

HB0502S02 compared with HB0502

~~{Omitted text}~~ shows text that was in HB0502 but was omitted in HB0502S02

inserted text shows text that was not in HB0502 but was inserted into HB0502S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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School Attendance Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Welton

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill creates citizenship grade standards, attendance-based grading, a student welfare check requirement, and a test-out option for core classes.

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Highlighted Provisions:

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This bill:

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- permits and establishes requirements for standardizing citizenship grades;

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- allows attendance-based grading;

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- repeals individualized attendance plans for attendance-based grading;

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- creates a test-out option for core classes;

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- requires LEA referrals for student welfare checks under specified conditions;

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- establishes a citizenship grade scholarship program in higher education funded through voluntary tax return contributions; and

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- makes technical changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

This bill provides retrospective operation.

Utah Code Sections Affected:

AMENDS:

53G-6-206 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 516

53G-6-806 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 21

59-10-1304 (Effective 05/06/26) (Applies beginning 01/01/26), as last amended by Laws of Utah 2025, Chapters 95, 322

ENACTS:

53E-4-208 (Effective 05/06/26), Utah Code Annotated 1953

53E-4-209 (Effective 05/06/26), Utah Code Annotated 1953

53G-6-213 (Effective 05/06/26), Utah Code Annotated 1953

53G-6-214 (Effective 05/06/26), Utah Code Annotated 1953

53H-11-416 (Effective 05/06/26), Utah Code Annotated 1953

59-10-1324 (Effective 05/06/26) (Applies beginning 01/01/26), Utah Code Annotated 1953

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

Section 1. Section 1 is enacted to read:

53E-4-208. (Effective 05/06/26)Citizenship grading standards.

~~{(1) {As used in this section:}}~~

(a) ~~{(1) {"Citizenship"}}~~ As used in this section, "citizenship" grade means a grade or evaluation that reflects a student's demonstration of ~~{character traits, civic responsibility,}~~ college and ~~{social behavior in the educational environment}~~ career readiness.

~~{(b) {"Character traits" means the same traits described in Section 53G-10-204, including honesty, respect, responsibility, fairness, kindness, and citizenship.}}~~

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to establish consistent statewide standards for citizenship grading policies that:

(a) define ~~{the character traits}~~ durable skills and ~~{civic behaviors}~~ skills related to ~~{be evaluated;}~~ college and career readiness, including:

(i) attendance;

(ii) meeting deadlines;

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- 47 (iii) class participation and personal engagement; and
48 (iv) teacher communication;
47 (b) establish uniform criteria and methods for assessing citizenship;
48 (c) provide guidance for an LEA on implementing citizenship grading policies;
49 (d) ensure alignment with existing civic and character education requirements under Section
53G-10-204; and
51 (e) specify how citizenship grades may be recorded and reported on a student's transcripts.
53 ~~{(3) {The state board may provide professional development and training resources to assist an LEA in~~
~~implementing citizenship grading standards established under this section.}-}~~
55 (4){(3)} Beginning with the 2027-2028 school year, an LEA may adopt a citizenship grading policy in
accordance with the standards established by the state board under this section.
57 ~~{(5) {An LEA's citizenship grading policy:}-}~~
58 ~~{(a) {shall incorporate attendance as a component of the citizenship grade;}-}~~
59 ~~{(b) {may not apply to students with a valid excuse as that term is used in Section 53G-6-201;}-}~~
61 ~~{(c) {shall align with any attendance-based grading policy adopted under Section 53G-6-213; and }-}~~
63 ~~{(d) {may be implemented in addition to, or as part of, attendance-based grading under Section~~
~~53G-6-213.}-}~~
65 (6){(4)} ~~{Only students who receive citizenship grades from an LEA using citizenship grading~~
~~standards established by the state board under } In accordance with this section {are eligible for } ,~~
to participate in the citizenship scholarship program described in Section 53H-11-416, an LEA shall
adopt citizenship grading policies.
59 (5) An LEA that adopts the citizenship grading policies under Subsection (5) may make additions
beyond the standards the state board establishes under Subsection (2).
61 Section 2. Section 2 is enacted to read:
62 53E-4-209. (Effective 05/06/26)Test-out option for core classes.
70 (1) As used in this section, "core class" means a course in English language arts, mathematics, science,
or social studies and other courses required for high school graduation as described in Section
53E-4-204.
73 (2) Beginning with the 2027-2028 school year, the state board shall establish statewide test-out options
for core classes that allow students in grades {7} 9 through 12 to demonstrate proficiency in the
content of a core class without attending or enrolling in the course.

