

Representative Dan N. Johnson proposes the following substitute bill:

1 **SCHOOL ABSENTEEISM AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Dan N. Johnson**

5 Senate Sponsor: Ann Millner

6 Cosponsors: Karen M. Peterson

7 Cheryl K. Acton Ryan D. Wilcox

8
9 **LONG TITLE**

10 **General Description:**

11 This bill enacts provisions relating to school absenteeism and student behavior.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ directs local education agencies to include certain evidence-based strategies for
- 15 children as part of their efforts to reduce student absenteeism;
- 16 ▶ requires local education agencies to provide professional learning opportunities for
- 17 educators to have the tools to address student behavior;
- 18 ▶ enacts new duties for the State Board of Education with respect to addressing
- 19 chronic absenteeism prevention and intervention; and
- 20 ▶ amends the responsibilities of the Division of Juvenile Justice and Youth Services
- 21 to require the use of evidence-informed and research-informed interventions.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**



25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53G-6-206**, as last amended by Laws of Utah 2021, Chapter 262

29 **53G-9-802**, as last amended by Laws of Utah 2022, Chapter 337

30 **80-5-401**, as renumbered and amended by Laws of Utah 2021, Chapter 261

31 ENACTS:

32 **53G-9-804**, Utah Code Annotated 1953

33 **53G-11-306**, Utah Code Annotated 1953



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

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

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

40 (1) (a) As used in this section, "intervention" means a series of non-punitive and
41 increasingly frequent and individualized activities that are designed to:

42 (i) create a trusting relationship between teachers, students, and parents;

43 (ii) improve attendance;

44 (iii) improve academic outcomes; and

45 (iv) reduce negative behavior referrals.

46 (b) "Intervention" includes:

47 (i) mentorship programs;

48 (ii) family connection to community resources;

49 (iii) academic support through small group or individualized tutoring or similar
50 methods; and

51 (iv) teaching executive function skills, including:

52 (A) planning;

53 (B) goal setting;

54 (C) understanding and following multi-step directions; and

55 (D) self-regulation.

56 ~~[(1)]~~ (2) (a) Subject to Subsection ~~[(1)(b)]~~ (2)(b), a local school board, charter school
 57 governing board, or school district shall make efforts to ~~[resolve the school attendance~~
 58 ~~problems of]~~ promote regular attendance and resolve school absenteeism and truancy issues for
 59 each school-age child who is, or should be, enrolled in the school district or charter school.

60 (b) A school-age child exempt from school attendance under Section 53G-6-204 or
 61 53G-6-702, or a school-age child who is enrolled in a regularly established private school or
 62 part-time school, is not considered to be a school-age child who is or should be enrolled in a
 63 school district or charter school under Subsection ~~[(1)(a)]~~ (2)(a).

64 ~~[(2)]~~ (3) The efforts described in Subsection ~~[(1)]~~ (2) shall include, as reasonably
 65 feasible:

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

67 (b) (i) issuing a notice of truancy to the school-age child in accordance with Section
 68 53G-6-203; or

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

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

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

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

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

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

78 (h) providing a system of supports that:

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

80 (ii) integrates multiple tiers that provide increasingly intensive interventions for
 81 students at risk for or experiencing chronic absenteeism; and

82 (iii) includes dropout or chronic absenteeism interventions that seek to determine
 83 underlying causes of a child's attendance issues and provides specific supports and contact for
 84 the child.

85 ~~[(3)]~~ (4) In addition to the efforts described in Subsection ~~[(2)]~~ (3), the local school
 86 board, charter school governing board, or school district may enlist the assistance of

87 community and law enforcement agencies and organizations for early intervention services as
88 appropriate and reasonably feasible in accordance with Section 53G-8-211.

89 [~~4~~] (5) This section does not impose civil liability on boards of education, local
90 school boards, charter school governing boards, school districts, or their employees.

91 [~~5~~] (6) Proceedings initiated under this part do not obligate or preclude action by the
92 Division of Child and Family Services under Section 53G-6-210.

93 [~~6~~] (7) Each LEA shall annually report the following data separately to the state
94 board:

95 (a) absences with a valid excuse; and

96 (b) absences without a valid excuse.

