



## SB0058S02 compared with SB0058S05

17 None

18 **Other Special Clauses:**

19 This bill provides a special effective date.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53F-2-102** , as last amended by Laws of Utah 2022, Chapter 17

23 **53G-6-201** , as last amended by Laws of Utah 2025, Chapter 34

24 **53G-6-202** , as last amended by Laws of Utah 2021, Chapter 359 and further amended by Revisor  
Instructions, Laws of Utah 2021, Chapter 359

26 **53G-6-203** , as last amended by Laws of Utah 2023, Chapter 161

27 **53G-6-206** , as last amended by Laws of Utah 2024, Chapter 516

28 **53G-6-210** , as last amended by Laws of Utah 2024, Chapter 20

29 **53G-7-203 , as last amended by Laws of Utah 2025, Chapter 394**

30 ~~{53G-7-1205 , as last amended by Laws of Utah 2020, Chapter 161}~~

31 ~~{53G-7-1206 , as last amended by Laws of Utah 2025, Chapter 424}~~

32 ~~{53G-7-1304 , as last amended by Laws of Utah 2024, Chapter 372}~~

33 ~~{53G-7-1305 , as enacted by Laws of Utah 2019, Chapter 505}~~

30 ENACTS:

31 **53G-6-213** , Utah Code Annotated 1953

32 **53G-6-214** , Utah Code Annotated 1953

33 **53G-7-228 , Utah Code Annotated 1953**

34

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

36 Section 1. Section **53F-2-102** is amended to read:

37 **53F-2-102. Definitions.**

As used in this chapter:

42 (1) "Attendance validated program" means an educational program where:

43 (a) student participation is measured by physical or virtual attendance at scheduled instructional  
periods; and

45 (b) a student receives direct teacher interaction and instruction for the course or program the student is  
enrolled in.

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- 47 [(1)] (2) "Basic state-supported school program," "basic program," or "basic school program" means  
public education programs for kindergarten, elementary, and secondary school students that are  
operated and maintained for the amount derived by multiplying the number of weighted pupil units  
for each [school district or charter school] LEA by the value established each year in the enacted  
public education budget, except as otherwise provided in this chapter.
- 53 (3) "Educational services" means providing learning opportunities and services designed to support  
a student to be prepared to succeed and lead by having the knowledge and skills to learn, engage  
civically, and lead meaningful lives through providing:
- 56 (a) high quality instruction for each student that includes direct interaction between a teacher and  
students;
- 58 (b) personalized learning supports for each student; and
- 59 (c) appropriate instructional delivery methods based on the student's enrollment type as defined in this  
section.
- 61 (4)
- (a) "Instructional day" means:
- 62 (i) for students enrolled in an attendance validated program, a school day on which an LEA  
provides educational services through scheduled periods with direct teacher interaction; or
- 65 (ii) for students enrolled in a learner validated program specifically designed for competency-based  
or self-paced learning, any day during which educational services are actively provided through  
the LEA's structured learning delivery system.
- 69 (b) "Instructional day" does not include:
- 70 (i) days where educational services are not actively provided to students; or
- 71 (ii) any day in a program that an LEA designated as learner validated solely to avoid providing direct  
educational services that would otherwise be required for an attendance validated program.
- 74 (5) "Instructional hours" means:
- 75 (a) for students enrolled in an attendance validated program, the hours in an instructional day during  
which an LEA provides educational services through scheduled instructional periods; or
- 78 (b) for students enrolled in a learner validated program, the equivalent hours of educational services  
made available to students, as measured by the LEA's continuing enrollment measurement  
requirements established in the LEA's written policy.
- 81 [(2) "LEA governing board" means a local school board or charter school governing board.]

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- 82 (6) "Learner validated program" means an educational program specifically designed for competency-  
based or self-paced learning where:
- 84 (a) student participation is measured by demonstrated academic progress and completion of learning  
objectives rather than by attendance at scheduled instructional periods; and
- 87 (b) the LEA has established a written policy that:
- 88 (i) defines:
- 89 (A) continuing enrollment measurement requirements;
- 90 (B) standards for demonstrating academic progress;
- 91 (C) methods for calculating equivalent instructional hours; and
- 92 (D) procedures for ensuring equivalent educational rigor and support as provided in attendance  
validated programs; and
- 94 (ii) meets any additional criteria the state board requires.
- 95 [~~(3) "Pupil in average daily membership" or "ADM" means a full-day equivalent pupil.~~]
- 96 [~~(4)~~] (7)
- (a) "Minimum School Program" means the state-supported public school programs for kindergarten,  
elementary, and secondary schools as described in this Subsection [~~(4)~~] (7).
- 99 (b) The Minimum School Program established in [~~school districts and charter schools~~] an LEA shall  
include the equivalent of a school term of nine months as determined by the state board.
- 102 (c)
- (i) The state board shall establish the number of instructional days or equivalent instructional hours that  
school is held for an academic school year.
- 104 (ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by  
an LEA governing board, shall receive full support by the state board as it pertains to fulfilling the  
attendance requirements, excluding time spent viewing commercial advertising.
- 108 (d)
- (i) An LEA governing board may reallocate up to 32 instructional hours or four [~~school~~] instructional  
days established under Subsection [~~(4)(e)~~] (7)(c) for teacher preparation time or teacher professional  
development.
- 111 (ii) A reallocation of instructional hours or [~~school~~] instructional days under Subsection [~~(4)(d)(i)~~] (7)  
(d)(i) is subject to the approval of two-thirds of the members of an LEA governing board voting in a  
regularly scheduled meeting:

