

## **Admissions and Attendance: *Compulsory Education***

### **Definitions—**

1. “Excused Absence or Valid Excuse” means:
  - a. an absence resulting from:
    - i. Illness, which may be either mental or physical (the school may not require documentation from a medical professional to substantiate the illness);
    - ii. Mental or behavioral health of the school-age child;
    - iii. death of family member;
    - iv. an approved school activity; or
    - v. any other reason established by the district as valid.
      1. In determining whether to pre-approve an extended absence of a student as a valid excuse, the district shall approve the absence if the district determines that the absence will not adversely impact the student’s education.
      2. A “valid excuse” does not include a parent acknowledgement of an absence for a reason other than those stated above unless the Board of Education has specifically permitted absence for that reason.
  - b. An absence for attendance at a scheduled family event or a scheduled proactive visit to a health care provider if the parent submits a written statement at least one school day before the scheduled absence and if the student agrees to make up course work for the missed days according to District or school policy. (See Policy GCE section "Parent rights regarding student absences".)
  - c. an absence permitted by a student’s:
    - i. individualized education program; or
    - ii. Section 504 accommodation plan.  
[Utah Code § 53G-6-201\(10\) \(2021\)](#)  
[Utah Code § 53G-6-205 \(2021\)](#)  
[Utah Code § 53G-6-803\(5\) \(2020\)](#)
2. “Home School” means a school comprised of one or more students officially excused from compulsory public school attendance under this policy and [Utah Code § 53G-6-204.](#)

*Utah Admin. Rules R277-438-2(5) (December 8, 2016)*

3. "Private School" means a school satisfying the following criteria:
  - a. maintained by private individuals or entities;
  - b. maintained and operated not at public expense;
  - c. generally supported, in part at least, by tuition fee or charges;
  - d. operated as a substitute for, and giving the equivalent of, instruction required in public schools;
  - e. employs teachers able to provide the same quality of education as public school teachers;
  - f. established to operate indefinitely and independently, not dependent upon the age of the students available or upon individual family situations; and
  - g. licensed as a business by the Utah Department of Commerce.

*Utah Admin. Rules R277-438-2(6) (December 8, 2016)*

4. "Truant" means that a student is absent without a valid excuse for at least half of the school day. (A student may not be considered truant more than one time in a day.) If the student is enrolled in a learner verified program as defined by the State Board of Education, the time period which will result in truancy is defined by the District's policy about the District's continuing enrollment measure as it relates to truancy.

[Utah Code § 53G-6-201\(8\) \(2021\)](#)

## **Notice of Compulsory Education Attendance Laws—**

Prior to or no later than school registration, the parent or legal guardian of each student in grades 1-12 shall be provided written notice from the school or district informing the parents or legal guardians of Compulsory Education attendance laws, discipline or consequences progress; and opportunities to appeal a notice of truancy or disciplinary measures. This notice shall be provided with registration materials or as part of the registration process and shall also be provided at appropriate locations on the District website and school websites. However, this notice shall not be provided for the 2021-2022 school year registration.

*Utah Admin. Rules R277-607-4(2)(a), (b) (August 12, 2020)*

## **Compulsory Education—**

The parent of a student who is at least six (6) years of age and not more than eighteen (18) years of age, shall enroll and send his or her school-age minor to a public or regularly established private school during the school year of the district in which the student resides, unless exempted as indicated below. Attendance shall be in District schools or in some other district to which the student may legally be transferred, or in a regularly established private school. Except for the period

between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent to intentionally or without good cause fail to enroll a school-age minor in school, unless exempted as indicated below. The District shall report violations of this policy to the appropriate city, county, or district attorney. However, no such reports shall be made during the period from March 17, 2021 to June 1, 2022.

[Utah Code § 53G-6-202 \(2021\)](#)

## **Exemptions—**

Students who meet one or more of the following conditions to the satisfaction of the Board shall be exempt from compulsory attendance requirements and shall be given a certificate, issued by the Board, stating that the student is excused from attendance during the time specified on the certificate:

1. A child over age sixteen (16) may receive a partial release from school to enter employment, or to attend a trade school, if the child has completed the eighth grade. Children receiving this exemption must still attend school part-time as required by the Board or home school part time as permitted in 2.e. below.
2. On an annual basis, a school-age child under eighteen (18) years of age may receive a full release from attending a public, regularly established private or part-time school or class if one of the following is established to the Board's satisfaction:
  - a. The child has already completed the work required for graduation from high school.
  - b. The child is in a physical or mental condition, certified by a competent physician if required by the Board, which renders attendance inexpedient and impracticable.
  - c. Proper influences and adequate opportunities for education are provided in connection with the child's employment.
  - d. The Superintendent determines that the child, if over age sixteen (16), is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.
  - e. The child's parent files a signed and notarized affidavit with the child's school district of residence that the child will attend a home school and that the parent assumes sole responsibility for the education of the school-age child except to the extent that the child is dual-enrolled in a public school. A child receiving a partial release in order to enter employment under item (1) above may be excused from attending required part-time school to attend home school part time.
    - i. A parent of a child who attends a home school is solely responsible for:
      1. the selection of instructional materials and textbooks;