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(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to:

(a) establish clear academic proficiency standards for each test-out option aligned with the state core standards;

(b) develop standardized assessments or portfolio-based demonstrations of mastery;

(c) establish procedures for grading or providing a pass or fail designation for transcript and grade point average purposes;

(d) create procedures to notify students and parents of test-out opportunities; and

(e) ensure consistency with graduation standards.

(4) An LEA shall:

(a) offer students the statewide test-out options established by the state board under this section; and

(b) administer the test-out options in accordance with state board rules.

(5) A student who earns credit through the test-out process is not required to attend the course and is exempt from any attendance-based grading policy under Section 53G-6-213.

(6) If a student enrolls in a core class { ~~despite being eligible to test out~~ }, the LEA shall require compliance with { ~~the course's~~ } any applicable course attendance requirements described in Section 53G-6-213 as part of the student's grade.

Section 3. Section 53G-6-206 is amended to read:

53G-6-206. (Effective 05/06/26) of a local school board, charter school governing board, or school district in promoting regular attendance -- Parental involvement -- Liability not imposed -- Report to state board.

(1)

(a) As used in this section, "intervention" means a series of non-punitive and increasingly frequent and individualized activities that are designed to:

(i) create a trusting relationship between teachers, students, and parents;

(ii) improve attendance;

(iii) improve academic outcomes; and

(iv) reduce negative behavior referrals.

(b) "Intervention" includes:

(i) mentorship programs;

(ii) family connection to community resources;

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- 109 (iii) academic support through small group or individualized tutoring or similar methods; and
111 (iv) teaching executive function skills, including:
112 (A) planning;
113 (B) goal setting;
114 (C) understanding and following multi-step directions; and
115 (D) self-regulation.
116 (2)
(a) Subject to Subsection (2)(b), an LEA shall make efforts to promote regular attendance and resolve
school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the
LEA.
119 (b) A school-age child exempt from school attendance under Section 53G-6-204 or 53G-6-702, or a
school-age child who is enrolled in a regularly established private school or part-time school, is not
considered to be a school-age child who is or should be enrolled in a school district or charter school
under Subsection (2)(a).
123 (3) The efforts described in Subsection (2) shall include, as reasonably feasible:
124 (a) counseling of the school-age child by school authorities;
125 (b)
(i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or
127 (ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance
with Section 53G-6-202;
129 (c) making any necessary adjustment to the curriculum and schedule to meet special needs of the
school-age child;
131 (d) considering alternatives proposed by the school-age child's parent;
132 (e) incorporating attendance in the school-age child's course score or grade [if:] as described in Section
53G-6-213;
134 [~~(i) incorporation is determined appropriate through an individualized plan the school-age child's parent~~
~~and teacher develops;~~]
136 [~~(ii) parental written consent is obtained for the individualized plan; and~~]
137 [~~(iii) the parent retains the ability to revoke the parent's consent described in Subsection (3)(e)(ii) at any~~
~~time.~~]
139 (f) monitoring school attendance of the school-age child;

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- (g) voluntary participation in truancy mediation, if available; and
- (h) providing the school-age child's parent, upon request, with a list of resources available to assist the parent in resolving the school-age child's attendance problems.
- (4) In addition to the efforts described in Subsection (3), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement agencies and organizations for early intervention services as appropriate and reasonably feasible in accordance with Section 53G-8-211.
- (5) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.
- (6) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 53G-6-210.
- (7) [Each-] An LEA shall annually report the following data separately to the state board:
- (a) absences with a valid excuse; and
- (b) absences without a valid excuse.
- Section 4. Section 4 is enacted to read:
- 53G-6-213. (Effective 05/06/26) Attendance-based grading.**
- (1) A teacher may include up to 10% of a student's final grade in a course in grades 7 through 12 based on the student's attendance in the class.
- (1){(2)} An LEA may adopt a policy that {requires a student's attendance in a class} permits attendance to account for {up to} more than 10% but not more than 20% of {the} a student's final grade for a course in grades 7 through 12.
- (2){(3)} If an LEA adopts a policy for a course under Subsection {(1)} (2), the LEA shall ensure the LEA's policy:
- (a) shall be publicly posted and available to parents and students, including through the parent portal described in Section 53G-6-806;
- (b) shall specify which courses the policy applies to and the percentage of the final grade that attendance will comprise, which may not exceed 20%;
- (c) may permit valid excused absences, as defined in Section 53G-6-201, to be excluded from attendance-based grade calculations; and

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(d) ~~{should}~~ may establish reasonable limits on the number of valid excused absences that may be excluded from attendance-based grade calculations to ensure accountability for class participation while accommodating student needs.

