

R277. Education, Administration.

R277-607. Absenteeism and Truancy Prevention.

R277-607-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state; and
 - (c) Section 53G-6-206, which:
 - (i) describes the duties of an LEA governing board in making efforts in promoting regular attendance and resolving school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the LEA;
 - (ii) does not impose civil liability on the Board and LEA governing board or their employees; and
 - (iii) requires each LEA to annually report data on absences with or without a valid excuse to the state board.
 - (d) Section 53G-9-804, which requires the Board to make rules requiring LEAs to enact chronic absenteeism prevention and intervention policies.
- (2) The purpose of this rule is to direct an LEA to create a policy, which:
 - (a) defines attendance expectations;
 - (b) provides interventions and resources;
 - (c) delineates consequences consistent with state law; and
 - (d) provides an appeals process.
- (3) An LEA described in Subsection 53G-9-802(5) is exempt from providing dropout recovery services as described in Subsection 53G-9-802(3).

R277-607-2. Definitions.

- (1) "Absence" or "absent" means the same as defined in Rule R277-100.
- (2) "Attendance Validated Program" means the same as defined in Rule R277-100.
- (3) "Chronic absenteeism" means a student who:

(a) was enrolled in an LEA for at least 60 calendar days; and
(b) has been absent for at least 10% of days of instruction, whether the absence was excused or not excused.

(4) "Habitual truancy" means the same as defined in Section 53G-8-211, a school-age child who:

(i) is in grade 7 or above, unless the school-age child is less than 12 years old;
(ii) is subject to the requirements of Section 53G-6-202; and
(iii)(A) is truant at least 20 days during one school year; or
(B) fails to cooperate with efforts by school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

(5) "Intervention" means the same as the term is defined in Subsection 53G-6-206(1).

(6) "Learner Validated Program" means the same as defined in Rule R277-100.

(7) "Notice of compulsory education" is a notice of violation to the parents of students in grades 1-6 consistent with Section 53G-6-202.

(8) "Notice of truancy" is a citation issued to students and parents of students in grades 7-12 consistent with Section 53G-6-203.

(9) "Tardy" means a student's arrival after the designated start time for a class period or instructional day, as defined by the LEA's written policy.

(10) "Truancy means a condition in which a school-age child is absent without a valid excuse, for at least:

(a) half of the school day; or
(b) if the school-age child is enrolled in a learner validated program, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.

(c) a school-age child may not be considered truant under this part more than one time during the same day.

(11)(a) "Valid excuse" means:

(i) Any reason made pursuant to Section 53G-10-205, Section 53G-6-201, Section 53G-6-205, and Subsection 53G-6-803(5).

- (ii) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
- (iii) behavioral health of the school-age child;
- (iv) a family death;
- (v) an approved school activity or suspension;
- (vi) an absence permitted by a school-age child's:
 - (A) individualized education plan; or
 - (B) section 504 accommodation plan;
- (vii) any other excuse established as valid by a local school, charter school governing board, or school district.

(b) "Valid excuse" does not mean a parent acknowledgement of an absence for a reason other than a reason described in Subsections (8)(a)(i) through (vii), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (13)(a)(vii), or Section 53G-10-205.

R277-607-3. Promotion of Regular Attendance.

- (1) An LEA governing board:
 - (a) shall create an LEA attendance policy that:
 - (i) outlines attendance expectations with language and definitions consistent with Title 53G, Chapter 6, Part 2, Compulsory Education;
 - (ii) establishes a clear process, timeline, and standard for converting an unexcused absence into a truancy consistent with Subsection 53G-6-201(17);
 - (iii) outlines the procedures and timelines for issuing a notice of compulsory education for students in grades 1 through 6 consistent with Section 53G-6-202;
 - (iv) outlines the procedures and timelines for issuing a notice of truancy for students in grades 7 through 12 consistent with Section 53G-6-203; and
 - (v) establishes that for students in grades 7 through 12, an LEA may enter an incident report of habitual truancy into the Utah Transcript and Record Exchange (UTREx) system after a student accumulates 20 truanies, provided the LEA has issued a notice of truancy in alignment with state law and LEA policy; and
 - (vi) provides for school level procedure making; and

- (vii) provides an appeals process to contest:
 - (A) a notice of truancy;
 - (B) a notice of compulsory education; or
 - (C) any disciplinary actions taken against a student pursuant to an LEA's attendance policy;
- (viii) shall review the attendance policy in an open and public meeting at least every five years.
- (b) shall annually publicize the LEA's attendance policy and appeals process through:
 - (i) LEA and school websites;
 - (ii) handbooks;
 - (iii) letters to parents; and
 - (iv) other reasonable means of communication;
- (c) shall support institutional efforts to promote regular attendance and address chronic absenteeism and truancy issues for school-age children enrolled in the LEA, in accordance with Subsection 53G-6-206(3) and Section 53G-9-804; and
- (d) may enlist the assistance of community agencies and organizations for early intervention and habitual truancy services, in accordance with Section 53G-8-211.
- (e) if an LEA adopts a policy for attendance-based grading, the LEA shall ensure their policy shall follow Section 53G-6-213.
- (2) An LEA shall annually report the following data separately to the Superintendent:
 - (a) absences with a valid excuse; and
 - (b) absences without a valid excuse.

R277-607-4. LEA Accountability Measures.

- (1) An LEA shall ensure effective implementation of attendance practices consistent with Section R277-607-3 and Title 53G, Chapter 6, Part 2, Compulsory Education, including:
 - (a) providing annual training to relevant staff;

(b) maintaining consistent implementation of attendance policies across schools;
and

(c) communicating attendance expectations and consequences to students and parents in a clear and timely manner.

(2) An LEA governing board shall provide oversight of attendance practices in accordance with Section 53G-6-214, including reviewing attendance data, evaluating intervention effectiveness, ensuring adequate resources, and approving policy changes in a public meeting.

KEY: compulsory education, truancy, absenteeism, chronic absenteeism

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-6-206; 53G-9-804