

Doug Welton proposes the following substitute bill:

School Attendance Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Welton

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- permits and establishes requirements for standardizing citizenship grades;
- allows parents to opt out of citizenship grading;
- allows attendance-based grading;
- repeals individualized attendance plans for attendance-based grading;
- creates a test-out option for core classes;
- 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

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

53G-6-213 (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 53E-4-208 is enacted to read:

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

- (1) As used in this section, "citizenship grade" means a grade or evaluation that reflects a student's demonstration of college and career readiness.
- (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) develop state-specific definitions for durable skills and skills related to college and career readiness, including:
 - (i) attendance;
 - (ii) meeting deadlines;
 - (iii) class participation and personal engagement; and
 - (iv) teacher communication;
 - (b) establish uniform criteria and methods for assessing citizenship;
 - (c) provide guidance for an LEA on implementing citizenship grading policies; and
 - (d) specify how citizenship grades may be recorded and reported on a student's transcripts.
- (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.
- (4) In accordance with this section, to participate in the citizenship scholarship program described in Section 53H-11-416, an LEA shall adopt citizenship grading policies.
- (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).
- (6)(a) A parent of a student enrolled in an LEA that has adopted citizenship grading policies under this section may request that the student opt out of receiving a citizenship grade.
 - (b) An LEA shall:

- (i) annually notify parents of students of the option to opt out of citizenship grading under this Subsection (6);
- (ii) establish a procedure for a parent to submit a request to opt out under Subsection (6)(a); and
- (iii) ensure that a student who opts out of citizenship grading under this Subsection (6) receives a grade in a course based solely on the student's demonstration of academic content mastery.
- (iv) A student who opts out of citizenship grading under this Subsection (6) is not eligible for the citizenship scholarship program described in Section 53H-11-416.

Section 2. Section 53E-4-209 is enacted to read:

53E-4-209 (Effective 05/06/26). Test-out option for core classes.

- (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.
- (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 9 through 12 to demonstrate proficiency in the content of a core class without attending or enrolling in the course.
- (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, the LEA shall require compliance with 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). 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.

(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;
- (iii) academic support through small group or individualized tutoring or similar methods; and
- (iv) teaching executive function skills, including:
 - (A) planning;
 - (B) goal setting;
 - (C) understanding and following multi-step directions; and
 - (D) self-regulation.

(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.

(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).

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

- (a) counseling of the school-age child by school authorities;
- (b)(i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or

- (ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance with Section 53G-6-202;
- (c) making any necessary adjustment to the curriculum and schedule to meet special needs of the school-age child;
- (d) considering alternatives proposed by the school-age child's parent;
- (e) incorporating attendance in the school-age child's course score or grade [if:] as described in Section 53G-6-213;
- ~~[(i) incorporation is determined appropriate through an individualized plan the school-age child's parent and teacher develops;]~~
- ~~[(ii) parental written consent is obtained for the individualized plan; and]~~
- ~~[(iii) the parent retains the ability to revoke the parent's consent described in Subsection (3)(e)(ii) at any time.]~~
- (f) monitoring school attendance of the school-age child;
- (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 **53G-6-213** 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.
- (2) An LEA may adopt a policy that permits attendance to account for more than 10% but not more than 20% of a student's final grade for a course in grades 7 through 12.
- (3) If an LEA adopts a policy for a course under Subsection (2), the LEA shall ensure the

LEA's policy shall:

(a) be publicly posted and available to parents and students, including through the parent portal described in Section 53G-6-806;

(b) specify which courses the policy applies to and the percentage of the final grade that attendance will comprise, which may not exceed 20%;

(c) permit valid excused absences, as defined in Section 53G-6-201, to be excluded from attendance-based grade calculations; and

(d) 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.

(4) If an LEA permits students to earn credit through a test-out option under Section 53E-4-209, the LEA 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 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;

- 199 (iii) be informed of the steps and resources for filing a grievance with a school or
200 LEA regarding bullying, cyber-bullying, hazing, or retaliation;
- 201 (iv) be informed of the steps and resources for seeking accommodations under the
202 Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;
- 203 (v) be informed of the steps and resources for seeking accommodations under state or
204 federal law regarding religious accommodations;
- 205 (vi) be informed of the steps and resources for filing a grievance for an alleged
206 violation of state or federal law, including:
- 207 (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;
208 (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;
209 (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and
210 (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec.
211 12131-12165;
- 212 (vii) receive information about constitutional rights and freedoms afforded to families
213 in public education;
- 214 (viii) be informed of how to access an internal audit hotline if established by the state
215 board; and
- 216 (ix) be informed of services for military families.
- 217 (b) In addition to the information required under Subsection (2)(a), the state board:
- 218 (i) shall include in the parent portal:
- 219 (A) the comparison tool created under Section 53G-6-805;
220 (B) school level safety data, including data points described in Section 53E-3-516;
221 and
222 (C) a link to the public safety portal described in Section 63A-16-1002; and
- 223 (ii) may include in the parent portal other information that the state board determines
224 is helpful to parents.
- 225 (3)(a) The state board shall post the parent portal at a location that is easily located by a
226 parent.
- 227 (b) The state board shall update the parent portal at least annually.
- 228 (c) In accordance with state and federal law, the state board may collaborate with a
229 third-party to provide safety data visualization in comparison to other states' data.
- 230 (4) An LEA shall annually notify each of the following of how to access the parent portal:
- 231 (a) a parent of a student; and
232 (b) a teacher, principal, or other professional staff within the LEA.

Section 6. Section 53H-11-416 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;

(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 7. 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;
- (vii) the contribution provided for in Section 59-10-1322;~~[-or]~~
- (viii) the contribution provided for in Section 59-10-1323~~[-]~~ ; or
- ~~(ix) the contribution provided for in Section 59-10-1324.~~

(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.

(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.

(b) The list shall:

(i) be published on:

- (A) the commission's website; and
- (B) the public legal notice website in accordance with Section 45-1-101;

(ii) include a statement that the commission:

- (A) is required to remove the contribution from the individual income tax return;
- and

(B) may not collect the contribution;

(iii) state the taxable year for which the removal described in Subsection (3)(a) takes effect; and

(iv) remain available for viewing and searching until the commission publishes a new list in accordance with this Subsection (3).

Section 8. Section **59-10-1324** is enacted to read:

59-10-1324 (Effective 05/06/26) (Applies beginning 01/01/26). Contribution to the Citizenship Scholarship Fund.

(1)(a) There is created an expendable special revenue fund known as the "Citizenship Scholarship Fund."

(b) The fund shall consist of all amounts deposited into the fund in accordance with Subsection (2).

(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:

(a) deposited into the Citizenship Scholarship Fund; and

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

(3)(a) Each year, the commission shall:

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

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

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

Section 9. Effective Date.

This bill takes effect on May 6, 2026.

Section 10. Retrospective operation.

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

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

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