

SCHOOL ABSENTEEISM AND TRUANCY AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to truancy.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes which absences from school are considered in determining if a minor is truant;
- ▶ replaces ages to which certain provisions related to truancy apply with grade levels to which the provisions apply;
- ▶ limits the conditions under which a school district or charter school may impose administrative penalties on a school-age minor who is truant; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-6-201, as last amended by Laws of Utah 2018, Chapter 69 and renumbered and amended by Laws of Utah 2018, Chapter 3



28 **53G-6-202**, as last amended by Laws of Utah 2018, Chapter 285 and renumbered and
29 amended by Laws of Utah 2018, Chapter 3

30 **53G-6-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3

31 **53G-6-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3

32 **53G-6-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3

33

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

35 Section 1. Section **53G-6-201** is amended to read:

36 **53G-6-201. Definitions.**

37 [~~For purposes of~~] As used in this part:

38 [~~(1)(a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a~~
39 ~~school-age minor assigned to a class or class period to attend the entire class or class period.]~~

40 [~~(b) A school-age minor may not be considered absent under this part more than one~~
41 ~~time during one day.]~~

42 [~~(2)~~] (1) "Habitual truant" means a school-age minor who:

43 (a) is [~~at least 12 years old~~] in grade 7 or above;

44 (b) is subject to the requirements of Section **53G-6-202**; and

45 (c) (i) is truant at least 10 times during one school year; or

46 (ii) fails to cooperate with efforts on the part of school authorities to resolve the
47 school-age minor's attendance problem as required under Section **53G-6-206**.

48 [~~(3)~~] (2) "Minor" means a person under the age of 18 years.

49 [~~(4)~~] (3) "Parent" includes:

50 (a) a custodial parent of the minor;

51 (b) a legally appointed guardian of a minor; or

52 (c) any other person purporting to exercise any authority over the minor which could be
53 exercised by a person described in Subsection [~~(4)~~] (3)(a) or (b).

54 (4) "School day" means the portion of a day that school is in session that a school-age
55 minor is required to be in school for purposes of receiving instruction.

56 [~~(5)~~] "School-age minor" means a minor who:

57 [~~(a) is at least six years old, but younger than 18 years old; and]~~

58 [~~(b) is not emancipated.]~~

59 ~~[(6)]~~ (5) "School year" means the period of time designated by a local school board or
60 local charter board as the school year for the school where the school-age minor:

61 (a) is enrolled; or

62 (b) should be enrolled, if the school-age minor is not enrolled in school.

63 (6) "School-age minor" means a minor who:

64 (a) is at least six years old, but younger than 18 years old; and

65 (b) is not emancipated.

66 (7) (a) "Truant" means ~~[absent without a valid excuse:]~~ when a school-age minor,

67 without a valid excuse, and subject to Subsection (7)(b), is:

68 (i) absent for at least half of the school day; or

69 (ii) is at least 30 minutes late for a class or the school day for a total of five separate
70 times.

71 (b) A school-age minor may not be considered truant under this part more than one
72 time during one day.

73 (8) "Truant minor" means a school-age minor who:

74 (a) is subject to the requirements of Section [53G-6-202](#) or [53G-6-203](#); and

75 (b) is truant.

76 (9) (a) "Valid excuse" means:

77 ~~[(a)]~~ (i) an illness, which may be either mental or physical;

78 ~~[(b)]~~ (ii) a family death;

79 ~~[(c)]~~ (iii) an approved school activity;

80 ~~[(d)]~~ (iv) an absence permitted by a school-age minor's:

81 ~~[(i)]~~ (A) individualized education program~~[- developed pursuant to the Individuals with~~
82 ~~Disabilities Education Improvement Act of 2004, as amended]; or~~

83 ~~[(ii)]~~ (B) ~~[accommodation plan, developed pursuant to Section 504 of the~~
84 ~~Rehabilitation Act of 1973, as amended] Section 504 accommodation plan; [or]~~

85 (v) an absence permitted in accordance with Subsection [53G-6-803\(5\)](#); or

86 ~~[(e)]~~ (vi) subject to Section [53G-6-205](#), any other excuse established as valid by a
87 local school board, ~~[local]~~ charter board, or school district.

88 (b) "Valid excuse" does not include a parent acknowledgment of an absence for a
89 reason other than a reason described in Subsection (9)(a)(i) through (v), unless specifically

90 permitted by the local school board, charter school governing board, or school district under
91 Subsection (9)(a)(vi).

