

1 **STUDENT ATTENDANCE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Adam Robertson**

5 Senate Sponsor: Lincoln Fillmore

6	Cosponsors:	Jefferson Moss	Elizabeth Weight
7	Kera Birkeland	Susan Pulsipher	
8	Dan N. Johnson	Mark A. Strong	
9	Karianne Lisonbee	Jordan D. Teuscher	

11 **LONG TITLE**

12 **General Description:**

13 This bill addresses school absences for mental or physical illness.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ defines terms;
- 17 ▶ prohibits requiring documentation from a medical professional for an absence due
- 18 to mental or physical illness; and
- 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **53G-6-201**, as last amended by Laws of Utah 2020, Chapter 20

27 **53G-6-205**, as last amended by Laws of Utah 2020, Chapter 20

29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **53G-6-201** is amended to read:

31 **53G-6-201. Definitions.**

32 As used in this part:

33 (1) (a) "Absence" or "absent" means the failure of a school-age child assigned to a class
34 or class period to attend a class or class period.

35 (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence
36 for the sake of a truancy.

37 (2) "Minor" means a person under the age of 18 years.

38 (3) "Parent" includes:

39 (a) a custodial parent of the minor;

40 (b) a legally appointed guardian of a minor; or

41 (c) any other person purporting to exercise any authority over the minor which could be
42 exercised by a person described in Subsection (3)(a) or (b).

43 (4) "School day" means the portion of a day that school is in session in which a
44 school-age child is required to be in school for purposes of receiving instruction.

45 (5) "School year" means the period of time designated by a local school board or
46 charter school governing board as the school year for the school where the school-age child:

47 (a) is enrolled; or

48 (b) should be enrolled, if the school-age child is not enrolled in school.

49 (6) "School-age child" means a minor who:

50 (a) is at least six years old but younger than 18 years old; and

51 (b) is not emancipated.

52 (7) (a) "Truant" means a condition in which a school-age child, without a valid excuse,
53 and subject to Subsection (7)(b), is absent for at least:

54 (i) half of the school day; or

55 (ii) if the school-age child is enrolled in a learner verified program, as that term is
56 defined by the state board, the relevant amount of time under the LEA's policy regarding the

57 LEA's continuing enrollment measure as it relates to truancy.

58 (b) A school-age child may not be considered truant under this part more than one time
59 during one day.

60 (8) "Truant minor" means a school-age child who:

61 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and

62 (b) is truant.

63 (9) (a) "Valid excuse" means:

64 (i) an illness, which may be either mental or physical, regardless of whether the
65 school-age child or parent provides documentation from a medical professional;

66 (ii) a family death;

67 (iii) an approved school activity;

68 (iv) an absence permitted by a school-age child's:

69 (A) individualized education program; or

70 (B) Section 504 accommodation plan;

71 (v) an absence permitted in accordance with Subsection 53G-6-803(5); or

72 (vi) any other excuse established as valid by a local school board, charter school
73 governing board, or school district.

74 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason
75 other than a reason described in Subsections (9)(a)(i) through (vi), unless specifically permitted
76 by the local school board, charter school governing board, or school district under Subsection
77 (9)(a)(vi).

78 Section 2. Section 53G-6-205 is amended to read:

79 **53G-6-205. Approval absences.**

80 (1) In determining whether to preapprove an extended absence of a school-age child as
81 a valid excuse, a local school board, charter school governing board, or school district shall
82 approve the absence if the local school board, charter school governing board, or school district
83 determines that the extended absence will not adversely impact the school-age child's
84 education.

85 (2) A local school board, charter school governing board, or school district may not
86 require documentation from a medical professional to substantiate a valid excuse that is a
87 mental or physical illness.