

Doug Welton proposes the following substitute bill:

School Attendance Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Welton

Senate Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- permits and establishes requirements for standardizing citizenship grades;
- allows attendance-based grading;
- repeals individualized attendance plans for attendance-based grading;
- creates a test-out option for core classes;
- requires LEA referrals for student welfare checks under specified conditions;
- establishes a citizenship grade scholarship program in higher education funded through voluntary tax return contributions; and
- makes technical changes.

Money Appropriated in this Bill:

None

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

29 **53E-4-209 (Effective 05/06/26)**, Utah Code Annotated 1953
 30 **53G-6-213 (Effective 05/06/26)**, Utah Code Annotated 1953
 31 **53G-6-214 (Effective 05/06/26)**, Utah Code Annotated 1953
 32 **53H-11-416 (Effective 05/06/26)**, Utah Code Annotated 1953
 33 **59-10-1324 (Effective 05/06/26) (Applies beginning 01/01/26)**, Utah Code Annotated
 34 1953

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

37 Section 1. Section **53E-4-208** is enacted to read:

38 **53E-4-208 (Effective 05/06/26). Citizenship grading standards.**

- 39 (1) As used in this section, "citizenship grade" means a grade or evaluation that reflects a
 40 student's demonstration of college and career readiness.
- 41 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 42 state board shall make rules to establish consistent statewide standards for citizenship
 43 grading that:
- 44 (a) define durable skills and skills related to college and career readiness, including:
 45 (i) attendance;
 46 (ii) meeting deadlines;
 47 (iii) class participation and personal engagement; and
 48 (iv) teacher communication;
- 49 (b) establish uniform criteria and methods for assessing citizenship;
 50 (c) provide guidance for an LEA on implementing citizenship grading policies;
 51 (d) ensure alignment with existing civic and character education requirements under
 52 Section 53G-10-204; and
 53 (e) specify how citizenship grades may be recorded and reported on a student's
 54 transcripts.
- 55 (3) Beginning with the 2027-2028 school year, an LEA may adopt a citizenship grading
 56 policy in accordance with the standards established by the state board under this section.
- 57 (4) Beginning with the 2027-2028 school year, an LEA may adopt a citizenship grading
 58 policy.
- 59 (5) To participate in the citizenship scholarship program described in Section 53H-11-416,
 60 an LEA shall adopt the citizenship grading standards established by the state board
 61 under this section, which:
- 62 (a) shall incorporate attendance as a component of the citizenship grade;

- 63 (b) may not apply to students with a valid excuse as that term is used in Section 5
64 3G-6-201;
- 65 (c) shall align with any attendance-based grading policy adopted under Section 53
66 G-6-213; and
- 67 (d) may be implemented in addition to, or as part of, attendance-based grading under
68 Section 53G-6-213.
- 69 (6) An LEA that adopts the citizenship grading standards under Subsection (5) may make
70 minor additions to the standards to address local circumstances.
- 71 Section 2. Section **53E-4-209** is enacted to read:
- 72 **53E-4-209 (Effective 05/06/26). Test-out option for core classes.**
- 73 (1) As used in this section, "core class" means a course in English language arts,
74 mathematics, science, or social studies and other courses required for high school
75 graduation as described in Section 53E-4-204.
- 76 (2) Beginning with the 2027-2028 school year, the state board shall establish statewide
77 test-out options for core classes that allow students in grades 9 through 12 to
78 demonstrate proficiency in the content of a core class without attending or enrolling in
79 the course.
- 80 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
81 state board shall make rules to:
- 82 (a) establish clear academic proficiency standards for each test-out option aligned with
83 the state core standards;
- 84 (b) develop standardized assessments or portfolio-based demonstrations of mastery;
- 85 (c) establish procedures for grading or providing a pass or fail designation for transcript
86 and grade point average purposes;
- 87 (d) create procedures to notify students and parents of test-out opportunities; and
- 88 (e) ensure consistency with graduation standards.
- 89 (4) An LEA shall:
- 90 (a) offer students the statewide test-out options established by the state board under this
91 section; and
- 92 (b) administer the test-out options in accordance with state board rules.
- 93 (5) A student who earns credit through the test-out process is not required to attend the
94 course and is exempt from any attendance-based grading policy under Section
95 53G-6-213.
- 96 (6) If a student enrolls in a core class despite being eligible to test out, the LEA shall

97 require compliance with the course's attendance requirements described in Section
 98 53G-6-213 as part of the student's grade.

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

100 **53G-6-206 (Effective 05/06/26). of a local school board, charter school governing**
 101 **board, or school district in promoting regular attendance -- Parental involvement --**
 102 **Liability not imposed -- Report to state board.**

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

- 105 (i) create a trusting relationship between teachers, students, and parents;
- 106 (ii) improve attendance;
- 107 (iii) improve academic outcomes; and
- 108 (iv) reduce negative behavior referrals.

