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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: June 6, 2014

ACTION: R277-607 *Truancy Prevention* (Amendment and Continuation)

Background:

1. R277-607 *Truancy Prevention* is amended to change terminology within the rule to make the rule consistent with other Board rules. The rule as it existed is consistent with H.B. 399 *Truancy Amendments*, 2014 Legislative Session.
2. R277-607 *Truancy Prevention* is due for a five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire on October 23, 2014. Staff has reviewed R277-607 and determined that the rule continues to be necessary.

Key Points:

1. The amendments provide the definition of LEA (consistent with other rules), remove school district and charter school language, and insert LEA within the rule.
2. R277-607 continues to be necessary because it (1) directs LEAs to establish procedures for informing parents about compulsory education laws; (2) encourages LEAs to monitor school attendance and issue citations consistent with the law; and (3) encourages LEAs to provide firm consequences for noncompliance.

Anticipated Action:

1. It is proposed that the Law and Licensing Committee consider approving R277-607 on first reading, as amended and, if approved by the Committee, the Board consider approving R277-607, as amended, on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-607 for continuation on first reading, and if approved by the Committee, the Board consider approving R277-607 for continuation on second reading.

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1 **R277. Education, Administration.**

2 **R277-607. Truancy Prevention.**

3 **R277-607-1. Definitions.**

4 A. "Absence" means a student's non-attendance at school
5 for one school day or part of one school day.

6 B. "Habitual truant" means a school-age minor who:

7 (1) is at least 12 years old;

8 (2) is subject to the requirements of Section
9 53A-11-101.5; and

10 (3)(a) is truant at least [~~ten~~]five times during one
11 school year; and

12 (b) fails to cooperate with efforts on the part of
13 school authorities to resolve the minor's attendance problem
14 as required under Section 53A-11-103.

15 C. "Habitual truant citation" is a citation issued only
16 consistent with Section 53A-11-101.7.

17 D. "IEP team" means an local education agency
18 representative, a parent, a regular and special education
19 educator, and person qualified to interpret evaluation
20 results, in accordance with the Individuals with Disabilities
21 Education Act (IDEA).

22 E. "LEA" means a local education agency, including local
23 school boards/public school districts and charter schools.

24 [~~F~~]F. "Truant" means absent without a valid excuse.

25 [~~F~~]G. "Unexcused absence" means a student's absence from
26 school for reasons other than those authorized under the
27 [~~school or district~~]LEA policy.

28 [~~G~~]H. "USOE" means the Utah State Office of Education.

29 [~~H~~]I. "Valid excuse" means an excuse for an absence from
30 school consistent with Section 53A-11-101(9)[~~and may include:~~

31 ~~— (1) illness;~~

32 ~~— (2) family death;~~

33 ~~— (3) approved school activity;~~

34 ~~— (4) excuse consistent with student's IEP, Section 504~~
35 ~~accommodation plan, or a school/school district valid excuse~~
36 ~~definition].~~

37 **R277-607-2. Authority and Purpose.**

38 A. This rule is authorized by Utah Constitution Article
39 X, Section 3 which vests general control and supervision of
40 public education in the Board, Section 53A-1-401(3) which
41 permits the Board to adopt rules in accordance with its
42 responsibilities, and Sections 53A-11-101 through 53A-11-106
43 which direct educational entities and parents working on
44 behalf of children to ~~[encourage compliance with the~~
45 ~~compulsory education law, school attendance for all students,~~
46 ~~and cooperation in these important efforts]~~make efforts to
47 resolve school attendance problems of school-age minors who
48 are or should be enrolled in LEAs.

49 B. The purpose of this rule is to direct ~~[schools/school~~
50 ~~districts and charter schools]~~LEAs to establish procedures
51 for:

- 52 (1) informing parents about compulsory education laws;
53 (2) encouraging and monitoring school attendance
54 consistent with the law; and
55 (3) providing firm consequences for noncompliance.

56 C. This rule encourages meaningful incentives for
57 parental responsibility and directs ~~[school districts and~~
58 ~~charter schools]~~LEAs to establish ongoing truancy prevention
59 procedures in schools especially for students in grades 1-8.

60 **R277-607-3. General Provisions.**

61 A. Each ~~[local school board and charter school]~~LEA
62 board shall develop a truancy policy that encourages regular,
63 punctual attendance of students, consistent with this rule and
64 53A-11-101 through 53A-11-105, and shall review the policy
65 annually.

66 B. ~~[Local school boards and charter school]~~LEA boards
67 shall annually review attendance data and consider revisions
68 to policies to encourage student attendance.

69 C. ~~[The local school board and charter school board]~~LEAs
70 shall make truancy polic[~~y~~]ies ~~[shall be]~~available for review
71 by parents or interested parties.

72 D. LEAs may issue ~~[H]~~habitual truant citations ~~[may be~~

73 ~~issued]~~to students consistent with Section 53A-11-101.7.

74 **R277-607-4. [~~School/School District and Charter School]~~LEA**
75 **Responsibilities.**

76 A. [~~School districts and charter schools]~~LEAs shall:

77 (1) establish definitions not provided in law or this
78 rule necessary to implement a compulsory attendance policy;

79 (2) include definitions of approved school activity under
80 Section 53A-11-101(9)(c) and excused absence to be provided
81 locally under Section 53A-11-101(9)(e);

82 (3) include criteria and procedures for preapproval of
83 extended absences consistent with Section 53A-11-101.3; and

84 (4) establish programs and meaningful incentives which
85 promote regular, punctual student attendance.

86 B. [~~School districts and charter schools]~~LEAs shall
87 include in their policies provisions for:

88 (1) notice to parents of the policy;

89 (2) notice to parents as discipline or consequences
90 progress; and

91 (3) the opportunity to appeal disciplinary measures.

92 C. [~~School districts and charter schools]~~LEAs shall
93 establish and publish procedures [~~by which]~~for use by school-
94 age minors or their parents [~~may]~~to contest notices of
95 truancy.

96 [~~R277-607-5. Parent Responsibilities.~~

97 ~~Parents of school-age minors shall cooperate with school~~
98 ~~boards and charter school boards to secure regular attendance~~
99 ~~at school by school-age minors for whom they are responsible.]~~

100 **KEY: compulsory education, truancy**

101 **Date of Enactment or Last Substantive Amendment: [~~October 10,~~**
102 **2007]2014**

103 **Notice of Continuation: [~~October 23, 2009]~~2014**

104 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
105 **53A-1-401(3); 53A-11-101 through 53A-11-105**