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- 114 (A) at which a quorum of the LEA governing board is present; and  
115 (B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.
- 116 (iii) If an LEA governing board reallocates instructional hours or ~~[school]~~ instructional days as provided  
by this Subsection ~~[(4)(d)]~~ (7)(d), the ~~[school-district or charter school]~~ LEA shall notify students'  
parents of the school calendar at least~~[:]~~  
119 ~~[(A)]~~ 90 days before the beginning of the school year~~[: or] .~~  
120 ~~[(B) for the 2021-2022 and 2022-2023 school years, due to circumstances within the LEA or a given  
school due to the COVID-19 pandemic, at least 14 calendar days before the reallocated instructional  
hours or school days.]~~
- 123 (iv) Instructional hours or ~~[school days]~~ instructional days reallocated for teacher preparation time or  
teacher professional development pursuant to this Subsection ~~[(4)(d)]~~ (7)(d) is considered part of a  
school term referred to in Subsection ~~[(4)(b)]~~ (7)(b).
- 127 (e) The Minimum School Program includes a program or allocation funded by a line item appropriation  
or other appropriation designated as follows:
- 129 (i) Basic School Program;  
130 (ii) Related to Basic Programs;  
131 (iii) Voted and Board Levy Programs; or  
132 (iv) Minimum School Program.
- 133 (8) "Pupil in average daily membership" or "ADM" means a full-day equivalent pupil.  
134 ~~[(5)]~~ (9) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of factors that is  
computed in accordance with this chapter for the purpose of determining the costs of a program on a  
uniform basis for each ~~[school-district or charter school]~~ LEA.
- 134 Section 2. Section **53G-6-201** is amended to read:  
135 **53G-6-201. Definitions.**  
As used in this part:
- 140 (1) "Absence" or "absent" means:  
141 (a) for a student enrolled in an attendance validated program, the failure of a school-age child assigned  
to a class or class period to attend the class or class period for a given day or class period; or  
144 (b) for a student enrolled in a learner validated program, the failure of a school-age child to meet the  
LEA's continuing enrollment measurement requirements as established in the LEA's written policy.  
147 ~~[(1)]~~

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- (a) ~~"Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.]~~
- 149 [(b) ~~"Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.]~~
- 151 (2) "Attendance validated program" means the same as that term is defined in Section 53F-2-102.
- 153 (3) "Chronic absenteeism" means a student who:
- 154 (a) was enrolled in an LEA for at least 60 calendar days; and
- 155 (b) has been absent for at least 10% of days of instruction, whether the absence was excused or not excused.
- 157 [~~(2)~~] (4) "Educational neglect" means the same as that term is defined in Section 80-1-102.
- 158 (5) "Educational services" means the same as that term is defined in Section 53F-2-102.
- 159 [~~(3)~~] (6)
- (a) "Home-based microschool" means an individual or association of individuals that:
- 161 (i) registers as a business entity in accordance with state and local laws; and
- 162 (ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.
- 165 (b) "Home-based microschool" does not include a daycare.
- 166 (7) "Instructional day" means the same as that term is defined in Section 53F-2-102.
- 167 [~~(4)~~] (8) "Instructor" means an individual who teaches a student as part of a home-based microschool or micro-education entity.
- 169 (9) "Learner validated program" means the same as that term is defined in Section 53F-2-102.
- 171 [~~(5)~~] (10)
- (a) "Micro-education entity" means a person or association of persons that:
- 172 (i) registers as a business entity in accordance with state and local laws; and
- 173 (ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.
- 175 (b) "Micro-education entity" does not include:
- 176 (i) a daycare;
- 177 (ii) a home-based microschool;
- 178 (iii) a private school; or

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- 179 (iv) a school within the public education system.
- 180 [~~(6)~~] (11) "Minor" means an individual who is under 18 years old.
- 181 [~~(7)~~] (12) "Parent" includes:
- 182 (a) a custodial parent of the minor;
- 183 (b) a legally appointed guardian of a minor; or
- 184 (c) any other person purporting to exercise any authority over the minor which could be exercised by a  
person described in Subsection [~~(7)(a) or (b)~~] (12)(a) or (b).
- 186 [~~(8)~~] (13) "School day" means the portion of a day that school is in session in which a school-age child  
is required to be in school for purposes of receiving instruction.
- 188 [~~(9)~~] (14) "School year" means the period of time designated by a local school board or charter school  
governing board as the school year for the school where the school-age child:
- 191 (a) is enrolled; or
- 192 (b) should be enrolled, if the school-age child is not enrolled in school.
- 193 [~~(10)~~] (15) "School-age child" means a minor who:
- 194 (a) is at least six years old but younger than 18 years old; and
- 195 (b) is not emancipated.
- 196 (16) "Tardy" means a student's arrival after the designated start time for a class period or instructional  
day, as defined by the LEA's written policy.
- 198 [~~(11)~~] (17)
- (a) "Truant" means a condition in which a school-age child, without a valid excuse, and subject to  
Subsection [~~(11)(b)~~] (17)(b), is absent for at least:
- 200 (i) half of the [~~school~~] instructional day for a student enrolled in an attendance validated program;  
or
- 202 (ii) if the school-age child is enrolled in a learner verified program, as that term is defined by the  
state board, the relevant amount of time under the LEA's policy regarding the LEA's continuing  
enrollment measure as it relates to truancy.
- 205 (b) A school-age child may not be considered truant under this part more than one time during one day.
- 207 [~~(12)~~] (18) "Truant minor" means a school-age child who:
- 208 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
- 209 (b) is truant.
- 210 [~~(13)~~] (19)