2. the time, place, and method of instruction, and
  3. the evaluation of the home school instruction.
- ii. A local school board may not:
1. require a parent of a child who attends a home school to maintain records of instruction or attendance;
  2. require credentials for individuals providing home school instruction;
  3. inspect home school facilities; or
  4. require standardized or other testing of home school students.
- iii. Upon request of a parent, the District shall identify the knowledge, skills, and competencies a student is recommended to achieve by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.

[Utah Code § 53G-6-204 \(2020\)](#)

### **Certificate of Exemption from Public School Attendance—**

When the Board excuses a child from public school attendance pursuant to an exemption other than for home schooling, the Board shall issue a certificate stating that the child is excused from attendance during the time specified on the certificate. When the Board excuses a child from attendance under the home school exemption, the Board shall annually issue a certificate excusing the child from attendance for the specified school year. The certificate shall be issued within 30 days after the initial receipt of the parent's signed and notarized affidavit filed by the child's parent pursuant to Subsection (2)(e) above. The Board shall issue additional certificates on or before August 1 of each year thereafter unless (1) the child enrolls in a District school, (2) the parent notifies the District that the child no longer attends a home school, or (3) the parent notifies the District that the child's district of residence has changed.

[Utah Code § 53G-6-204 \(2020\)](#)

### **Attendance Review Team—**

The District's attendance review team consists of administrators (including those responsible for academic instruction, health and wellness, student support services, and attendance data), may include the District's multi-disciplinary team, and where possible includes community agencies. The attendance review team will:

1. On at least a monthly basis review attendance data to inform actions and tiered interventions development;
2. Create a systemic District and school level response for the District's compulsory education policy, including practice improvement and prevention and intervention strategies; and

3. Promote shared accountability and continuous improvement relating to the District's compulsory education policy, including a school level attendance plan developed at the end of the previous school year.

*Utah Admin. Rules R277-607-3(1)(c), (3) (August 12, 2020)*

## **School Efforts to Resolve Attendance Problems—**

Parent(s) of all students in grades 1-12 shall be provided written notice from the school or district informing parents of Compulsory Education attendance laws and encouraging parental cooperation.

1. A student registering in the school district during the school year may be provided written notice explaining the school and school district's compulsory education policy.
2. A student moving from one school to another within the same district may be provided written notice explaining the school and school district's compulsory education policy.

However, such notices shall not be provided during the period from March 17, 2021 to June 1, 2022.

*Utah Admin. Rules R277-607-4 (August 12, 2020)*

The notice to parents shall also include a description of the appeals process for contesting a notice of truancy or contesting disciplinary action against a student under this policy.

*Utah Admin. Rules R277-607-4(2)(c), (3) (August 12, 2020)*

The District shall make reasonable efforts to resolve the school attendance problems of its students, including the following, as deemed reasonably feasible by the Board or its designee in individual cases:

1. counseling of the student by school authorities;
2. issuing a Notice of Truancy;
3. adjusting the curriculum and schedule if determined necessary to meet special needs of the student;
4. considering alternatives proposed by the parent or legal guardian;
5. monitoring school attendance of the student;
6. voluntarily participating in truancy mediation, if available;
7. providing the student's parent or legal guardian, upon request, a list of resources available to assist the parent or legal guardian in resolving the student's attendance problems; and
8. enlisting the assistance of community and law enforcement agencies as appropriate to the extent permitted under [Utah Code § 53G-8-211](#).

This policy and related statute do not impose civil liability on the school district or its employees. During the period from March 17, 2021 to June 1, 2022, the school's efforts to resolve attendance problems may not include issuing a Notice of Truancy.

[Utah Code § 53G-6-206 \(2021\)](#)

## **Notice of Compulsory Education Violation—**

A school administrator, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may only issue a notice of compulsory education violation to a parent of a student, if the student is in grade 1 through 6 and if the student is truant at least five (5) times during the school year.

The notice of compulsory education violation shall:

1. direct the student's parent to meet with designated school authorities to discuss the student's attendance problems and cooperate with the District to secure regular attendance by the student.
2. specify the school authorities with whom the parent is required to meet.
3. state that it is a class B misdemeanor for the student's parent to intentionally or without good cause fail to meet with the designated school authorities to discuss the student's attendance problems or fail to prevent the student from being truant an additional five (5) or more times during the remainder of the school year.
4. be served on the student's parent by personal service or certified mail.