(3){(4)} If an LEA permits students to earn credit through a test-out option under Section ~~{53G-6-214}~~ 53E-4-209, the LEA ~~{may}~~ shall require students who decline to test out and instead enroll in the course to comply with any attendance-based grading policy adopted under this section.

Section 5. Section 5 is enacted to read:

53G-6-214. (Effective 05/06/26) Student welfare check referrals -- Unknown whereabouts.

(1) ~~{An LEA shall make}~~ If a ~~{referral for a student welfare check if a}~~ student has been absent for 10 or more consecutive school days and all of the following conditions are met, an LEA shall conduct a welfare check:

(a) the student's parent has failed to notify the school of the student's absence;

(b) the student's parent has not filed a home school affidavit under Section 53G-6-204;

(c) the student's parent has not provided notice of unenrollment to the LEA;

(d) the student's parent has failed to respond to repeated communications from the school, including communications through email, telephone, text message, postal mail, or other reasonable methods; and

(e) one of the following is true:

(i) the LEA has not received a request for student records from another educational entity; or

(ii) there is no record of the student being enrolled in another LEA.

(2) An LEA shall ~~{make}~~ assign a ~~{referral}~~ school administrator or designee to conduct an initial welfare check described in Subsection (1) to{:} verify the student's safety and well-being.

(3) If the initial welfare check under Subsection (2) does not resolve concerns about the student's safety or well-being, or if the school administrator or designee is unable to make contact with the student or the student's parent, the LEA may make a referral to:

(a) local law enforcement; or

(b) the Division of Child and Family Services.

~~{(3) {A referral under this section is for the purpose of conducting a welfare check to verify the student's safety and well-being.}}~~

(4) This section does not preclude or obligate any other action under this part or Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings.

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Section 6. Section 53G-6-806 is amended to read:

53G-6-806. (Effective 05/06/26)Parent portal.

(1) As used in this section:

(a) "Parent portal" means the posting the state board is required to provide under this section.

(b) "School" means a public elementary or secondary school, including a charter school.

(2)

(a) The state board shall post information that allows a parent of a student enrolled in a school to:

(i) access an LEA's policies required by Sections 53G-6-213, 53G-9-203, and 53G-9-605;

(ii) be informed of resources and steps to follow when a student has been the subject, perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or abusive conduct such as:

(A) resources for the student, including short-term mental health services;

(B) options for the student to make changes to the student's educational environment;

(C) options for alternative school enrollment;

(D) options for differentiated start or stop times;

(E) options for differentiated exit and entrance locations; and

(F) the designated employee for an LEA who addresses incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

(iii) be informed of the steps and resources for filing a grievance with a school or LEA regarding bullying, cyber-bullying, hazing, or retaliation;

(iv) be informed of the steps and resources for seeking accommodations under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;

(v) be informed of the steps and resources for seeking accommodations under state or federal law regarding religious accommodations;

(vi) be informed of the steps and resources for filing a grievance for an alleged violation of state or federal law, including:

(A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;

(B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;

(C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and

(D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131-12165;

(vii) receive information about constitutional rights and freedoms afforded to families in public education;

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(viii) be informed of how to access an internal audit hotline if established by the state board; and
(ix) be informed of services for military families.

(b) In addition to the information required under Subsection (2)(a), the state board:

(i) shall include in the parent portal:

(A) the comparison tool created under Section 53G-6-805;

(B) school level safety data, including data points described in Section 53E-3-516; and

(C) a link to the public safety portal described in Section 63A-16-1002; and

(ii) may include in the parent portal other information that the state board determines is helpful to parents.

(3)

(a) The state board shall post the parent portal at a location that is easily located by a parent.

(b) The state board shall update the parent portal at least annually.

(c) In accordance with state and federal law, the state board may collaborate with a third-party to provide safety data visualization in comparison to other states' data.

(4) An LEA shall annually notify each of the following of how to access the parent portal:

(a) a parent of a student; and

(b) a teacher, principal, or other professional staff within the LEA.

Section 7. Section 7 is enacted to read:

53H-11-416. (Effective 05/06/26)Citizenship scholarship program.

(1) As used in this section:

(a) "Citizenship grade" means the same as that term is defined in Section 53E-4-208.

(b) "Fund" means the Citizenship Scholarship Fund created in Section 59-10-1324.