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(a) "Valid excuse" means:

- 211 (i) an illness, which may be either mental or physical, regardless of whether the school-age child or  
parent provides documentation from a medical professional;
- 213 (ii) mental or behavioral health of the school-age child;
- 214 (iii) a family death;
- 215 (iv) an approved school activity;
- 216 (v) an absence permitted by a school-age child's:
- 217 (A) individualized education program; or
- 218 (B) Section 504 accommodation plan;
- 219 (vi) competition in a rodeo sanctioned by an international, non-profit organization dedicated to  
the development of sportsmanship, horsemanship, and character in youth through the sport of  
rodeo;
- 222 (vii) an absence permitted in accordance with Subsection 53G-6-803(5); or
- 223 (viii) any other excuse established as valid by a local school board, charter school governing board,  
or school district.

225 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason other than a  
reason described in Subsections [~~(13)(a)(i) through (vii)~~] (19)(a)(i) through (vii), unless specifically  
permitted by the local school board, charter school governing board, or school district under  
Subsection [~~(13)(a)(viii)~~] (19)(a)(viii).

226 Section 3. Section **53G-6-202** is amended to read:

227 **53G-6-202. Compulsory education.**

231 (1) As used in this section:

232 (a) "Intentionally" means the same as that term is defined in Section 76-2-103.

233 (b) "Notice of compulsory education violation" means a notice issued in accordance with Subsections  
(3) and (4).

235 (c) "Remainder of the school year" means the portion of the school year beginning on the day after the  
day on which a notice of compulsory education violation is served and ending on the last day of the  
school year.

238 (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age child shall enroll  
and send the school-age child to a public or regularly established private school.

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(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may only issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is:

245 (a) in grade 1 through 6; and

246 (b) truant at least five times during the school year.

247 (4) A notice of compulsory education violation issued to a parent:

248 (a) shall direct the parent to:

249 (i) meet with school authorities to discuss the school-age child's school attendance problems; and

251 (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;

253 (b) shall designate the school authorities with whom the parent is required to meet;

254 (c) shall state that it is a class B misdemeanor for the parent to intentionally or without good cause:

256 (i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or

258 (ii) fail to prevent the school-age child from being truant five or more times during the remainder of the school year;

260 (d) shall be served on the parent by personal service or certified mail; and

261 (e) may not be issued unless the school-age child has been truant at least five times during the school year.

263 (5) [~~Except during the period between March 17, 2021 and June 1, 2022, it~~] It is a class B misdemeanor for a parent of a school-age child to intentionally or without good cause fail to enroll the school-age child in school, unless the school-age child is exempt from enrollment under Section 53G-6-204 or 53G-6-702.

267 (6) [~~Except during the period between March 17, 2021 and June 1, 2022, it~~] It is a class B misdemeanor for a parent of a school-age child who is in grade 1 through 6 to, after being served with a notice of compulsory education violation, intentionally or without good cause:

271 (a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or

273 (b) fail to prevent the school-age child from being truant five or more times during the remainder of the school year.

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- (7) ~~[Except during the period described in Subsections (5) and (6), a]~~ A local school board, charter school governing board, or ~~[school district]~~ LEA official shall report violations of this section to the appropriate county or district attorney.
- 278 (8) ~~[Except during the period described in Subsections (5) and (6), if]~~ If school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the school-age child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:
- 283 (a) identifying information of the school-age child and the parent who received the notice of compulsory education violation;
- 285 (b) information regarding the longest number of consecutive ~~[school]~~ instructional days the school-age child has been absent or truant from school and the percentage of ~~[school]~~ instructional days the school-age child has been absent or truant during each relevant school term;
- 289 (c) whether the school-age child has made adequate educational progress;
- 290 (d) whether the requirements of Section 53G-6-206 have been met;
- 291 (e) whether the school-age child is two or more years behind the local public school's age group expectations in one or more basic skills; and
- 293 (f) whether the school-age child is receiving special education services or systematic remediation efforts.
- 295 (9) An LEA shall maintain records of each notice of compulsory education violation issued and any resulting referrals and general outcomes.
- 297 ~~[(9) Notwithstanding this section, during the period described in Subsections (5) and (6), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of compulsory education.]~~
- 298 Section 4. Section **53G-6-203** is amended to read:
- 299 **53G-6-203. Truancy -- Notice of truancy -- Failure to cooperate with school authorities.**
- 304 (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is enrolled in a public school shall attend the public school in which the school-age child is enrolled.
- 307 (2) In accordance with Section 53G-8-211, a local school board, charter school governing board, or school district may impose administrative penalties on a school-age child who is:

