

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) "Punitive action" means

26 (a) a Notice of truancy;

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

28 ~~(c) administrative penalties including referral to a restorative justice program~~
29 ~~consistent with 53G-8-211;~~ and

30 (c) does not mean any other supports or alternative interventions as determined
31 by an LEA.

32 ([~~3~~]5) "Truant" means the same as that term is defined in Subsection 53G-6-
33 201(7).

34 ([~~4~~]6) "Unexcused absence" means a student's absence from school for reasons
35 other than those deemed a valid excuse.

36 ([~~5~~]7) "Valid excuse" means the same as that term is defined in Subsection 53G-
37 6-201(9).

38

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

40 (1) An LEA shall:

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

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

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

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

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

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

53 (d) review attendance data annually and consider revisions to the absenteeism
54 and truancy policy to encourage student attendance; [~~and~~]

55 (e) make the absenteeism and truancy policy available for review by parents or
56 interested parties[~~;~~]; and

57 (f) as described in Subsection 53G-8-211(2)(b), ensure that the LEA does not refer
58 a student to a court for being truant between March 17, 2021 and June 1, 2022.

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

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

62 (a) consist of:

63 (i) administrators including those responsible for:

64 (A) academic instruction;

65 (B) health and wellness;

66 (C) student support services; and

67 (D) attendance data;

68 (ii) where possible, community agencies; and

69 (iii) may include the LEA's multi-disciplinary team;

70 (b) review attendance data to inform actions and tiered interventions development
71 at least monthly;

72 (c) create a systematic LEA and school level response for the LEA's absenteeism
73 and truancy policy including:

74 (i) practice improvement; and

75 (ii) prevention and intervention strategies; and

76 (d) promote shared accountability and continuous improvement related to an
77 LEA's absenteeism and truancy policy including a school level attendance plan developed
78 at the end of the previous school year.

79

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

81 (1) An LEA shall develop compulsory education procedures as part of the LEA's
82 absenteeism and truancy policy described in Section R277-607-3.

83 (2) The compulsory education procedures shall:

84 (a) provide a process for notice to parents about the absenteeism and truancy
85 policy;

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

88 (c) provide an appeals process to contest:

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- 89 (i) a notice of truancy; or
90 (ii) any disciplinary actions against a student pursuant to the absenteeism and
91 truancy policy or;
92 (d) establish definitions not provided in law or this rule necessary to implement the
93 absenteeism and truancy policy and compulsory education procedures;
94 (e) include definitions of:
95 (i) "approved school activity" under Subsection 53G-6-201(9)(c); and
96 (ii) "any other excuse" under Subsection 53G-6-201(9)(e);
97 (f) include criteria and procedures for preapproval of extended absences
98 consistent with Section 53G-6-205; and
99 (g) establish programs and meaningful incentives which promote regular, punctual
100 student attendance.
101 (3) An LEA shall publish the appeals process described in Subsection R277-607-
102 4(2)(c) for use by a student or the student's parents.

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104 **KEY: compulsory education, truancy**

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

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

107 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-
108 6-206**