

**SCHOOL ABSENTEEISM AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dan N. Johnson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to school absenteeism and student behavior.

**Highlighted Provisions:**

This bill:

- ▶ directs local education agencies to include certain evidence-based strategies for children as part of their efforts to reduce student absenteeism;
- ▶ requires local education agencies to provide professional learning opportunities for educators to have the tools to address student behavior;
- ▶ enacts new duties for the State Board of Education with respect to addressing chronic absenteeism prevention and intervention; and
- ▶ amends the responsibilities of the Division of Juvenile Justice and Youth Services to require the use of evidence-informed and research-informed interventions.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53G-6-206**, as last amended by Laws of Utah 2021, Chapter 262

**53G-9-802**, as last amended by Laws of Utah 2022, Chapter 337



28 **80-5-401**, as renumbered and amended by Laws of Utah 2021, Chapter 261

29 ENACTS:

30 **53G-9-804**, Utah Code Annotated 1953

31 **53G-11-306**, Utah Code Annotated 1953



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

34 Section 1. Section **53G-6-206** is amended to read:

35 **53G-6-206. Duties of a local school board, charter school governing board, or**  
36 **school district in promoting regular attendance -- Parental involvement -- Evidence-based**  
37 **supports -- Liability not imposed -- Report to state board.**

38 (1) (a) Subject to Subsection (1)(b), a local school board, charter school governing  
39 board, or school district shall make efforts to ~~[resolve the school attendance problems of]~~  
40 promote regular attendance and resolve school absenteeism and truancy issues for each  
41 school-age child who is, or should be, enrolled in the school district or charter school.

42 (b) A school-age child exempt from school attendance under Section **53G-6-204** or  
43 **53G-6-702** is not considered to be a school-age child who is or should be enrolled in a school  
44 district or charter school under Subsection (1)(a).

45 (2) The efforts described in Subsection (1) shall include, as reasonably feasible:

46 (a) counseling of the school-age child by school authorities;

47 (b) (i) issuing a notice of truancy to the school-age child in accordance with Section  
48 **53G-6-203**; or

49 (ii) issuing a notice of compulsory education violation to the school-age child's parent  
50 in accordance with Section **53G-6-202**;

51 (c) making any necessary adjustment to the curriculum and schedule to meet special  
52 needs of the school-age child;

53 (d) considering alternatives proposed by the school-age child's parent;

54 (e) monitoring school attendance of the school-age child;

55 (f) voluntary participation in truancy mediation, if available; ~~[and]~~

56 (g) providing the school-age child's parent, upon request, with a list of resources  
57 available to assist the parent in resolving the school-age child's attendance problems~~[-];~~ and

58 (h) providing an evidence-based system of supports that:

59 (i) is structured in tiers, with each tier addressing teaming, accurate data collection and  
60 analysis, and systematic action; and

61 (ii) includes dropout or chronic absenteeism interventions that seek to determine  
62 underlying causes of a child's attendance issues and provides specific supports and contact for  
63 the child.

64 (3) In addition to the efforts described in Subsection (2), the local school board, charter  
65 school governing board, or school district may enlist the assistance of community and law  
66 enforcement agencies and organizations for early intervention services as appropriate and  
67 reasonably feasible in accordance with Section 53G-8-211.

68 (4) This section does not impose civil liability on boards of education, local school  
69 boards, charter school governing boards, school districts, or their employees.

70 (5) Proceedings initiated under this part do not obligate or preclude action by the  
71 Division of Child and Family Services under Section 53G-6-210.

72 (6) Each LEA shall annually report the following data separately to the state board:

73 (a) absences with a valid excuse; and

74 (b) absences without a valid excuse.