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- 310 (a) in grade 7 or above, unless the school-age child is less than 12 years old; and  
311 (b) truant.
- 312 (3) ~~[A local school board or charter school]~~ An LEA governing board:
- 313 (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy in accordance with Subsection (4); and
- 316 (b) shall establish a procedure for a school-age child, or the school-age child's parents, to contest a notice of truancy.
- 318 (4) A notice of truancy described in Subsection (3):
- 319 (a) may not be issued until a school-age child has been truant at least five times during the school year;
- 321 (b) may not be issued to a school-age child who is less than 12 years old or in a grade below grade 7;
- 323 (c) may not be issued to a school-age child exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
- 325 (d) shall direct the school-age child who receives the notice of truancy and the parent of the school-age child to:
- 327 (i) meet with school authorities to discuss the school-age child's trancies; and
- 328 (ii) cooperate with the ~~[local school board, charter school]~~ LEA governing board, or school district in securing regular attendance by the school-age child; and
- 330 (e) shall be mailed to, or served on, the school-age child's parent.
- 331 (5)
- ~~[(a) Except as provided in Subsection (5)(b), nothing]~~ Nothing in this part prohibits a local ~~[school board, charter school]~~ governing board[, or ~~[school district]~~ LEA official from taking action to resolve a truancy problem with a school-age child who has been truant fewer than five times, provided that the action does not conflict with the requirements of this part.
- 336 ~~[(b) A local school board, charter school governing board, or school district may not take punitive action to resolve a truancy problem with a school-age child during the period described in Subsection (2).]~~
- 339 (6) An LEA shall maintain records of each notice of truancy issued and any resulting referrals and general outcomes.

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~~[(6) Notwithstanding this section, during the period described in Subsection (2), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of truancy.]~~

342 Section 5. Section **53G-6-206** is amended to read:

343 **53G-6-206. Duties 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.**

349 (1)

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

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

352 (ii) improve attendance;

353 (iii) improve academic outcomes; and

354 (iv) reduce negative behavior referrals.

355 (b) "Intervention" includes:

356 (i) mentorship programs;

357 (ii) family connection to community resources;

358 (iii) academic support through small group or individualized tutoring or similar methods; and

360 (iv) teaching executive function skills, including:

361 (A) planning;

362 (B) goal setting;

363 (C) understanding and following multi-step directions; and

364 (D) self-regulation.

365 (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.

368 (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).

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- 372 (3) The efforts described in Subsection (2) shall include, as reasonably feasible:  
373 (a) counseling of the school-age child by school authorities;  
374 (b)  
(i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or  
376 (ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance  
with Section 53G-6-202;  
378 (c) making any necessary adjustment to the curriculum and schedule to meet special needs of the  
school-age child;  
380 (d) considering alternatives proposed by the school-age child's parent;  
381 (e) incorporating attendance in the school-age child's course score or grade if:  
382 (i) incorporation is determined appropriate through an individualized plan the school-age child's parent  
and teacher develops;  
384 (ii) parental written consent is obtained for the individualized plan; and  
385 (iii) the parent retains the ability to revoke the parent's consent described in Subsection (3)(e)(ii) at any  
time[-] ;  
387 (f) monitoring school attendance of the school-age child;  
388 (g) voluntary participation in truancy mediation, if available; and  
389 (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.  
391 (4) In addition to the efforts described in Subsection (3), the [~~local school board, charter school  
governing board, or school district~~] LEA governing board or LEA official 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.  
396 (5) An LEA shall:  
397 (a) conduct regular reviews of student attendance data to identify students at risk of chronic  
absenteeism;  
399 (b) implement tiered interventions for students with attendance concerns;  
400 (c) notify parents within two instructional days of a student's unexcused absence, including the total  
number for the school year; and  
402 (d) maintain accurate and timely attendance records in the LEA's student information system.  
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406 [(5)] (6) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.

408 [(6)] (7) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 53G-6-210.

409 [(7)] (8) Each LEA shall annually report the following data separately to the state board:

410 (a) absences with a valid excuse; and

411 (b) absences without a valid excuse.

412 Section 6. Section **53G-6-210** is amended to read:

### 413 **53G-6-210. Educational neglect of a minor -- Procedures -- Defenses.**

414 (1) With regard to a minor who is the subject of a petition under Section 80-3-201 based on educational neglect:

415 (a) if allegations include failure of a minor to make adequate educational progress, the juvenile court shall permit demonstration of the minor's educational skills and abilities based upon any of the criteria used in granting school credit, in accordance with Section 53G-6-702;

416 (b) parental refusal to comply with actions taken by school authorities in violation of Section 53G-10-202, 53G-10-205, 53G-10-403, or 53G-10-203, does not constitute educational neglect;

417 (c) parental refusal to support efforts by a school to encourage a minor to act in accordance with any educational objective that focuses on the adoption or expression of a personal philosophy, attitude, or belief that is not reasonably necessary to maintain order and discipline in the school, prevent unreasonable endangerment of persons or property, or to maintain concepts of civility and propriety appropriate to a school setting, does not constitute educational neglect; and

418 (d) an allegation of educational neglect may not be sustained, based solely on a minor's absence from school, unless the minor has~~[-been absent{ } -absences without a valid excuse]-~~ absences without a valid excuse from school or from any given class, that are also without good cause, for more than 10 consecutive ~~[señeol]~~ instructional days or more than 1/10 of the applicable school term.

419 (2) A minor may not be considered to be educationally neglected, for purposes of this chapter:

420 (a) unless there is clear and convincing evidence that:

421 (i) the minor has failed to make adequate educational progress, and school officials have complied with the requirements of Section 53G-6-206; or

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(ii) the minor is two or more years behind the local public school's age group expectations in one or more basic skills, and is not receiving special educational services or systematic remediation efforts designed to correct the problem;

441 (b) if the minor's parent or guardian establishes by a preponderance of the evidence that:

442 (i) school authorities have failed to comply with the requirements of this title;

443 (ii) the minor is being instructed at home in compliance with Section 53G-6-204;

444 (iii) there is documentation that the minor has demonstrated educational progress at a level commensurate with the minor's ability;

446 (iv) the parent, guardian, or other person in control of the minor has made a good faith effort to secure the minor's regular attendance in school;

448 (v) good cause or a valid excuse exists for the minor's absence from school;

449 (vi) the minor is not required to attend school under court order or is exempt under other applicable state or federal law;

451 (vii) the minor has performed above the twenty-fifth percentile of the local public school's age group expectations in all basic skills, as measured by a standardized academic achievement test administered by the school district where the minor resides; or

455 (viii) the parent or guardian presented a reasonable alternative curriculum to required school curriculum, in accordance with Section 53G-10-205 or 53G-10-403, and the alternative curriculum was rejected by the school district, but the parents have implemented the alternative curriculum; or

459 (c) if the minor is attending school on a regular basis.