109 (b) "Intervention" includes:

- 110 (i) mentorship programs;
- 111 (ii) family connection to community resources;
- 112 (iii) academic support through small group or individualized tutoring or similar
 113 methods; and
- 114 (iv) teaching executive function skills, including:
 - 115 (A) planning;
 - 116 (B) goal setting;
 - 117 (C) understanding and following multi-step directions; and
 - 118 (D) self-regulation.

119 (2)(a) Subject to Subsection (2)(b), an LEA shall make efforts to promote regular
 120 attendance and resolve school absenteeism and truancy issues for each school-age
 121 child who is, or should be, enrolled in the LEA.

122 (b) A school-age child exempt from school attendance under Section 53G-6-204 or
 123 53G-6-702, or a school-age child who is enrolled in a regularly established private
 124 school or part-time school, is not considered to be a school-age child who is or
 125 should be enrolled in a school district or charter school under Subsection (2)(a).

126 (3) The efforts described in Subsection (2) shall include, as reasonably feasible:

- 127 (a) counseling of the school-age child by school authorities;
- 128 (b)(i) issuing a notice of truancy to the school-age child in accordance with Section
 129 53G-6-203; or
- 130 (ii) issuing a notice of compulsory education violation to the school-age child's parent

- 131 in accordance with Section 53G-6-202;
- 132 (c) making any necessary adjustment to the curriculum and schedule to meet special
133 needs of the school-age child;
- 134 (d) considering alternatives proposed by the school-age child's parent;
- 135 (e) incorporating attendance in the school-age child's course score or grade [~~if:~~] as
136 described in Section 53G-6-213;
- 137 [~~(i) incorporation is determined appropriate through an individualized plan the~~
138 ~~school-age child's parent and teacher develops;~~]
- 139 [~~(ii) parental written consent is obtained for the individualized plan; and]~~
- 140 [~~(iii) the parent retains the ability to revoke the parent's consent described in~~
141 ~~Subsection (3)(e)(ii) at any time.]~~
- 142 (f) monitoring school attendance of the school-age child;
- 143 (g) voluntary participation in truancy mediation, if available; and
- 144 (h) providing the school-age child's parent, upon request, with a list of resources
145 available to assist the parent in resolving the school-age child's attendance problems.
- 146 (4) In addition to the efforts described in Subsection (3), the local school board, charter
147 school governing board, or school district may enlist the assistance of community and
148 law enforcement agencies and organizations for early intervention services as
149 appropriate and reasonably feasible in accordance with Section 53G-8-211.
- 150 (5) This section does not impose civil liability on boards of education, local school boards,
151 charter school governing boards, school districts, or their employees.
- 152 (6) Proceedings initiated under this part do not obligate or preclude action by the Division
153 of Child and Family Services under Section 53G-6-210.
- 154 (7) [~~Each-~~] An LEA shall annually report the following data separately to the state board:
- 155 (a) absences with a valid excuse; and
- 156 (b) absences without a valid excuse.
- 157 Section 4. Section **53G-6-213** is enacted to read:
- 158 **53G-6-213 (Effective 05/06/26). Attendance-based grading.**
- 159 (1) A teacher may include up to 10% of a student's final grade in a course in grades 7
160 through 12 based on the student's attendance in the class.
- 161 (2) An LEA may adopt a policy that permits attendance to account for more than 10% but
162 not more than 20% of a student's final grade for a course in grades 7 through 12.
- 163 (3) If an LEA adopts a policy for a course under Subsection (2), the LEA shall ensure the
164 LEA's policy:

- 165 (a) shall be publicly posted and available to parents and students, including through the
 166 parent portal described in Section 53G-6-806;
 167 (b) shall specify which courses the policy applies to and the percentage of the final grade
 168 that attendance will comprise, which may not exceed 20%;
 169 (c) may permit valid excused absences, as defined in Section 53G-6-201, to be excluded
 170 from attendance-based grade calculations; and
 171 (d) should establish reasonable limits on the number of valid excused absences that may
 172 be excluded from attendance-based grade calculations to ensure accountability for
 173 class participation while accommodating student needs.

- 174 (4) If an LEA permits students to earn credit through a test-out option under Section
 175 53G-6-214, the LEA may require students who decline to test out and instead enroll in
 176 the course to comply with any attendance-based grading policy adopted under this
 177 section.

