

R277-607 received final approval by the Utah State Board of Education on August 1, 2019. R277-607 is published in the September 1, 2019 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of October 8, 2019.

R277. Education, Administration.

R277-607. 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 directs educational entities and parents working on behalf of children to make efforts to resolve school attendance problems of school-age minors who are or who should be enrolled in an LEA.

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

R277-607-[4]2. Definitions.

~~[A.](1) "Absence" means the same as that term is defined in Subsection 53G-6-201(1) [a student's non-attendance at school for one school day or part of one school day].~~

~~[B.](2) "Habitual truant" means the same as that term is defined in Subsection 53G-6-201(2) [a school-age minor who:~~

~~(1) is at least 12 years old;~~

~~(2) is subject to the requirements of Section 53G-6-202; and~~

~~(3)(a) is truant at least five times during one school year; and~~

~~(b) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53G-6-206].~~

~~[C.](3) "Habitual truant citation" is a citation issued only consistent with Section 53G-6-203.~~

~~[D. "IEP team" means an local education agency representative, a parent, a~~

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~~regular and special education educator, and person qualified to interpret evaluation results, in accordance with the Individuals with Disabilities Education Act (IDEA).]~~

~~[E. "LEA" means a local education agency, including local school boards/public school districts and charter schools.]~~

~~[F.](4) "Truant" means the same as that term is defined in Subsection 53G-6-201(7) [absent without a valid excuse].~~

~~[G.](5) "Unexcused absence" means a student's absence from school for reasons other than those authorized under the LEA policy.~~

~~[H. "USOE" means the Utah State Office of Education.]~~

~~[I.](6) "Valid excuse" means the same as that term is defined in [~~an excuse for an absence from school consistent with~~]Subsection 53G-6-201(9).~~

~~R277-607-2. Authority and Purpose.~~

~~A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Sections 53A-11-101 through 53A-11-106 which direct educational entities and parents working on behalf of children to make efforts to resolve school attendance problems of school-age minors who are or should be enrolled in LEAs.~~

~~B. The purpose of this rule is to direct LEAs to establish procedures for:~~

- ~~(1) informing parents about compulsory education laws;~~
- ~~(2) encouraging and monitoring school attendance consistent with the law; and~~
- ~~(3) providing firm consequences for noncompliance.~~

~~C. This rule encourages meaningful incentives for parental responsibility and directs LEAs to establish ongoing truancy prevention procedures in schools especially for students in grades 1-8.~~

~~R277-607-3. [General Provisions]Truancy Policy Requirements.~~

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~~[A.—Each LEA board]~~(1) An LEA shall:

(a) develop a truancy policy that encourages regular, punctual attendance of students, consistent with Section 53G-8-211 and Title 53G Public Education System – Local Administration, Chapter 6 Participation in Public Schools, Part 2 Compulsory Education ~~[this rule and Title 53G, Chapter 6, Part 2, Compulsory Education, and shall];~~

(b) review the LEA’s truancy policy annually;~~[-]~~

~~[B.—LEA boards shall annually]~~(c) review attendance data annually and consider revisions to ~~[policies]~~the truancy policy to encourage student attendance; and~~[-]~~

~~[C.—LEAs shall]~~(d) make the truancy policy~~[ies]~~ available for review by parents or interested parties.

~~[D.—LEAs]~~(2) An LEA may issue a habitual truant citation[s] to a student[s] consistent with the LEA’s truancy policy and Section 53G-6-203.

R277-607-4. [LEA Responsibilities]Compulsory Education Procedures.

~~[A.—LEAs shall:]~~(1) An LEA shall develop compulsory education procedures as part of the LEA’s truancy policy described in Section R277-607-3.

(2) The compulsory education procedures shall:

(a) provide a process for notice to parents about the truancy policy;

(b) require notice to parents regarding the progress of a student’s discipline and consequences for violation of the truancy policy;

(c) provide an appeals process to contest:

(i) a notice of truancy; or

(ii) any disciplinary actions against a student pursuant to the truancy policy or;

~~[(4)]~~(d) establish definitions not provided in law or this rule necessary to implement the truancy policy and compulsory education procedures~~[a compulsory attendance policy];~~

~~[(2)]~~(e) include definitions of “approved school activity” under Section 53G-6-201(9)(c) and “any other excuse”~~[excused absence to be provided locally] under~~

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Section 53G-6-201(9)(e);

~~[(3)](f)~~ include criteria and procedures for preapproval of extended absences consistent with Section 53G-6-205; and

~~[(4)](g)~~ establish programs and meaningful incentives which promote regular, punctual student attendance.

~~[B. LEAs shall include in their policies provisions for:~~

~~(1) notice to parents of the policy;~~

~~(2) notice to parents as discipline or consequences progress; and~~

~~(3) the opportunity to appeal disciplinary measures.~~

~~C. LEAs shall establish and publish procedures for use by school-age minors or their parents to contest notices of truancy.]~~

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

KEY: compulsory education, truancy

Date of Enactment or Last Substantive Amendment: October 9, 2014

Notice of Continuation: September 2, 2014

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