

1 **STUDENT ATTENDANCE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Adam Robertson**

5 Senate Sponsor: Lincoln Fillmore

6

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ prohibits requiring documentation from a medical professional for an absence due
- 14 to mental or physical illness; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53G-6-201**, as last amended by Laws of Utah 2020, Chapter 20

23 **53G-6-205**, as last amended by Laws of Utah 2020, Chapter 20

24

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

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

27 **53G-6-201. Definitions.**



28 As used in this part:

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

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

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

34 (3) "Parent" includes:

35 (a) a custodial parent of the minor;

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

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

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

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

43 (a) is enrolled; or

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

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

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

47 (b) is not emancipated.

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

50 (i) half of the school day; or

51 (ii) if the school-age child is enrolled in a learner verified program, as that term is
52 defined by the state board, the relevant amount of time under the LEA's policy regarding the
53 LEA's continuing enrollment measure as it relates to truancy.

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

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

57 (a) is subject to the requirements of Section [53G-6-202](#) or [53G-6-203](#); and

58 (b) is truant.

- 59 (9) (a) "Valid excuse" means:
- 60 (i) an illness, which may be either mental or physical, regardless of whether the
- 61 school-age child or parent provides documentation from a medical professional;
- 62 (ii) a family death;
- 63 (iii) an approved school activity;
- 64 (iv) an absence permitted by a school-age child's:
- 65 (A) individualized education program; or
- 66 (B) Section 504 accommodation plan;
- 67 (v) an absence permitted in accordance with Subsection 53G-6-803(5); or
- 68 (vi) any other excuse established as valid by a local school board, charter school
- 69 governing board, or school district.

70 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason

71 other than a reason described in Subsections (9)(a)(i) through (vi), unless specifically permitted

72 by the local school board, charter school governing board, or school district under Subsection

73 (9)(a)(vi).

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

75 **53G-6-205. Approval absences.**

76 (1) In determining whether to preapprove an extended absence of a school-age child as

77 a valid excuse, a local school board, charter school governing board, or school district shall

78 approve the absence if the local school board, charter school governing board, or school district

79 determines that the extended absence will not adversely impact the school-age child's

80 education.

81 (2) A local school board, charter school governing board, or school district may not

82 require documentation from a medical professional to substantiate a valid excuse that is a

83 mental or physical illness.