178 Section 5. Section **53G-6-214** is enacted to read:

179 **53G-6-214 (Effective 05/06/26). Student welfare check referrals -- Unknown**
 180 **whereabouts.**

- 181 (1) If a student has been absent for 10 or more consecutive school days and all of the
 182 following conditions are met, an LEA shall conduct a welfare check:
 183 (a) the student's parent has failed to notify the school of the student's absence;
 184 (b) the student's parent has not filed a home school affidavit under Section 53G-6-204;
 185 (c) the student's parent has not provided notice of unenrollment to the LEA;
 186 (d) the student's parent has failed to respond to repeated communications from the
 187 school, including communications through email, telephone, text message, postal
 188 mail, or other reasonable methods; and
 189 (e) one of the following is true:
 190 (i) the LEA has not received a request for student records from another educational
 191 entity; or
 192 (ii) there is no record of the student being enrolled in another LEA.
 193 (2) An LEA shall assign a school administrator or designee to conduct an initial welfare
 194 check described in Subsection (1) to verify the student's safety and well-being.
 195 (3) If the initial welfare check under Subsection (2) does not resolve concerns about the
 196 student's safety or well-being, or if the school administrator or designee is unable to
 197 make contact with the student or the student's parent, the LEA may make a referral to:
 198 (a) local law enforcement; or

- 199 (b) the Division of Child and Family Services.
- 200 (4) This section does not preclude or obligate any other action under this part or Title 80,
- 201 Chapter 3, Abuse, Neglect, and Dependency Proceedings.
- 202 Section 6. Section **53G-6-806** is amended to read:
- 203 **53G-6-806 (Effective 05/06/26). Parent portal.**
- 204 (1) As used in this section:
- 205 (a) "Parent portal" means the posting the state board is required to provide under this
- 206 section.
- 207 (b) "School" means a public elementary or secondary school, including a charter school.
- 208 (2)(a) The state board shall post information that allows a parent of a student enrolled in
- 209 a school to:
- 210 (i) access an LEA's policies required by Sections 53G-6-213, 53G-9-203, and
- 211 53G-9-605;
- 212 (ii) be informed of resources and steps to follow when a student has been the subject,
- 213 perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or
- 214 abusive conduct such as:
- 215 (A) resources for the student, including short-term mental health services;
- 216 (B) options for the student to make changes to the student's educational
- 217 environment;
- 218 (C) options for alternative school enrollment;
- 219 (D) options for differentiated start or stop times;
- 220 (E) options for differentiated exit and entrance locations; and
- 221 (F) the designated employee for an LEA who addresses incidents of bullying,
- 222 cyber-bullying, hazing, retaliation, and abusive conduct;
- 223 (iii) be informed of the steps and resources for filing a grievance with a school or
- 224 LEA regarding bullying, cyber-bullying, hazing, or retaliation;
- 225 (iv) be informed of the steps and resources for seeking accommodations under the
- 226 Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;
- 227 (v) be informed of the steps and resources for seeking accommodations under state or
- 228 federal law regarding religious accommodations;
- 229 (vi) be informed of the steps and resources for filing a grievance for an alleged
- 230 violation of state or federal law, including:
- 231 (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;
- 232 (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;

- 233 (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and
 234 (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec.
 235 12131-12165;
- 236 (vii) receive information about constitutional rights and freedoms afforded to families
 237 in public education;
- 238 (viii) be informed of how to access an internal audit hotline if established by the state
 239 board; and
- 240 (ix) be informed of services for military families.
- 241 (b) In addition to the information required under Subsection (2)(a), the state board:
 242 (i) shall include in the parent portal:
 243 (A) the comparison tool created under Section 53G-6-805;
 244 (B) school level safety data, including data points described in Section 53E-3-516;
 245 and
 246 (C) a link to the public safety portal described in Section 63A-16-1002; and
 247 (ii) may include in the parent portal other information that the state board determines
 248 is helpful to parents.
- 249 (3)(a) The state board shall post the parent portal at a location that is easily located by a
 250 parent.
- 251 (b) The state board shall update the parent portal at least annually.
- 252 (c) In accordance with state and federal law, the state board may collaborate with a
 253 third-party to provide safety data visualization in comparison to other states' data.
- 254 (4) An LEA shall annually notify each of the following of how to access the parent portal:
 255 (a) a parent of a student; and
 256 (b) a teacher, principal, or other professional staff within the LEA.
- 257 Section 7. Section **53H-11-416** is enacted to read:
- 258 **53H-11-416 (Effective 05/06/26). Citizenship scholarship program.**
- 259 (1) As used in this section:
 260 (a) "Citizenship grade" means the same as that term is defined in Section 53E-4-208.
 261 (b) "Fund" means the Citizenship Scholarship Fund created in Section 59-10-1324.
- 262 (2) The board shall:
 263 (a) collect citizenship grade and attendance data from an LEA as necessary to administer
 264 this section;
 265 (b) establish scholarship eligibility criteria that:
 266 (i) includes demonstrated exemplary citizenship as reflected in citizenship grades