457 Section 7. Section 7 is enacted to read:

458 **53G-6-213. Data quality and monitoring requirements.**

462 (1) An LEA shall:

463 (a) ensure the LEA's student information system accurately captures and reports student enrollment, attendance, and membership data; and

465 (b) conduct an annual internal audit of attendance data accuracy.

466 (2) The state board shall:

467 (a) establish minimum standards for LEA attendance data quality;

468 (b) conduct periodic audits of LEA attendance data;

469 (c) provide technical assistance to an LEA with data quality issues;

470 (d) publish annual reports on statewide attendance trends and data quality; and

## SB0058S02 compared with SB0058S05

- 471 (e) implement corrective action procedures for an LEA that fails to meet data quality standards.  
473 (3) An LEA that fails to meet state data quality standards shall:  
474 (a) develop and implement a corrective action plan within 60 days and submit the plan to the state  
board;  
476 (b) submit monthly progress reports to the state board until compliance is achieved; and  
477 (c) as the state board determines, be subject to withholding of state funding until compliance is  
demonstrated.  
479 (4) Notwithstanding Subsection (3), an LEA may not be subject to corrective action procedures or  
withholding of state funding under Subsection (3) if the LEA's only failure to meet state data  
quality standards relates to the tracking or reporting of excused absences as described in Subsection  
53G-6-206(8)(a).

480 Section 8. Section 8 is enacted to read:

481 **53G-6-214. LEA accountability measures.**

485 (1) An LEA shall:

- 486 (a) establish written policies and procedures for attendance tracking, intervention, and enforcement that  
comply with state law;  
488 (b) train all relevant staff on attendance policies and procedures annually;  
489 (c) ensure consistent implementation of attendance policies across all schools within the LEA; and  
491 (d) provide clear communication to parents and students regarding attendance expectations and  
consequences.

493 (2) An LEA governing board shall:

- 494 (a) review relevant attendance data;  
495 (b) evaluate the effectiveness of attendance interventions annually;  
496 (c) ensure adequate resources are allocated for attendance monitoring and intervention programs; and  
498 (d) approve any changes to attendance policies in a public meeting.

496 **Section 9. Section 53G-7-203 is amended to read:**

497 **53G-7-203. Kindergartens -- Establishment -- Funding -- Assessment.**

498 (1) Kindergartens are an integral part of the state's public education system.

499 (2)

- (a) Each LEA governing board shall provide kindergarten classes free of charge for kindergarten  
children residing within the district or attending [the] a charter school.

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- 501 (b) Each LEA governing board shall:
- 502 (i) provide a half-day kindergarten option for a student that comprises the minimum standards for half-  
day kindergarten that the state board establishes, in accordance with Subsection (4)(a)(iii), if the  
student's parent requests a half-day option; [~~and~~]
- 505 (ii)
- (A) inform parents of the availability of the option to register for a designated full-curriculum half-  
day kindergarten option at the time of all kindergarten registration, by email, posters, or other  
announcements when a parent requests kindergarten registration; and
- 509 (B) provide the option to register for a designated half-day kindergarten option at the time of  
registration;
- 511 (iii) provide a dedicated kindergarten class specifically designated as a half-day kindergarten class when  
enrollment of half-day kindergarten students at an individual school or a regional school exceeds a  
minimum of 18 students;
- 514 (iv) when enrollment of half-day kindergarten students at an individual school exceeds a minimum  
of 18 students, designate the school as a half-day kindergarten provider for the improvement of  
recruiting teachers that prefer half-day teaching;
- 518 (v) inform parents regarding the additional educational resources and opportunities available to parents  
who select the half-day kindergarten option; and
- 520 (vi) ensure that a half-day kindergarten student who is registered in a class that includes full-day  
kindergarten students receives instruction that at least meets the minimum standards for half-day  
kindergarten that the state board establishes, in accordance with Subsection (4)(a)(iii).
- 524 (c) Nothing in this Subsection (2):
- 525 (i) allows an LEA governing board to require a student to participate in a full-day kindergarten  
program;
- 527 (ii) modifies the non-compulsory status of kindergarten under Chapter 6, Part 2, Compulsory Education;  
or
- 529 (iii) requires a student who only attends a half day of kindergarten to participate in dual enrollment  
under Section 53G-6-702.
- 531 (3) Kindergartens established under Subsection (2) shall receive state money under Title 53F, Public  
Education System -- Funding.
- 533 (4)

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(a) The state board shall:

- 534 (i) develop and collect data from a kindergarten assessment that the board selects by rule;  
536 (ii) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
regarding the administration of and reporting regarding the assessment described in Subsection  
(4)(a)(i); and  
539 (iii) establish minimum standards for half-day kindergarten.