92 Section 2. Section 53G-6-202 is amended to read:

93 **53G-6-202. Compulsory education.**

94 (1) For purposes of this section:

95 (a) "Intentionally" is as defined in Section 76-2-103.

96 (b) "Notice of compulsory education violation" means a notice issued in accordance
97 with Subsections (3) and (4).

98 [~~(b)~~] (c) "Recklessly" is as defined in Section 76-2-103.

99 [~~(c)~~] (d) "Remainder of the school year" means the portion of the school year beginning
100 on the day after the day on which [~~the~~] a notice of compulsory education violation [~~described in~~
101 ~~Subsection (3)~~] is served and ending on the last day of the school year.

102 [~~(d)~~] "School-age child" means a school-age minor under the age of 14.]

103 (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age
104 minor shall enroll and send the school-age minor to a public or regularly established private
105 school.

106 (3) A school administrator, a designee of a school administrator, a law enforcement
107 officer acting as a school resource officer, or a truancy specialist may only issue a notice of
108 compulsory education violation to a parent of a school-age [~~child~~] minor if the school-age
109 [~~child~~] minor is:

110 (a) in grade 1 through 6; and

111 (b) [~~absent without a valid excuse~~] truant at least five times during the school year.

112 (4) [~~The~~] A notice of compulsory education violation[~~, described in Subsection (3)~~]
113 issued to a parent:

114 (a) shall direct the parent [~~of the school-age child~~] to:

115 (i) meet with school authorities to discuss the school-age [~~child's~~] minor's school
116 attendance problems; and

117 (ii) cooperate with the school board, local charter board, or school district in securing
118 regular attendance by the school-age [~~child~~] minor;

119 (b) shall designate the school authorities with whom the parent is required to meet;

120 (c) shall state that it is a class B misdemeanor for the parent [~~of the school-age child~~] to

121 intentionally or recklessly:

122 (i) fail to meet with the designated school authorities to discuss the school-age [~~child's~~
123 minor's] school attendance problems; or

124 (ii) fail to prevent the school-age [~~child~~] minor from being [~~absent without a valid~~
125 excuse] truant five or more times during the remainder of the school year;

126 (d) shall be served on the [~~school-age child's~~] parent by personal service or certified
127 mail; and

128 (e) may not be issued unless the school-age [~~child~~] minor has been truant at least five
129 times during the school year.

130 (5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or
131 recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt
132 from enrollment under Section [53G-6-204](#) or [53G-6-702](#).

133 (6) It is a class B misdemeanor for a parent of a school-age [~~child~~] minor who is in
134 grade 1 through grade 6 to, after being served with a notice of compulsory education violation
135 [~~in accordance with Subsections (3) and (4)~~], intentionally or recklessly:

136 (a) fail to meet with the school authorities designated in the notice of compulsory
137 education violation to discuss the school-age [~~child's~~] minor's school attendance problems; or

138 (b) fail to prevent the school-age [~~child~~] minor from being [~~absent without a valid~~
139 excuse] truant five or more times during the remainder of the school year.

140 (7) A local school board, local charter board, or school district shall report violations of
141 this section to the appropriate county or district attorney.

142 (8) If school personnel have reason to believe that, after a notice of compulsory
143 education violation is issued, the parent or guardian has failed to make a good faith effort to
144 ensure that the [~~child~~] school-age minor receives an appropriate education, the issuer of the
145 compulsory education violation shall report to the Division of Child and Family Services:

146 (a) identifying information of the [~~child~~] school-age minor and the [~~child's~~] parent or
147 guardian who received the notice of compulsory education violation;

148 (b) information regarding the longest number of consecutive school days the
149 school-age minor has been absent from school and the percentage of school days the child has
150 been absent during each relevant school term;

151 (c) whether the [~~child~~] school-age minor has made adequate educational progress;

- 152 (d) whether the requirements of Section 53G-6-206 have been met;
- 153 (e) whether the ~~[child]~~ school-age minor is two or more years behind the local public
- 154 school's age group expectations in one or more basic skills; and
- 155 (f) whether the ~~[child]~~ school-age minor is receiving special education services or
- 156 systematic remediation efforts.

157 Section 3. Section 53G-6-203 is amended to read:

158 **53G-6-203. Truancy -- Notice of truancy -- Failure to cooperate with school**
159 **authorities.**

160 (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age minor who is
161 enrolled in a public school shall attend the public school in which the school-age minor is
162 enrolled.

