least Restrictive Behavioral Interventions framework.

Section 5. Section **80-5-401** is amended to read:

80-5-401. Youth services for prevention and early intervention -- Program standards -- Program services.

(1) The division shall establish and operate prevention and early intervention youth services programs which shall include evidence-informed and research-informed interventions to:

(a) help youth and families avoid entry into the juvenile justice system; and

(b) improve attendance and academic achievement.

(2) The division shall adopt statewide policies and procedures, including minimum standards for the organization and operation of youth services programs.

(3) The division shall establish housing, programs, and procedures to ensure that minors who are receiving services under this section and who are not committed to the division are served separately from minors who are committed to the division.

(4) The division may enter into contracts with state and local governmental entities and private providers to provide the youth services.

(5) The division shall establish and administer juvenile receiving centers and other programs to provide temporary custody, care, risk-needs assessments, evaluations, and control for nonadjudicated and adjudicated minors placed with the division.

(6) The division shall prioritize use of evidence-based juvenile justice programs and practices.