540 (b) An LEA shall:

- 541 (i) administer the assessment described in Subsection (4)(a) to each kindergarten student; and  
543 (ii) report to the state board the results of the assessment described in Subsection (4)(b)(i) in relation to  
each kindergarten student in the LEA.  
545 (5) The state board shall require LEAs to report average daily membership for all kindergarten students  
who attend kindergarten on a schedule that is equivalent in length to the schedule for grades 1  
through 3 with the October 1 data described in Section 53F-2-302.

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

551 [~~(a) beginning with the 2025-2026 school year, require a student to be toilet trained before being  
enrolled in public school;~~]

553 [~~(b) establish requirements for an LEA's enrollment process to include assurances from a parent that the  
parent's student is toilet trained; and]~~]

555 [~~(c) create exemptions from the requirement in Subsection (6)(a) for a student who is not able to  
be toilet trained before enrolling because of a condition that is subject to federal child find  
requirements or described in an IEP or Section 504 accommodation plan.]~~]

559 Section 10. Section **10** is enacted to read:

560 **53G-7-228. Personal care independence standards -- School enrollment.**

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

- 563 (1) beginning with the 2026-2027 school year, require a student to demonstrate personal care  
independence by being toilet trained before being enrolled in a public school;  
565 (2) establish requirements for an LEA's enrollment process to include assurances from a parent that the  
parent's student meets the personal care independence requirements described in Subsection (1); and

568

## SB0058S02 compared with SB0058S05

(3) create exemptions from the requirement in Subsection (1) for a student who is not able to meet personal care independence requirements because of a condition that is subject to federal child find requirements found in Section 20 U.S.C. 1412(a)(3), Individuals with Disabilities Education Act, and 34 C.F.R. Sec. 300.111 or described in an IEP or Section 504 accommodation plan.

499 ~~{Section 9. Section 53G-7-1205 is amended to read: }~~

### 500 **53G-7-1205. Charter trust land councils.**

501 (1) As used in this section, "council" means a charter trust land council described in this section.

503 (2) To receive School LAND Trust Program funding as described in Sections 53F-2-404 and 53G-7-1206, a charter school governing board shall establish a charter trust land council, which shall prepare a plan for the use of School LAND Trust Program money that includes the elements described in Subsection 53G-7-1206(4).

507 (3)

(a) The membership of the council shall include parents or grandparents of students enrolled at the charter school and may include other members.

509 (b) The number of council members who are parents or grandparents of students enrolled at the charter school shall exceed all other members combined by at least two.

512 (4) A charter school governing board may serve as the charter school's council if:

513 (a) the membership of the charter school governing board meets the requirements of Subsection (3)  
(b) ~~[ ] ; or~~

515 (b) notwithstanding Subsection (3)(b), in the charter school's first year of operation, a charter school governing board may serve as the charter school's council.

517 (5)

(a) Except as provided in Subsection (5)(b), council members who are parents or grandparents of students enrolled at the school shall be elected in accordance with procedures established by the charter school governing board.

520 (b) Subsection (5)(a) does not apply to a charter school governing board that serves as a council.

522 (6) A parent or ~~[grandparents]~~ grandparent of a student enrolled at a charter school shall serve as chair ~~[or co-chair]~~ of the charter school's council created consistent with Subsection (5).

525 (7) In accordance with state board rule regarding charter trust land council expenditures and funding limits, a charter trust land council shall:

527

## SB0058S02 compared with SB0058S05

- (a) work with students, families, and educators to develop and incorporate safety principles, as defined in Section 53G-7-1202, at the school; and
- 529 (b) hold at least an annual discussion with charter school administrators to coordinate efforts to develop and incorporate safety principles, as defined in Section 53G-7-1202, at the school level.
- 532 (8) A charter trust land council shall provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.

534 ~~{Section 10. Section 53G-7-1206 is amended to read: }~~

### 535 **53G-7-1206. School LAND Trust Program.**

- 536 (1) As used in this section:
- 537 (a) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
- 539 (b) "Council" means a school community council or a charter trust land council.
- 540 (c) "LAND trust plan" means a school's plan to use School LAND Trust Program money to implement a component of the school's success plan.
- 542 (d) "School community council" means a council established at a district school in accordance with Section 53G-7-1202.
- 544 (e) "Teacher and student success plan" or "success plan" means the same as that term is defined in Section 53G-7-1301.
- 546 (2) This section creates the School LAND (Learning And Nurturing Development) Trust Program under the state board to:
- 548 (a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of a district school or charter school's teacher and student success plan; and
- 551 (b) involve parents of a school's students in decision making regarding the expenditure of School LAND Trust Program money allocated to the school.
- 553 (3) To receive an allocation under Section 53F-2-404:
- 554 (a) a district school shall have established a school community council in accordance with Section 53G-7-1202;
- 556 (b) a charter school shall have established a charter trust land council in accordance with Section 53G-7-1205; and

558

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(c) the school's principal shall provide a signed, written assurance that the school is in compliance with Subsection (3)(a) or (b).

560 (4)

(a) A council shall create a program to use the school's allocation distributed under Section 53F-2-404 to implement a component of the school's success plan, including:

562 (i) the school's identified most critical academic needs;

563 (ii) a recommended action plan to meet the identified academic needs;

564 (iii) a specific listing of any programs, practices, materials, or equipment that the school will need to implement the action plan to have a direct impact on the instruction of students and result in measurable increased student performance; ~~and~~

568 (iv) programs, practices, materials, or equipment specifically designed to address chronic absenteeism, including:

570 (A) school attendance plan development and implementation;

571 (B) academic recovery programs for chronically absent students; and

572 (C) professional development for staff on attendance interventions; and

573 ~~[(iv)]~~ (v) how each proposed expenditure in the action plan will be used to implement a component of the action plan to enhance or improve academic excellence at the school.

