

Green Text = Amendments approved by Finance Committee May 7, 2021

1 **R277. Education, Administration.**

2 **R277-607. Absenteeism and Truancy Prevention.**

3 **R277-607-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) [Utah Constitution Article X, Section 3](#) which vests general control and
6 supervision over public education in the Board;

7 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state; and

9 (c) Section [53G-6-206](#), which directs educational entities and parents working on
10 behalf of children to make efforts to resolve school attendance problems of school-age
11 minors who are or who should be enrolled in an LEA.

12 (2) The purpose of this rule is to direct an LEA to create policies for truancy
13 procedures and compulsory education.

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15 **R277-607-2. Definitions.**

16 (1) "Absence" means the same as that term is defined in Subsection [53G-6-](#)
17 [201\(1\)](#).

18 (2) "Behavioral health" means the impact a student's actions can have on a
19 student's physical or mental health and includes conditions in which services provided by
20 social workers, counselors, psychiatrists, neurologists, behavior analyst, psychologists,
21 and physicians would be appropriate.

22 (3) "Mental health" means the same as that term is defined in Subsection R277-
23 625-2(2).

24 ~~(2)4~~ "Notice of truancy" is a citation issued consistent with Section [53G-6-203](#).

25 (5)(a) "Punitive action" means:

26 (i) a notice of truancy;

27 (ii) a notice of compulsory education violation consistent with Section 53G-6-202;

28 and

29 (iii) administrative penalties including referral to a restorative justice program
30 consistent with 53G-8-211.

31 (b) "Punitive action" does not include other supports or alternative interventions
32 as determined by an LEA.

33 ([3]5) "Truant" means the same as that term is defined in Subsection [53G-6-](#)
34 [201\(7\)](#).

35 ([4]6) "Unexcused absence" means a student's absence from school for reasons
36 other than those deemed a valid excuse.

37 ([5]7) "Valid excuse" means the same as that term is defined in Subsection 53G-
38 6-201(9).

39

40 **R277-607-3. Absenteeism and Truancy Policy Requirements.**

41 (1) An LEA shall:

42 (a) develop an absenteeism and truancy policy that:

43 (i) encourages regular, punctual attendance of students, consistent with Section
44 [53G-8-211](#) and Title 53G Public Education System -- Local Administration, Chapter 6
45 Participation in Public Schools, Part 2 Compulsory Education; ~~and~~

46 (ii) ensures valid excused absences for mental health or behavioral health are not
47 used to circumvent Free Appropriate Public Education (FAPE) requirements or other
48 educational services requirement under federal law including the Individuals with
49 Disabilities Education Act (IDEA); and

50 (iii) ensures that between March 17, 2021 and June 1, 2022 that no punitive action
51 is taken against a student or student's parent for being truant.

52 (b) review the LEA's absenteeism and truancy policy regularly;

53 (c) create and operate an attendance review team as described in Subsection (3);

54 (d) review attendance data annually and consider revisions to the absenteeism
55 and truancy policy to encourage student attendance; and

56 (e) make the absenteeism and truancy policy available for review by parents or
57 interested parties.

58 (2) An LEA may issue a notice of truancy to a student consistent with the LEA's
59 absenteeism and truancy policy and Section [53G-6-203](#).

60 (3) An LEA's attendance review team shall:

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- 61 (a) consist of:
- 62 (i) administrators including those responsible for:
- 63 (A) academic instruction;
- 64 (B) health and wellness;
- 65 (C) student support services; and
- 66 (D) attendance data;
- 67 (ii) where possible, community agencies; and
- 68 (iii) may include the LEA's multi-disciplinary team;
- 69 (b) review attendance data to inform actions and tiered interventions development
- 70 at least monthly;
- 71 (c) create a systematic LEA and school level response for the LEA's absenteeism
- 72 and truancy policy including:
- 73 (i) practice improvement; and
- 74 (ii) prevention and intervention strategies; and
- 75 (d) promote shared accountability and continuous improvement related to an
- 76 LEA's absenteeism and truancy policy including a school level attendance plan developed
- 77 at the end of the previous school year.

78

79 **R277-607-4. Compulsory Education Procedures.**

- 80 (1) An LEA shall develop compulsory education procedures as part of the LEA's
- 81 absenteeism and truancy policy described in Section R277-607-3.
- 82 (2) The compulsory education procedures shall:
- 83 (a) provide a process for notice to parents about the absenteeism and truancy
- 84 policy;
- 85 (b) require notice to parents regarding the progress of a student's discipline and
- 86 consequences for violation of the truancy policy;
- 87 (c) provide an appeals process to contest:
- 88 (i) a notice of truancy; or
- 89 (ii) any disciplinary actions against a student pursuant to the absenteeism and
- 90 truancy policy or;

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91 (d) establish definitions not provided in law or this rule necessary to implement the
92 absenteeism and truancy policy and compulsory education procedures;

93 (e) include definitions of:

94 (i) "approved school activity" under Subsection [53G-6-201](#)(9)(c); and

95 (ii) "any other excuse" under Subsection [53G-6-201](#)(9)(e);

96 (f) include criteria and procedures for preapproval of extended absences
97 consistent with Section [53G-6-205](#); and

98 (g) establish programs and meaningful incentives which promote regular, punctual
99 student attendance.

100 (3) An LEA shall publish the appeals process described in Subsection R277-607-
101 4(2)(c) for use by a student or the student's parents.

102

103 **KEY: compulsory education, truancy**

104 **Date of Enactment or Last Substantive Amendment: August 12, 2020**

105 **Notice of Continuation: June 5, 2020**

106 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53G-](#)
107 [6-206](#)**