

R277. Education, Administration.

R277-607. Absenteeism and Truancy Prevention.

R277-607-1. Authority, Purpose, and Oversight Category.

(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).

(4) This Rule R277-607 is categorized as Category 2 as described in Rule R277-111.

R277-607-2. Definitions.

(1)(a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend at least half of the class or class period as defined by the LEA.

(b) "Absence or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.

(2) "Chronic absenteeism" means a student misses 10% or more of days enrolled, for any reason, and makes a school aware that a beginning of tiered supports may be needed.

(3) "Habitual truancy" means the same as defined in 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 on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

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

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

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

(7) "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 verified program, as that term is defined by the Board, 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.

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

(i) Any reason made pursuant to Section 53G-10-205.

(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) an absence permitted in accordance with Subsection 53G-6-803(5); or

(viii) 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).

R277-607-3. Promotion of Regular Attendance.

(1) An LEA governing board:

(a) shall create and review an LEA attendance policy that:

(i) outlines attendance expectations with language and definitions consistent with Title 53G, Chapter 6, Part 2, Compulsory Education;

(ii) provides for school level procedure making; and

(iii) 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;

(b) shall 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.

(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.

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