97 (8) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
98 Administrative Rulemaking Act, to define the tiers of intervention and supports described in
99 Subsection (3)(h)(ii) which shall:

100 (a) be developed to:

101 (i) maximize student achievement;

102 (ii) reduce behavior problems; and

103 (iii) increase long-term success; and

104 (b) in higher tiers of intervention and support, provide targeted interventions that
105 increase structure, support, and feedback to address current attendance deficits experienced by
106 students.

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

108 **53G-9-802. Dropout prevention and recovery -- Flexible enrollment options --**

109 **Contracting -- Reporting.**

110 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and
111 recovery services to a designated student, including:

112 (i) engaging with or attempting to recover a designated student;

113 (ii) developing a learning plan, in consultation with a designated student, to identify:

114 (A) barriers to regular school attendance and achievement;

115 (B) an attainment goal; and

116 (C) a means for achieving the attainment goal through enrollment in one or more of the
117 programs described in Subsection (2);

- 118 (iii) monitoring a designated student's progress toward reaching the designated
119 student's attainment goal; and
- 120 (iv) providing tiered interventions for a designated student who is not making progress
121 toward reaching the student's attainment goal.
- 122 (b) An LEA shall provide the dropout prevention and recovery services described in
123 Subsection (1)(a):
- 124 (i) throughout the calendar year; and
- 125 (ii) except as provided in Subsection (1)(c)(i), for each designated student who
126 becomes a designated student while enrolled in the LEA.
- 127 (c) (i) A designated student's school district of residence shall provide dropout recovery
128 services if the designated student:
- 129 (A) was enrolled in a charter school that does not include grade 12; and
- 130 (B) becomes a designated student in the summer after the student completes academic
131 instruction at the charter school through the maximum grade level the charter school is eligible
132 to serve under the charter school's charter agreement as described in Section [53G-5-303](#).
- 133 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include
134 grade 12 shall notify each of the charter school's student's district of residence, as determined
135 under Section [53G-6-302](#), when the student completes academic instruction at the charter
136 school as described in Subsection (1)(c)(i)(B).
- 137 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,
138 contact information, and student identification number.
- 139 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:
- 140 (i) are tailored to the designated student's learning plan developed under Subsection
141 (1)(a)(ii); and
- 142 (ii) include two or more of the following:
- 143 (A) enrollment in the LEA in a traditional program;
- 144 (B) enrollment in the LEA in a nontraditional program;
- 145 (C) enrollment in a program offered by a private provider that has entered into a
146 contract with the LEA to provide educational services; or
- 147 (D) enrollment in a program offered by another LEA.
- 148 (b) A designated student may enroll in:

- 149 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this
150 public education code, rules established by the state board, and policies established by the
151 LEA; or
- 152 (ii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4,
153 Part 5, Statewide Online Education Program.
- 154 (c) An LEA shall make the LEA's best effort to accommodate a designated student's
155 choice of enrollment under Subsection (2)(b).
- 156 (3) Beginning with the 2017-18 school year and except as provided in Subsection (5),
157 an LEA shall provide the dropout prevention and recovery services described in Subsection
158 (1)(a), for any school year in which the LEA meets the following criteria:
- 159 (a) the LEA's graduation rate is lower than the statewide graduation rate; and
- 160 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the
161 previous three school years; or
- 162 (ii) during the previous calendar year, at least 10% of the LEA's designated students
163 have not:
- 164 (A) reached the students' attainment goals; or
- 165 (B) made a year's worth of progress toward the students' attainment goals.
- 166 (4) To provide the dropout and recovery services described in Subsection (1)(a), an
167 LEA ~~[may]~~ shall do at least one of the following:
- 168 (a) contract with a third party; ~~[or]~~
- 169 (b) use another program that is evidence-based as defined in Section [53G-11-303](#); or
- 170 ~~[(b)]~~ (c) create a dropout prevention and recovery services plan that is
171 evidence-informed as defined in Section [53G-11-303](#).
- 172 (5) An LEA is not subject to the requirement described in Subsection (3) if:
- 173 (a) the LEA is in the LEA's first three years of operation;
- 174 (b) the LEA's average graduation rate for the previous three years is higher than the
175 average statewide graduation rate for the previous three years;
- 176 (c) the LEA is a special school as that term is used in 34 C.F.R. 300.115; or
- 177 (d) the quotient of the total number of an LEA's graduating students plus 10, divided by
178 the total number of students in an LEA's graduating class, is equal to or greater than the
179 statewide graduation rate.