75 Section 2. Section 53G-9-802 is amended to read:

76 **53G-9-802. Dropout prevention and recovery -- Flexible enrollment options --**  
77 **Contracting -- Reporting.**

78 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and  
79 recovery services to a designated student, including:

80 (i) engaging with or attempting to recover a designated student;

81 (ii) developing a learning plan, in consultation with a designated student, to identify:

82 (A) barriers to regular school attendance and achievement;

83 (B) an attainment goal; and

84 (C) a means for achieving the attainment goal through enrollment in one or more of the  
85 programs described in Subsection (2);

86 (iii) monitoring a designated student's progress toward reaching the designated  
87 student's attainment goal; and

88 (iv) providing tiered interventions for a designated student who is not making progress  
89 toward reaching the student's attainment goal.

90 (b) An LEA shall provide the dropout prevention and recovery services described in  
91 Subsection (1)(a):

92 (i) throughout the calendar year; and

93 (ii) except as provided in Subsection (1)(c)(i), for each designated student who  
94 becomes a designated student while enrolled in the LEA.

95 (c) (i) A designated student's school district of residence shall provide dropout recovery  
96 services if the designated student:

97 (A) was enrolled in a charter school that does not include grade 12; and

98 (B) becomes a designated student in the summer after the student completes academic  
99 instruction at the charter school through the maximum grade level the charter school is eligible  
100 to serve under the charter school's charter agreement as described in Section [53G-5-303](#).

101 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include  
102 grade 12 shall notify each of the charter school's student's district of residence, as determined  
103 under Section [53G-6-302](#), when the student completes academic instruction at the charter  
104 school as described in Subsection (1)(c)(i)(B).

105 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,  
106 contact information, and student identification number.

107 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:

108 (i) are tailored to the designated student's learning plan developed under Subsection  
109 (1)(a)(ii); and

110 (ii) include two or more of the following:

111 (A) enrollment in the LEA in a traditional program;

112 (B) enrollment in the LEA in a nontraditional program;

113 (C) enrollment in a program offered by a private provider that has entered into a  
114 contract with the LEA to provide educational services; or

115 (D) enrollment in a program offered by another LEA.

116 (b) A designated student may enroll in:

117 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this  
118 public education code, rules established by the state board, and policies established by the  
119 LEA; or

120 (ii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4,

121 Part 5, Statewide Online Education Program.

122 (c) An LEA shall make the LEA's best effort to accommodate a designated student's  
123 choice of enrollment under Subsection (2)(b).

124 (3) Beginning with the 2017-18 school year and except as provided in Subsection (5),  
125 an LEA shall provide the dropout prevention and recovery services described in Subsection  
126 (1)(a), for any school year in which the LEA meets the following criteria:

127 (a) the LEA's graduation rate is lower than the statewide graduation rate; and

128 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the  
129 previous three school years; or

130 (ii) during the previous calendar year, at least 10% of the LEA's designated students  
131 have not:

132 (A) reached the students' attainment goals; or

133 (B) made a year's worth of progress toward the students' attainment goals.

134 (4) To provide the dropout and recovery services described in Subsection (1)(a), an  
135 LEA ~~may~~ shall do at least one of the following:

136 (a) contract with a third party; ~~or~~

137 (b) use another evidence-based program; or

138 ~~(b)~~ (c) create [a] an evidence-informed dropout prevention and recovery services  
139 plan.

140 (5) An LEA is not subject to the requirement described in Subsection (3) if:

141 (a) the LEA is in the LEA's first three years of operation;

142 (b) the LEA's average graduation rate for the previous three years is higher than the  
143 average statewide graduation rate for the previous three years;

144 (c) the LEA is a special school as that term is used in 34 C.F.R. 300.115; or

145 (d) the quotient of the total number of an LEA's graduating students plus 10, divided by  
146 the total number of students in an LEA's graduating class, is equal to or greater than the  
147 statewide graduation rate.

148 (6) If an LEA described in Subsection (3) contracts with a third party, the LEA shall  
149 ensure that:

150 (a) a third party with whom the LEA enters into a contract under Subsection (4) has a  
151 demonstrated record of effectiveness engaging with and recovering designated students; and

152 (b) a contract with a third party requires the third party to:

153 (i) provide the services described in Subsection (1)(a); and

154 (ii) regularly report progress to the LEA.