576 (b)

(i) A council shall create and vote to adopt a LAND trust plan in a meeting of the council at which a quorum is present.

578 (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan is adopted.

580 (c) A council shall:

581 (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program reporting website; and

583 (ii) include with the LAND trust plan a report noting the number of council members who voted for or against the approval of the LAND trust plan and the number of council members who were absent for the vote.

586 (d)

(i) The local school board of a district school shall approve or disapprove a LAND trust plan.

588 (ii) If a local school board disapproves a LAND trust plan:

589

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- (A) the local school board shall provide a written explanation of why the LAND trust plan was disapproved and request the school community council who submitted the LAND trust plan to revise the LAND trust plan; and
- 592 (B) the school community council shall submit a revised LAND trust plan in response to a local school board's request under Subsection (4)(d)(ii)(A).
- 594 (iii) Once a LAND trust plan has been approved by a local school board, a school community council may amend the LAND trust plan, subject to a majority vote of the school community council and local school board approval.
- 597 (e) A charter trust land council's LAND trust plan is subject to approval by the:
- 598 (i) charter school governing board; and
- 599 (ii) budget officer whom the charter school governing board appoints.
- 600 (5)
- (a) A district school or charter school shall:
- 601 (i) implement the program as approved;
- 602 (ii) provide ongoing support for the council's plan and responsibilities; and
- 603 (iii) meet state board reporting requirements regarding financial and performance accountability of the program.
- 605 (b)
- (i) A district school or charter school shall prepare and post an annual report of the program on the School LAND Trust Program reporting website before the council submits a plan for the following year.
- 608 (ii) The report shall detail the use of program funds received by the school under this section and an assessment of the results obtained from the use of the funds.
- 610 (iii) A summary of the report shall be provided to parents of students who attend the school.
- 612 (6) An LEA shall record the LEA's expenditures of School LAND Trust Program funds through a financial reporting system that the board identifies to assist schools in developing the annual report described in Subsection (5)(b).
- 615 (7) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.
- 618 (8)

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(a) The state board shall provide annual training opportunities to the entities described in Subsection (8) (b) on:

620 (i) the School LAND Trust Program;

621 (ii) the responsibilities and formation of:

622 (A) a school community council consistent with Section 53G-7-1202; or

623 (B) a charter trust land council consistent with Section 53G-7-1205; and

624 (iii) as applicable, council responsibilities as described in Section 53G-7-1203.

625 (b) The state board shall provide the training to:

626 (i) a local school board or a charter school governing board;

627 (ii) a district business administrator or a charter business official;

628 (iii) a school district or a charter school; and

629 (iv) a school community council.

630 (9) The state board shall annually review a school's compliance with applicable law, including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by:

633 (a) reading each School LAND Trust Program plan submitted;

634 (b) reviewing proposed expenditures to be made from School LAND Trust Program money; and

636 (c) conducting an annual compliance review of an LEA using a sample of schools.

637 (10) The superintendent shall calculate and initiate the annual School LAND Trust distribution to schools through the state board's finance system to each LEA as outlined in Section 53F-2-404.

640 (11) The superintendent shall administer the School LAND Trust website to provide transparency and accountability to school communities and the public of School LAND Trust plans, reports, and expenditures of trust distributions.

643 (12) The state board shall designate a staff member who administers the School LAND Trust Program to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section 53D-2-202.

646 ~~{Section 11. Section 53G-7-1304 is amended to read: }~~

647 **53G-7-1304. Program requirements -- LEA governing board student success framework --  
LEA distribution -- School allocation -- Reporting.**

649 (1)

(a) To receive an LEA distribution, an LEA governing board shall:

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- 650 (i) adopt an LEA governing board student success framework to provide guidelines and processes  
for a school within the LEA governing board's LEA to follow in developing a teacher and  
student success plan; and
- 653 (ii) submit the adopted LEA governing board student success framework to the state board.
- 655 (b) An LEA governing board may include in the LEA governing board's student success framework  
any means reasonably designed to improve school performance or student academic achievement,  
including:
- 658 (i) school personnel stipends for taking on additional responsibility outside of a typical work  
assignment;
- 660 (ii) professional learning;
- 661 (iii) additional school employees, including counselors, social workers, mental health workers, tutors,  
media specialists, information technology specialists, or other specialists;
- 664 (iv) technology;
- 665 (v) before- or after-school programs;
- 666 (vi) summer school programs;
- 667 (vii) community support programs or partnerships;
- 668 (viii) early childhood education;
- 669 (ix) class size reduction strategies;
- 670 (x) augmentation of existing programs;
- 671 (xi) programs, practices, materials, or equipment specifically designed to address chronic absenteeism  
as described in Section 53G-7-1206;
- 673 [~~(xi)~~] (xii) the pilot program described in Section 53G-7-1307; or
- 674 [~~(xi)~~] (xiii) other means.
- 675 (c) An LEA governing board student success framework may not support the use of program money:
- 677 (i) to supplant funding for existing public education programs;
- 678 (ii) for district administration costs; or
- 679 (iii) for capital expenditures.
- 680 (2)
- (a) An LEA governing board shall use an LEA distribution as follows:
- 681 (i) for increases to base salary and salary driven benefits for school personnel that, except as  
provided in Subsection (2)(c)(i), total 25% or less of the LEA distribution; and