- 267 awarded under Section 53E-4-208;
- 268 (ii) includes student attendance records as a component of eligibility; and
- 269 (iii) prioritizes students who have demonstrated sustained exemplary citizenship
- 270 throughout high school;
- 271 (c) distribute scholarship funds to eligible students attending an institution within the
- 272 state system of higher education; and
- 273 (d) upon request, report to the Higher Education Appropriations Subcommittee on the
- 274 program's administration and outcomes.
- 275 (3) Upon receiving funds from the State Tax Commission in accordance with Section
- 276 59-10-1324, the board shall distribute scholarships in accordance with the eligibility
- 277 criteria and procedures established under this section.
- 278 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 279 board shall make rules to:
- 280 (a) establish detailed scholarship eligibility criteria;
- 281 (b) define the weight and consideration given to citizenship grades and attendance
- 282 records;
- 283 (c) establish application procedures and deadlines;
- 284 (d) determine scholarship award amounts; and
- 285 (e) establish any other provisions necessary to administer this section.

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

287 **59-10-1304 (Effective 05/06/26) (Applies beginning 01/01/26). Removal of**

288 **designation and prohibitions on collection for certain contributions on income tax return**

289 **-- Conditions for removal and prohibitions on collection -- Commission publication**

290 **requirements.**

- 291 (1)(a) If a contribution or combination of contributions described in Subsection (1)(b)
- 292 generate less than \$30,000 per year for three consecutive years, the commission shall
- 293 remove the designation for the contribution from the individual income tax return and
- 294 may not collect the contribution from a resident or nonresident individual beginning
- 295 two taxable years after the three-year period for which the contribution generates less
- 296 than \$30,000 per year.
- 297 (b) The following contributions apply to Subsection (1)(a):
- 298 (i) the contribution provided for in Section 59-10-1306;
- 299 (ii) the sum of the contributions provided for in Subsection 59-10-1307(1);
- 300 (iii) the contribution provided for in Section 59-10-1308;

- 301 (iv) the contribution provided for in Section 59-10-1319;
- 302 (v) the contribution provided for in Section 59-10-1320;
- 303 (vi) the contribution provided for in Section 59-10-1321;
- 304 (vii) the contribution provided for in Section 59-10-1322; ~~or~~
- 305 (viii) the contribution provided for in Section 59-10-1323~~[-]~~ ; or
- 306 (ix) the contribution provided for in Section 59-10-1324.
- 307 (2) If the commission removes the designation for a contribution under Subsection (1), the
- 308 commission shall report to the Revenue and Taxation Interim Committee by electronic
- 309 means that the commission removed the designation on or before the November interim
- 310 meeting of the year in which the commission determines to remove the designation.
- 311 (3)(a) Within a 30-day period after the day on which the commission makes the report
- 312 required by Subsection (2), the commission shall publish a list in accordance with
- 313 Subsection (3)(b) stating each contribution that the commission will remove from the
- 314 individual income tax return.
- 315 (b) The list shall:
- 316 (i) be published on:
- 317 (A) the commission's website; and
- 318 (B) the public legal notice website in accordance with Section 45-1-101;
- 319 (ii) include a statement that the commission:
- 320 (A) is required to remove the contribution from the individual income tax return;
- 321 and
- 322 (B) may not collect the contribution;
- 323 (iii) state the taxable year for which the removal described in Subsection (3)(a) takes
- 324 effect; and
- 325 (iv) remain available for viewing and searching until the commission publishes a new
- 326 list in accordance with this Subsection (3).

327 Section 9. Section **59-10-1324** is enacted to read:

328 **59-10-1324 (Effective 05/06/26) (Applies beginning 01/01/26). Contribution to the**

329 **Citizenship Scholarship Fund.**

- 330 (1)(a) There is created an expendable special revenue fund known as the "Citizenship
- 331 Scholarship Fund."
- 332 (b) The fund shall consist of all amounts deposited into the fund in accordance with
- 333 Subsection (2).
- 334 (2) Except as provided in Section 59-10-1304, a resident or nonresident individual who

- 335 files an income tax return under this chapter may designate on the resident or
336 nonresident individual's income tax return a contribution to be:
337 (a) deposited into the Citizenship Scholarship Fund; and
338 (b) expended as provided in Subsection (3).
339 (3)(a) Each year, the commission shall:
340 (i) disburse from the Citizenship Scholarship Fund all money deposited into the fund
341 since the last disbursement; and
342 (ii) transfer the money to the Utah Board of Higher Education for distribution to
343 students in accordance with Section 53H-11-416.
344 (b) The commission shall complete the transfer of funds to the Utah Board of Higher
345 Education by August 15 of each year.

346 **Section 10. Effective Date.**

347 This bill takes effect on May 6, 2026.

348 **Section 11. Retrospective operation.**

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

- 351 (1) Section 59-10-1304 (Effective 05/06/26) (Applies beginning 01/01/26); and
352 (2) Section 59-10-1324 (Effective 05/06/26) (Applies beginning 01/01/26).