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

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

184 (b) a contract with a third party requires the third party to:

185 (i) provide the services described in Subsection (1)(a); and

186 (ii) regularly report progress to the LEA.

187 (7) An LEA shall annually submit a report to the state board on dropout prevention and
188 recovery services provided under this section, including:

189 (a) the methods the LEA or third party uses to engage with or attempt to recover
190 designated students under Subsection (1)(a)(i);

191 (b) the number of designated students who enroll in a program described in Subsection
192 (2) as a result of the efforts described in Subsection (7)(a);

193 (c) the number of designated students who reach the designated students' attainment
194 goals identified under Subsection (1)(a)(ii)(B); and

195 (d) funding allocated to provide dropout prevention and recovery services.

196 (8) The state board shall:

197 (a) ensure that an LEA described in Subsection (3) contracts with a third party or
198 creates a dropout prevention and recovery services plan to provide dropout prevention and
199 recovery services in accordance with Subsections (3), (4), and (6); and

200 (b) report on the provisions of this section in accordance with Section [53E-1-203](#),
201 including a summary of the reports submitted under Subsection (7).

202 Section 3. Section **53G-9-804** is enacted to read:

203 **53G-9-804. Duties of the State Board of Education.**

204 (1) The state board shall:

205 (a) adopt rules that require a local school board or charter school governing board to
206 enact chronic absenteeism prevention and intervention policies that shall:

207 (i) include provisions that reflect the individual school district's or charter school's
208 unique needs or circumstances; and

209 (ii) adopt evidence or research informed absenteeism and dropout prevention
210 interventions;

211 (b) support, train, and inform LEAs regarding evidence-informed or research-based
212 models to reduce dropout and chronic absenteeism;

213 (c) provide guidance to LEAs on interventions and supports available from the
214 Division of Juvenile Justice and Youth Services; and

215 (d) provide other technical assistance to LEAs around analysis of attendance data.

216 (2) The rules described in Subsection (1) may require a local school board or charter
217 school governing board to publicize the policies enacted by the local school board or charter
218 school governing board in accordance with the rules described in Subsection (1) through school
219 websites, handbooks, letters to parents, or other reasonable means of communication.

220 (3) The state board may consult with appropriate stakeholders, including:

221 (a) parents;

222 (b) youth;

223 (c) LEAs;

224 (d) human services agencies; or

225 (e) others as the state board develops, enacts, and administers the rules described in
226 Subsection (1).

227 Section 4. Section **53G-11-306** is enacted to read:

228 **53G-11-306. Training to address student behavior.**

229 An LEA shall provide ongoing professional learning, coaching, and mentoring
230 opportunities for educators on student behavior, including classroom management, and ensure
231 that educators have the tools necessary to:

232 (1) differentiate student needs regarding behavior in the classroom; and

233 (2) facilitate student learning in alignment with the Least Restrictive Behavioral
234 Interventions framework.

235 Section 5. Section **80-5-401** is amended to read:

236 **80-5-401. Youth services for prevention and early intervention -- Program**
237 **standards -- Program services.**

238 (1) The division shall establish and operate prevention and early intervention youth
239 services programs which shall include evidence-informed and research-informed interventions
240 to:

241 (a) help youth and families avoid entry into the juvenile justice system; and

242 (b) improve attendance and academic achievement.

243 (2) The division shall adopt statewide policies and procedures, including minimum
244 standards for the organization and operation of youth services programs.

245 (3) The division shall establish housing, programs, and procedures to ensure that
246 minors who are receiving services under this section and who are not committed to the division
247 are served separately from minors who are committed to the division.

248 (4) The division may enter into contracts with state and local governmental entities and
249 private providers to provide the youth services.

250 (5) The division shall establish and administer juvenile receiving centers and other
251 programs to provide temporary custody, care, risk-needs assessments, evaluations, and control
252 for nonadjudicated and adjudicated minors placed with the division.

253 (6) The division shall prioritize use of evidence-based juvenile justice programs and
254 practices.