

UTAH'S NEW COMPULSORY ATTENDANCE LAWS

August 1, 2007

Dear Parents/Guardians and Students,

In an effort to increase student attendance and parent/guardian accountability, the Utah Legislature passed some new legislation during the 2007 Session in the form of House Bill 207. HB 207, "School Truancy and Compulsory Education," contains some new language and laws in regards to compulsory education, truancy, and consequences for excessive student truancy and parent/guardian responsibility in getting their children to school.

One important aspect of the new law that parents and students need to understand is the following: "What constitutes a *valid excuse* for being absent from school?" As listed on the next page, *Definition # 1* clearly explains and identifies what a *valid excuse* is. With this in mind, absences due to hunting, shopping, babysitting, skiing, working, skipping (sluffing) school, etc., are not *valid excuses* for being absent from school. When this occurs, a student is *truant* as explained in *Definition # 2* and *# 3*.

A second important aspect of the new law is that parents/guardians and students will be held to a higher standard of accountability for excessive truancy. The consequences for a student's excessive truancy (5 or more during the school year) are explained on the next page under the following three categories: *Notice of Compulsory Education Violation*, *Notice of Truancy*, and *Habitual Truant Citation*.

The Legislature's intent and purpose of these new laws is to improve student attendance and to establish that being in school is and should be an important priority. A parent and student's responsibility, honesty, and integrity will become an integral part of these new attendance laws.

These new laws will also be included in the District's current Attendance Policy JE. The information listed on the next page is a snapshot of these new laws and regulations that South Sanpete School District will be implementing for the 2007-08 school year in accordance to recent legislation.

If you should have questions concerning these new laws, you are welcome to refer to the references listed below or speak directly to school or District administration.

Thank you,

Don Hill, Superintendent

References to Utah's Compulsory Attendance Laws:

House Bill 207 "School Truancy and Compulsory Education"

Utah Code 53A-11-(101, 101.3, 101.5, 101.7, 102, 103, 104, and 105)

Utah Administrative Rule R277-438 and 607

New Compulsory Attendance Laws

Definitions:

1. "Excused Absence or Valid Excuse" means an absence resulting from:
 - 1) an illness;
 - 2) a death of a family member or close friend;
 - 3) a documented medical appointment;
 - 4) a family emergency;
 - 5) an approved school activity;
 - 6) a pre-approved family activity or travel, consistent with District policy;
In determining whether to pre-approve a family activity or travel as a valid excuse, the district shall approve the absence if the District determines that the absence will not adversely impact the student's education; or
 - 7) other absences may be considered as "valid excuses" as determined by the school.
2. "Truant" is an absence without a valid excuse or an excused absence.
Therefore, a student is considered "truant" when he or she is absent from school without a valid excuse.
3. "Habitual Truant" is a student, 12 years of age or older, who fails to cooperate with efforts on the part of designated school authorities to resolve the student's attendance problem(s) and/or has been absent without a "valid excuse" for ten (10) or more times during the school year.

Notice of Compulsory Education Violation (Utah Code 53A-11-101.5)

A designated school administrator may issue a "Notice of Compulsory Education Violation" to a parent/guardian of a student, who is between six (6) and thirteen (13) years of age, if the student is truant (absent without a valid excuse) at least five (5) times during the school year. This "Compulsory Education Notice" shall include the following:

- 1) Direct the parent/guardian to meet with a designated school administrator to discuss the student's attendance problem and cooperate with the District to secure regular attendance by the student.
- 2) State that it is a Class B misdemeanor for the student's parent to intentionally or recklessly fail to meet with the school administration to discuss the student's attendance problems (or) to fail to prevent the student from being truant an additional five (5) more times during the remainder of the school year.

Notice of Truancy (Utah Code 53-A-11-101.7)

A designated school administrator may issue a "Notice of Truancy" to a student, twelve (12) years of age or older, who has been truant (absent without a *valid excuse*) five (5) times during the school year. This "Notice of Truancy" shall include the following:

- 1) Direct the student and his/her parents/guardian to meet with a designated school administrator and cooperate with the school in securing regular attendance.
- 2) Establish a procedure for the student and/or parent to appeal the absences which have resulted in the "Notice of Truancy."

Habitual Truant Citation (Utah Code 53-A-11-101.7)

A designated school administrator may issue a "Habitual Truant Citation" to a student, twelve (12) years of age or older, who has been absent without a *valid excuse* for ten (10) or more times during one school year. This Citation will be issued only after reasonable efforts have been made by the school to resolve the school attendance problems.

After issuing an "Habitual Truant Citation," the school shall then refer the habitual truant to juvenile court. The habitual truant is then subject to the jurisdiction of the juvenile court.