(2) The board shall:

(a) collect citizenship grade and attendance data from an LEA as necessary to administer this section;

(b) establish scholarship eligibility criteria that:

(i) includes demonstrated exemplary citizenship as reflected in citizenship grades awarded under Section 53E-4-208;

(ii) includes student attendance records as a component of eligibility; and

(iii) prioritizes students who have demonstrated sustained exemplary citizenship throughout high school;

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(c) distribute scholarship funds to eligible students attending an institution within the state system of higher education; and

(d) upon request, report to the Higher Education Appropriations Subcommittee on the program's administration and outcomes.

(3) Upon receiving funds from the State Tax Commission in accordance with Section 59-10-1324, the board shall distribute scholarships in accordance with the eligibility criteria and procedures established under this section.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to:

(a) establish detailed scholarship eligibility criteria;

(b) define the weight and consideration given to citizenship grades and attendance records;

(c) establish application procedures and deadlines;

(d) determine scholarship award amounts; and

(e) establish any other provisions necessary to administer this section.

Section 8. Section **59-10-1304** is amended to read:

59-10-1304. (Effective 05/06/26) (Applies beginning 01/01/26) Removal of designation and prohibitions on collection for certain contributions on income tax return -- Conditions for removal and prohibitions on collection -- Commission publication requirements.

(1)

(a) If a contribution or combination of contributions described in Subsection (1)(b) generate less than \$30,000 per year for three consecutive years, the commission shall remove the designation for the contribution from the individual income tax return and may not collect the contribution from a resident or nonresident individual beginning two taxable years after the three-year period for which the contribution generates less than \$30,000 per year.

(b) The following contributions apply to Subsection (1)(a):

(i) the contribution provided for in Section 59-10-1306;

(ii) the sum of the contributions provided for in Subsection 59-10-1307(1);

(iii) the contribution provided for in Section 59-10-1308;

(iv) the contribution provided for in Section 59-10-1319;

(v) the contribution provided for in Section 59-10-1320;

(vi) the contribution provided for in Section 59-10-1321;

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- 295 (vii) the contribution provided for in Section 59-10-1322;~~{ }~~ or]
- 296 (viii) the contribution provided for in Section 59-10-1323[-] ; or
- 297 (ix) the contribution provided for in Section 59-10-1324.
- 298 (2) If the commission removes the designation for a contribution under Subsection (1), the commission shall report to the Revenue and Taxation Interim Committee by electronic means that the commission removed the designation on or before the November interim meeting of the year in which the commission determines to remove the designation.
- 302 (3)
- (a) Within a 30-day period after the day on which the commission makes the report required by Subsection (2), the commission shall publish a list in accordance with Subsection (3)(b) stating each contribution that the commission will remove from the individual income tax return.
- 306 (b) The list shall:
- 307 (i) be published on:
- 308 (A) the commission's website; and
- 309 (B) the public legal notice website in accordance with Section 45-1-101;
- 310 (ii) include a statement that the commission:
- 311 (A) is required to remove the contribution from the individual income tax return; and
- 313 (B) may not collect the contribution;
- 314 (iii) state the taxable year for which the removal described in Subsection (3)(a) takes effect; and
- 316 (iv) remain available for viewing and searching until the commission publishes a new list in accordance with this Subsection (3).
- 316 Section 9. Section 9 is enacted to read:
- 317 **59-10-1324. (Effective 05/06/26) (Applies beginning 01/01/26) Contribution to the**
Citizenship Scholarship Fund.
- 320 (1)
- (a) There is created an expendable special revenue fund known as the "Citizenship Scholarship Fund."
- 322 (b) The fund shall consist of all amounts deposited into the fund in accordance with Subsection (2).
- 324 (2) Except as provided in Section 59-10-1304, a resident or nonresident individual who files an income tax return under this chapter may designate on the resident or nonresident individual's income tax return a contribution to be:
- 327 (a) deposited into the Citizenship Scholarship Fund; and

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328 (b) expended as provided in Subsection (3).

329 (3)

(a) Each year, the commission shall:

330 (i) disburse from the Citizenship Scholarship Fund all money deposited into the fund since the last
disbursement; and

332 (ii) transfer the money to the Utah Board of Higher Education for distribution to students in
accordance with Section 53H-11-416.

334 (b) The commission shall complete the transfer of funds to the Utah Board of Higher Education by
August 15 of each year.

335 Section 10. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

337 Section 11. **Retrospective Operation.**

The following sections have retrospective operation for a taxable year starting on or
after January 1, 2026:

340 (1) Section 59-10-1304 (Effective 05/06/26) (Applies beginning 01/01/26); and

341 (2) Section 59-10-1324 (Effective 05/06/26) (Applies beginning 01/01/26).

2-18-26 4:00 PM