The District shall report violations of this policy to the appropriate city, county, or district attorney. However, during the period from March 17, 2021 to June 1, 2022, the District shall not issue or enforce notices of compulsory education or violations and shall not make any reports of such violations to city, county, or district attorneys.

[Utah Code § 53G-6-202 \(2021\)](#)

## **Penalties for Truancy—**

The Board of Education may establish administrative penalties for being truant on a student who is in grade 7 or above and at least 12 years old. However, such penalties may not be imposed during the period from March 17, 2021 to June 1, 2022.

[Utah Code § 53G-6-203\(2\) \(2021\)](#)

## **Notice of Truancy—**

Except during the period from March 17, 2021 to June 1, 2022, the District may authorize school administrators, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy to any student who is at least twelve (12) years of age and

in grade 7 or above and who has been truant at least five (5) times during the school year.

The notice of truancy shall:

1. Identify each of the five (5) or more dates when the student was truant.
2. Direct the student and his or her parent to meet with the designated school authorities and cooperate with the school in securing regular attendance by the student;
3. Allow for contesting the notice of truancy. If the student and/or his or her parent desires to contest the notice of truancy, the parent must meet with the principal or the principal's designee to voice any concerns about the accuracy of the notice of truancy. If the parent cannot meet with the principal or the principal's designee, he or she can submit a written review to the principal outlining the concerns about the accuracy of the notice of truancy. After reviewing the concerns, the principal shall make a determination to either revise or affirm each of the dates when the student was allegedly truant. The principal's determination is final. The principal shall notify the parent or legal guardian of the determination. If the principal affirms the notice of truancy, the principal shall direct the parent to follow step 2 outlined above.
4. Be mailed to, or served on, the student's parent.

[Utah Code § 53G-6-203 \(2021\)](#)

[Utah Admin. Rules R277-607-3\(2\) \(August 12, 2020\)](#)

### **Habitual Truancy—**

A "habitual truant" is a child who is not exempted from attendance and who is at least at least twelve (12) years of age and in grade 7 or above and who either (a) has been truant at least ten (10) times during the school year or (b) fails to cooperate with school authorities' efforts to resolve the child's attendance problem.

[Utah Code § 53G-8-211\(1\)\(b\) \(2021\)](#)

A habitual truant may be referred to an evidence-based alternative intervention and if the student refuses to participate in the evidence-based alternative intervention may be referred to law enforcement or to a court if the requirements of Utah Code § 53G-8-211(5) are met.

[Utah Code § 53G-8-211\(3\)\(b\), \(5\) \(2021\)](#)

[A child may not be considered a habitual truant or subjected to penalties for truancy during the period from March 17, 2021 to June 1, 2022.](#)

[Utah Code § 53G-6-203\(5\)\(b\), \(6\) \(2021\)](#)

### **Other Actions to Resolve Attendance Problems—**

Nothing in this policy shall prohibit a school from taking action to resolve a student's attendance problems prior to five (5) absences without valid excuses, providing the action does not conflict with the requirements of these policies.

However, during the period from March 17, 2021 to June 1, 2022, a school may not take any punitive action to resolve a truancy problem with a school-age child.

[Utah Code § 53G-6-203\(5\) \(2021\)](#)

## **Truancy Specialist—**

The Board may appoint and determine compensation for a truancy specialist to assist in enforcing laws related to school attendance, and to perform other duties prescribed by law or the Board.

[Utah Code § 53G-6-207 \(2019\)](#)

## **Duties and Powers—**

The truancy specialist may:

1. Investigate all cases of unexcused absences from school.
2. Enforce provisions of the compulsory attendance law.
3. Keep written records of all cases of any kind investigated by the truancy specialist in the discharge of his or her duties.

## **Custody—**

Except during the period from March 17, 2021 to June 1, 2022, the truancy specialist or a school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

[Utah Code § 53G-6-208\(1\) \(2021\)](#)

If the truancy specialist or a school administrator takes a presumed truant child into custody, the truancy specialist or administrator shall, without unnecessary delay, release the child to one of the following:

1. The Principal of the child's school.
2. Any person designated by the Board to receive the child and return him or her to school.
3. A designated truancy center of the District.

[Utah Code § 53G-6-208\(2\) \(2021\)](#)

If the child taken into custody refuses to return to school or to go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the child's parents, guardian or custodian and release the child to their custody. If the parents of a truant minor in custody cannot be reached or are unable or unwilling to accept custody, and if none of the other options in the preceding paragraph are available, the child shall be referred to the Division of Child and Family Services.

[Utah Code § 53G-6-208\(3\), \(4\) \(2021\)](#)

## **Reporting to the State Board of Education—**

The District shall annually report to the State Board of Education (a) the number of absences with a valid excuse and (b) the number of absences without a valid excuse.

[Utah Code § 53G-6-206\(6\) \(2021\)](#)