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- 684 (ii) except as provided in Subsection (2)(b)(ii) and in accordance with Subsection (3), for each  
school within the LEA governing board's LEA, an allocation that is equal to the product of:
- 687 (A) the percentage of the school's prior year average daily membership compared to the total prior year  
average daily membership for all schools in the LEA; and
- 689 (B) the remaining amount of the LEA governing board's LEA distribution after subtracting the amounts  
described in Subsections (2)(a)(i) and (2)(b)(ii).
- 691 (b)
- (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall  
make rules for an LEA governing board to calculate and distribute a school allocation for a school in  
the school's first year of operation.
- 694 (ii) In accordance with Subsection (3) and the rules described in Subsection (2)(b)(i), an LEA governing  
board shall distribute a school allocation for a school in the school's first year of operation.
- 697 (c) Except as provided in Subsection (2)(d), the LEA governing board of a school district may use up to  
40% of an LEA distribution for the purposes described in Subsection (2)(a)(i), if:
- 700 (i) the LEA governing board has:
- 701 (A) approved a board local levy for the maximum amount allowed under Section 53F-8-302; or
- 703 (B) after the LEA governing board has submitted an LEA governing board student success framework  
to the state board, increased the board local levy described in Section 53F-8-302 by at least .0001  
per dollar of taxable value; and
- 706 (ii) the school district's average teacher salary is below the state average teacher salary described in  
Subsection (2)(f).
- 708 (d) The LEA governing board of a school district in a county of the fourth, fifth, or sixth class or  
the LEA governing board of a charter school may use up to 40% of an LEA distribution for the  
purposes described in Subsection (2)(a)(i), if the LEA's average teacher salary is below the state  
average teacher salary described in Subsection (2)(f).
- 712 (e) An LEA governing board shall annually report information as requested by the state board for the  
state board to calculate a state average teacher salary.
- 714 (f) The state board shall use the information described in Subsection (2)(c)(ii) to calculate a state  
average teacher salary amount and a state average teacher benefit amount.
- 717 (3) An LEA governing board shall allocate a school allocation to a school with a teacher and student  
success plan that is approved as described in Section 53G-7-1305.

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- 719 (4)
- (a) Except as provided in Subsection (4)(b), a school shall use a school allocation to implement the school's success plan.
- 721 (b) A school may use up to 5% of the school's school allocation to fund school personnel retention at the principal's discretion, not including uniform salary increases.
- 723 (c) A school may not use a school allocation for:
- 724 (i) capital expenditures; or
- 725 (ii) a purpose that is not supported by the LEA governing board student success framework for the school's LEA.
- 727 (5) A school that receives a school allocation shall annually:
- 728 (a) submit to the school's LEA governing board a description of:
- 729 (i) the budgeted and actual expenditures of the school's school allocation;
- 730 (ii) how the expenditures relate to the school's success plan; and
- 731 (iii) how the school measures the success of the school's participation in the program; and
- 733 (b) post on the school's website:
- 734 (i) the school's approved success plan;
- 735 (ii) a description of the school's school allocation budgeted and actual expenditures and how the expenditures help the school accomplish the school's success plan; and
- 738 (iii) the school's current level of performance, as described in Section 53G-7-1306, according to the indicators described in Section 53E-5-205 or 53E-5-206.
- 740 ~~{Section 12. Section 53G-7-1305 is amended to read: }~~
- 741 **53G-7-1305. Teacher and student success plans -- Plan review and approval.**
- 742 (1)
- (a) The principal of a school shall develop the school's teacher and student success plan:
- 744 (i) in accordance with the LEA governing board student success framework for the school's LEA as described in Section 53G-7-1304;
- 746 (ii) by integrating school-specific goals and criteria for improving the school's performance within the state accountability system; and
- 748 (iii) if the school has a school turnaround plan as defined in Section 53E-5-301, in accordance with the school's school turnaround plan.
- 750 (b) A principal shall solicit input on developing a success plan from:

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- 751 (i) for a district school or charter school:  
752 (A) the school community council, as defined in Section 53G-7-1202; or  
753 (B) the charter trust land council, as described in Section 53G-7-1205;  
754 (ii) school-level educators;  
755 (iii) parents of students at the school; and  
756 (iv) school-level administrators.  
757 (c) A principal may solicit input on developing a success plan from:  
758 (i) students;  
759 (ii) support professionals; or  
760 (iii) other community stakeholders.  
761 (2)  
(a) The principal of a school shall submit a proposed success plan to the school's LEA governing board.  
763 (b) An LEA governing board shall:  
764 (i) annually review each success plan submitted for a school within the LEA governing board's LEA;  
766 (ii) in a regularly scheduled LEA governing board meeting, approve or disapprove each submitted  
success plan; and  
768 (iii) upon disapproval of a success plan:  
769 (A) explain in writing the reason for disapproval;  
770 (B) make recommendations for revision; and  
771 (C) allow the principal who submitted the success plan to resubmit a revised plan for review and  
approval.  
773 (3) An LEA governing board shall make the LEA governing board's best efforts to help a school  
complete the approval process described in Subsection (2) on or before June 30 of each year.  
776 (4) A council, as defined in Section 53G-7-1206, shall select a component of the approved success plan  
for the council's school to address within the council's School LAND Trust Program, in accordance  
with Section 53G-7-1206.

573 Section 11. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

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