163 (2) ~~[A]~~ In accordance with Section 53G-8-211, a local school board, charter school
164 governing board, or school district may impose administrative penalties on a school-age minor
165 ~~[in accordance with Section 53G-8-211]~~ who:

- 166 (a) is in grade 7 or above; and
- 167 (b) is truant.

168 (3) A local school board or charter school governing board:

169 (a) may authorize a school administrator, a designee of a school administrator, a law
170 enforcement officer acting as a school resource officer, or a truancy specialist to issue ~~[notices]~~
171 a notice of truancy [to school-age minors who are at least 12 years old] in accordance with
172 Subsection (4); and

173 (b) shall establish a procedure for a school-age minor, or the school-age minor's
174 parents, to contest a notice of truancy.

175 (4) ~~[The]~~ A notice of truancy described in Subsection (3):

176 (a) may not be issued until ~~[the]~~ a school-age minor has been truant at least five times
177 during the school year;

178 (b) may not be issued to a school-age minor who is ~~[less than 12 years old]~~ in a grade
179 below grade 7;

180 (c) may not be issued to a school-age minor exempt from school attendance as
181 provided in Section 53G-6-204 or 53G-6-702;

182 (d) shall direct the school-age minor who receives the notice of truancy and the parent

183 of the school-age minor to:

184 (i) meet with school authorities to discuss the school-age minor's truancies; and
 185 (ii) cooperate with the school board, local charter board, or school district in securing
 186 regular attendance by the school-age minor; and

187 (e) shall be mailed to, or served on, the school-age minor's parent.

188 (5) Nothing in this part prohibits a local school board, charter school governing board,
 189 or school district from taking action to resolve a truancy problem with a school-age minor who
 190 has been truant [~~less~~] fewer than five times, provided that the action does not conflict with the
 191 requirements of this part.

192 Section 4. Section **53G-6-205** is amended to read:

193 **53G-6-205. Preapproval of extended absence.**

194 In determining whether to preapprove an extended absence of a school-age minor as a
 195 valid excuse [~~under Subsection 53G-6-201(9)(c)~~], a local school board, local charter board, or
 196 school district shall approve the absence if the local school board, local charter board, or school
 197 district determines that the extended absence will not adversely impact the school-age minor's
 198 education.

199 Section 5. Section **53G-6-206** is amended to read:

200 **53G-6-206. Duties of a school board, local charter board, or school district in**
 201 **resolving attendance problems -- Parental involvement -- Liability not imposed.**

202 (1) (a) [~~Except as provided in~~] Subject to Subsection (1)(b), a local school board, local
 203 charter board, or school district shall make efforts to resolve the school attendance problems of
 204 each school-age minor who is, or should be, enrolled in the school district.

205 (b) A school-age minor exempt from school attendance under Section **53G-6-204** or
 206 **53G-6-702** is not considered to be a minor who is or should be enrolled in a school district or
 207 charter school under Subsection (1)(a).

208 (2) The efforts described in Subsection (1) shall include, as reasonably feasible:

209 (a) counseling of the school-age minor by school authorities;

210 (b) (i) issuing a notice of truancy to [~~a~~] the school-age minor [~~who is at least 12 years~~
 211 ~~old,~~] in accordance with Section **53G-6-203**; or

212 [~~e~~] (ii) issuing a notice of compulsory education violation to [~~a parent of a school-age~~
 213 ~~child,~~] the school-age minor's parent in accordance with Section **53G-6-202**;

214 [~~(d)~~] (c) making any necessary adjustment to the curriculum and schedule to meet
215 special needs of the school-age minor;
216 [~~(e)~~] (d) considering alternatives proposed by [~~a~~] the school-age minor's parent;
217 [~~(f)~~] (e) monitoring school attendance of the school-age minor;
218 [~~(g)~~] (f) voluntary participation in truancy mediation, if available; and
219 [~~(h)~~] (g) providing [~~a~~] the school-age minor's parent, upon request, with a list of
220 resources available to assist the parent in resolving the school-age minor's attendance problems.

221 (3) In addition to the efforts described in Subsection (2), the local school board, local
222 charter board, or school district may enlist the assistance of community and law enforcement
223 agencies as appropriate and reasonably feasible in accordance with Section [53G-8-211](#).

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

226 (5) Proceedings initiated under this part do not obligate or preclude action by the
227 Division of Child and Family Services under Section [78A-6-319](#).