

Representative Lawanna Shurtliff proposes the following substitute bill:

KINDERGARTEN ATTENDANCE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lawanna Shurtliff

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the age at which school enrollment is required to include kindergarten-age children.

Highlighted Provisions:

This bill:

- ▶ defines terms to amend the age at which school enrollment is required to include kindergarten-age children; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

53G-6-201, as last amended by Laws of Utah 2019, Chapter 293

Utah Code Sections Affected by Coordination Clause:

53G-6-201, as last amended by Laws of Utah 2019, Chapter 293

53G-6-202, as last amended by Laws of Utah 2019, Chapter 293



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

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

53G-6-201. Definitions.

For purposes of this part:

(1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.

(b) A school-age minor may not be considered absent under this part more than one time during one day.

(2) "Habitual truant" means a school-age minor who:

(a) is at least 12 years old;

(b) is subject to the requirements of Section 53G-6-202; and

(c) (i) is truant at least 10 times during one school year; or

(ii) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section [53G-6-206](#).

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

(4) "Parent" includes:

(a) a custodial parent of the minor;

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

(c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (4)(a) or (b).

~~[(5) "School-age minor" means a minor who:]~~

~~[(a) is at least six years old, but younger than 18 years old; and]~~

~~[(b) is not emancipated.]~~

~~[(6)]~~ (5) "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 minor:

(a) is enrolled; or

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

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

(a) is at least five years old before September 2 of the relevant school year or otherwise eligible to enroll in kindergarten, but younger than 18 years old; and

- 57 **(b) is not emancipated.**
- 58 (7) "Truant" means absent without a valid excuse.
- 59 (8) "Truant minor" means a school-age minor who:
- 60 (a) is subject to the requirements of Section 53G-6-202 or [53G-6-203](#); and
- 61 (b) is truant.
- 62 (9) "Valid excuse" means:
- 63 (a) an illness, which may be either mental or physical;
- 64 (b) a family death;
- 65 (c) an approved school activity;
- 66 (d) an absence permitted by a school-age minor's:
- 67 (i) individualized education program, developed pursuant to the Individuals with
- 68 Disabilities Education Improvement Act of 2004, as amended; or
- 69 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act
- 70 of 1973, as amended; or
- 71 (e) any other excuse established as valid by a local school board, charter school
- 72 governing board, or school district.

73 Section 2. **Coordinating H.B. 241 with H.B. 14 -- Substantive and technical**
74 **amendments.**

75 If this H.B. 241 and H.B. 14, School Absenteeism and Truancy Amendments, both pass
76 and become law, it is the intent of the Legislature that the office of Legislative Research and
77 General Counsel shall prepare the Utah Code database for publication as follows:

78 (1) except as provided in Subsection (2), the amendments to Section [53G-6-201](#) in
79 H.B. 14 supersede the amendments to Section [53G-6-201](#) in this bill;

80 (2) Subsection [53G-6-201](#)(6) regarding the definition of "school-age child" is amended
81 to read:

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

83 (a) is at least five years old before September 2 of the relevant school year or otherwise
84 eligible to enroll in kindergarten, but younger than 18 years old; and

85 (b) is not emancipated.";

86 (3) Subsection 53G-6-202(3) shall be amended to read:

87 "(3) A school administrator, a designee of a school administrator, a law enforcement

88 officer acting as a school resource officer, or a truancy specialist may only issue a notice of
89 compulsory education violation to a parent of a school-age child if the school-age child is:

90 (a) in kindergarten through grade 6; and

91 (b) [~~absent without a valid excuse~~] truant at least five times during the school year.";

92 and

93 (4) Subsection 53G-6-202(6) shall be amended to read:

94 "(6) It is a class B misdemeanor for a parent of a school-age child who is in
95 kindergarten through grade 6 to, after being served with a notice of compulsory education
96 violation [~~in accordance with Subsections (3) and (4)~~], intentionally or [~~recklessly~~] without
97 good cause:

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

100 (b) fail to prevent the school-age child from being [~~absent without a valid excuse~~]
101 truant five or more times during the remainder of the school year."