

R277-607 received final approval by the Utah State Board of Education on June 22, 2021. R277-607 will be published in the July 15, 2021, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of August 21, 2021.

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 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.

R277-607-2. Definitions.

(1) "Absence" means the same as that term is defined in Subsection 53G-6-201(1).

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

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

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

(5) "Punitive action" means

(a) a Notice of truancy;

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

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

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

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

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

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

(1) An LEA shall:

(a) develop an absenteeism and truancy policy that:

_____ (i) 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;

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

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

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

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

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

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

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

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

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

(a) consist of:

(i) administrators including those responsible for:

(A) academic instruction;

(B) health and wellness;

(C) student support services; and

(D) attendance data;

(ii) where possible, community agencies; and

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

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

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

(i) practice improvement; and

(ii) prevention and intervention strategies; and

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

R277-607-4. Compulsory Education Procedures.

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

(2) The compulsory education procedures shall:

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

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

(e) include definitions of:

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

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

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

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

(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: August 12, 2020

Notice of Continuation: June 5, 2020

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