

28 80-5-401, as renumbered and amended by Laws of Utah 2021, Chapter 261

29 ENACTS:

30 53G-9-804, Utah Code Annotated 1953

31 53G-11-306, Utah Code Annotated 1953



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

34 Section 1. Section 53G-6-206 is amended to read:

35 **53G-6-206. Duties of a local school board, charter school governing board, or**
36 **school district in promoting regular attendance -- Parental involvement -- Evidence-based**
37 **supports -- Liability not imposed -- Report to state board.**

38 (1) (a) Subject to Subsection (1)(b), a local school board, charter school governing
39 board, or school district shall make efforts to ~~[resolve the school attendance problems of]~~
40 promote regular attendance and resolve school absenteeism and truancy issues for each
41 school-age child who is, or should be, enrolled in the school district or charter school.

42 (b) A school-age child exempt from school attendance under Section 53G-6-204 or
43 53G-6-702 is not considered to be a school-age child who is or should be enrolled in a school
44 district or charter school under Subsection (1)(a).

45 (2) The efforts described in Subsection (1) shall include, as reasonably feasible:

46 (a) counseling of the school-age child by school authorities;

47 (b) (i) issuing a notice of truancy to the school-age child in accordance with Section
48 53G-6-203; or

49 (ii) issuing a notice of compulsory education violation to the school-age child's parent
50 in accordance with Section 53G-6-202;

51 (c) making any necessary adjustment to the curriculum and schedule to meet special
52 needs of the school-age child;

53 (d) considering alternatives proposed by the school-age child's parent;

54 (e) monitoring school attendance of the school-age child;

55 (f) voluntary participation in truancy mediation, if available; ~~[and]~~

56 (g) providing the school-age child's parent, upon request, with a list of resources
57 available to assist the parent in resolving the school-age child's attendance problems~~[-]; and~~

58 (h) providing ~~H~~→ [an evidence-based] a ←~~H~~ system of supports that:

59 ~~Ĥ→ [(i) is structured in tiers, with each tier addressing teaming, accurate data collection and~~
 60 ~~analysis, and systematic action; and]~~

60a (i) is evidence-based as defined in Section 53G-11-303;

60b (ii) integrates multiple tiers that provide increasingly intensive interventions for students at
 60c risk for or experiencing chronic absenteeism; and ←Ĥ

61 ~~Ĥ→ [(iii)]~~ (iii) ←Ĥ includes dropout or chronic absenteeism interventions that seek to
 61a determine

62 underlying causes of a child's attendance issues and provides specific supports and contact for
 63 the child.

64 (3) In addition to the efforts described in Subsection (2), the local school board, charter
 65 school governing board, or school district may enlist the assistance of community and law
 66 enforcement agencies and organizations for early intervention services as appropriate and
 67 reasonably feasible in accordance with Section 53G-8-211.

68 (4) This section does not impose civil liability on boards of education, local school
 69 boards, charter school governing boards, school districts, or their employees.

70 (5) Proceedings initiated under this part do not obligate or preclude action by the
 71 Division of Child and Family Services under Section 53G-6-210.

72 (6) Each LEA shall annually report the following data separately to the state board:

73 (a) absences with a valid excuse; and

74 (b) absences without a valid excuse.

74a ~~Ĥ→~~ (7) The state board shall make rules in accordance with Title 53G, Chapter 3, Utah
 74b Administrative Rulemaking Act, to define the tiers of intervention and supports described in
 74c Subsection (2)(h)(ii) which shall:

74d (a) be developed to:

74e (i) maximize student achievement;

74f (ii) reduce behavior problems; and

74g (iii) increase long-term success; and

74h (b) in higher tiers of intervention and support, provide targeted interventions that increase
 74i structure, support, and feedback to address current attendance deficits experienced by
 74j students. ←Ĥ

75 Section 2. Section 53G-9-802 is amended to read:

76 **53G-9-802. Dropout prevention and recovery -- Flexible enrollment options --**
 77 **Contracting -- Reporting.**

78 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and

121 Part 5, Statewide Online Education Program.

122 (c) An LEA shall make the LEA's best effort to accommodate a designated student's
123 choice of enrollment under Subsection (2)(b).

124 (3) Beginning with the 2017-18 school year and except as provided in Subsection (5),
125 an LEA shall provide the dropout prevention and recovery services described in Subsection
126 (1)(a), for any school year in which the LEA meets the following criteria:

127 (a) the LEA's graduation rate is lower than the statewide graduation rate; and

128 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the
129 previous three school years; or

130 (ii) during the previous calendar year, at least 10% of the LEA's designated students
131 have not:

132 (A) reached the students' attainment goals; or

133 (B) made a year's worth of progress toward the students' attainment goals.

134 (4) To provide the dropout and recovery services described in Subsection (1)(a), an
135 LEA ~~may~~ shall do at least one of the following:

136 (a) contract with a third party; ~~or~~

137 (b) use another evidence-based program; or

138 ~~(b)~~ (c) create ~~H~~→ [f] a [f] an evidence-informed ~~←H~~ dropout prevention and recovery
138a services

139 plan ~~H~~→ **that is evidence-informed as defined in Section 53G-11-303** ~~←H~~ .

140 (5) An LEA is not subject to the requirement described in Subsection (3) if:

141 (a) the LEA is in the LEA's first three years of operation;

142 (b) the LEA's average graduation rate for the previous three years is higher than the
143 average statewide graduation rate for the previous three years;

144 (c) the LEA is a special school as that term is used in 34 C.F.R. 300.115; or

145 (d) the quotient of the total number of an LEA's graduating students plus 10, divided by
146 the total number of students in an LEA's graduating class, is equal to or greater than the
147 statewide graduation rate.

148 (6) If an LEA described in Subsection (3) contracts with a third party, the LEA shall
149 ensure that:

150 (a) a third party with whom the LEA enters into a contract under Subsection (4) has a
151 demonstrated record of effectiveness engaging with and recovering designated students; and