

**MENTAL HEALTH DAYS FOR STUDENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Winder**

Senate Sponsor: Lincoln Fillmore

Cosponsors:	Steve Eliason	Jordan D. Teuscher
Melissa G. Ballard	Craig Hall	
Kera Birkeland	Suzanne Harrison	

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**LONG TITLE**

**General Description:**

This bill adds mental or behavioral health as a valid excuse for a school absence.

**Highlighted Provisions:**

This bill:

- ▶ adds mental or behavioral health as a valid excuse for a school absence; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53G-6-201**, as last amended by Laws of Utah 2020, Chapter 20

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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.**

As used in this part:

29 (1) (a) "Absence" or "absent" means the failure of a school-age child assigned to a class  
30 or class period to attend a class or class period.

31 (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence  
32 for the sake of a truancy.

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

34 (3) "Parent" includes:

35 (a) a custodial parent of the minor;

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

37 (c) any other person purporting to exercise any authority over the minor which could be  
38 exercised by a person described in Subsection (3)(a) or (b).

39 (4) "School day" means the portion of a day that school is in session in which a  
40 school-age child is required to be in school for purposes of receiving instruction.

41 (5) "School year" means the period of time designated by a local school board or  
42 charter school governing board as the school year for the school where the school-age child:

43 (a) is enrolled; or

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

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

46 (a) is at least six years old but younger than 18 years old; and

47 (b) is not emancipated.

48 (7) (a) "Truant" means a condition in which a school-age child, without a valid excuse,  
49 and subject to Subsection (7)(b), is absent for at least:

50 (i) half of the school day; or

51 (ii) if the school-age child is enrolled in a learner verified program, as that term is  
52 defined by the state board, the relevant amount of time under the LEA's policy regarding the  
53 LEA's continuing enrollment measure as it relates to truancy.

54 (b) A school-age child may not be considered truant under this part more than one time  
55 during one day.

56 (8) "Truant minor" means a school-age child who:

57 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and  
58 (b) is truant.  
59 (9) (a) "Valid excuse" means:  
60 (i) an illness, which may be either mental or physical;  
61 (ii) mental or behavioral health of the school-age child;  
62 [~~(ii)~~] (iii) a family death;  
63 [~~(iii)~~] (iv) an approved school activity;  
64 [~~(iv)~~] (v) an absence permitted by a school-age child's:  
65 (A) individualized education program; or  
66 (B) Section 504 accommodation plan;  
67 [~~(v)~~] (vi) an absence permitted in accordance with Subsection 53G-6-803(5); or  
68 [~~(vi)~~] (vii) any other excuse established as valid by a local school board, charter school  
69 governing board, or school district.  
70 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason  
71 other than a reason described in Subsections (9)(a)(i) through (vi), unless specifically permitted  
72 by the local school board, charter school governing board, or school district under Subsection  
73 (9)(a)(vi).