155 (7) An LEA shall annually submit a report to the state board on dropout prevention and  
156 recovery services provided under this section, including:

157 (a) the methods the LEA or third party uses to engage with or attempt to recover  
158 designated students under Subsection (1)(a)(i);

159 (b) the number of designated students who enroll in a program described in Subsection  
160 (2) as a result of the efforts described in Subsection (7)(a);

161 (c) the number of designated students who reach the designated students' attainment  
162 goals identified under Subsection (1)(a)(ii)(B); and

163 (d) funding allocated to provide dropout prevention and recovery services.

164 (8) The state board shall:

165 (a) ensure that an LEA described in Subsection (3) contracts with a third party or  
166 creates a dropout prevention and recovery services plan to provide dropout prevention and  
167 recovery services in accordance with Subsections (3), (4), and (6); and

168 (b) report on the provisions of this section in accordance with Section [53E-1-203](#),  
169 including a summary of the reports submitted under Subsection (7).

170 Section 3. Section **53G-9-804** is enacted to read:

171 **53G-9-804. Duties of the State Board of Education.**

172 (1) The state board shall:

173 (a) adopt rules that require a local school board or charter school governing board to  
174 enact chronic absenteeism prevention and intervention policies that shall:

175 (i) include provisions that reflect the individual school district's or charter school's  
176 unique needs or circumstances; and

177 (ii) adopt evidence or research informed absenteeism and dropout prevention  
178 interventions;

179 (b) support, train, and inform LEAs regarding evidence-informed or research-based  
180 models to reduce dropout and chronic absenteeism;

181 (c) provide guidance to LEAs on interventions and supports available from the  
182 Division of Juvenile Justice and Youth Services; and

- 183 (d) provide other technical assistance to LEAs around analysis of attendance data.
- 184 (2) The rules described in Subsection (1) may require a local school board or charter
- 185 school governing board to publicize the policies enacted by the local school board or charter
- 186 school governing board in accordance with the rules described in Subsection (1) through school
- 187 websites, handbooks, letters to parents, or other reasonable means of communication.
- 188 (3) The state board may consult with appropriate stakeholders, including:
- 189 (a) parents;
- 190 (b) youth;
- 191 (c) LEAs;
- 192 (d) human services agencies; or
- 193 (e) others as the state board develops, enacts, and administers the rules described in
- 194 Subsection (1).

195 Section 4. Section **53G-11-306** is enacted to read:

196 **53G-11-306. Training to address student behavior.**

197 An LEA shall provide ongoing professional learning, coaching, and mentoring

198 opportunities for educators on student behavior, including classroom management, and ensure

199 that educators have the tools necessary to:

- 200 (1) differentiate student needs regarding behavior in the classroom; and
- 201 (2) facilitate student learning in alignment with the Least Restrictive Behavioral
- 202 Interventions framework.

203 Section 5. Section **80-5-401** is amended to read:

204 **80-5-401. Youth services for prevention and early intervention -- Program**

205 **standards -- Program services.**

206 (1) The division shall establish and operate prevention and early intervention youth

207 services programs which shall include evidence-informed and research-informed interventions

208 to:

- 209 (a) help youth and families avoid entry into the juvenile justice system; and
- 210 (b) improve attendance and academic achievement.

211 (2) The division shall adopt statewide policies and procedures, including minimum

212 standards for the organization and operation of youth services programs.

213 (3) The division shall establish housing, programs, and procedures to ensure that

214 minors who are receiving services under this section and who are not committed to the division  
215 are served separately from minors who are committed to the division.

216 (4) The division may enter into contracts with state and local governmental entities and  
217 private providers to provide the youth services.

218 (5) The division shall establish and administer juvenile receiving centers and other  
219 programs to provide temporary custody, care, risk-needs assessments, evaluations, and control  
220 for nonadjudicated and adjudicated minors placed with the division.

221 (6) The division shall prioritize use of evidence-based juvenile justice programs and  
222 practices.