

MENTAL HEALTH DAYS FOR STUDENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Lincoln Fillmore

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

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:

(1) (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.



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

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

31 (3) "Parent" includes:

32 (a) a custodial parent of the minor;

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

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

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

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

40 (a) is enrolled; or

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

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

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

44 (b) is not emancipated.

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

47 (i) half of the school day; or

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

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

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

54 (a) is subject to the requirements of Section [53G-6-202](#) or [53G-6-203](#); and

55 (b) is truant.

56 (9) (a) "Valid excuse" means:

57 (i) an illness, which may be either mental or physical;

58 (ii) mental or behavioral health of the school-age child;

- 59 [~~(ii)~~] (iii) a family death;
- 60 [~~(iii)~~] (iv) an approved school activity;
- 61 [~~(iv)~~] (v) an absence permitted by a school-age child's:
- 62 (A) individualized education program; or
- 63 (B) Section 504 accommodation plan;
- 64 [~~(v)~~] (vi) an absence permitted in accordance with Subsection [53G-6-803\(5\)](#); or
- 65 [~~(vi)~~] (vii) any other excuse established as valid by a local school board, charter school
- 66 governing board, or school district.

67 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason
68 other than a reason described in Subsections (9)(a)(i) through (vi), unless specifically permitted
69 by the local school board, charter school governing board, or school district under Subsection
70 (9)(a)(vi).