

## **Admissions and Attendance: Compulsory Education**

### **Definitions—**

1. “Excused Absence or Valid Excuse” means:
    - a. an absence resulting from:
      - i. illness;
      - ii. death of family member;
      - iii. an approved school activity; or
      - iv. any other reason established by the district as valid.
        1. In determining whether to pre-approve an extended absence of a student 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.
    - b. An absence for attendance at a scheduled family event or a scheduled proactive visit to a health care provider if the parent or guardian submits a written statement at least one school day before the scheduled absence and if the student agrees to make up course work for the missed days according to District or school policy. (See Policy GCE section "Parent rights regarding student absences".)
    - c. an absence permitted by a student’s:
      - i. individualized education program, developed pursuant to the Individuals with Disabilities Education Improvement Act; or
      - ii. accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act.
- [Utah Code § 53A-11-101\(9\) \(2007\)](#)  
[Utah Code § 53A-11-101.3 \(2007\)](#)  
[Utah Code § 53A-15-1403\(5\) \(2015\)](#)
2. “Home School” means a school comprised of one or more students officially excused from compulsory public school attendance under this policy and [Utah Code § 53A-11-102](#).  
[Utah Admin. Rules R277-438-1 \(Nov. 10, 2008\)](#)
  3. “Private School” means a school satisfying the following criteria:

- a. maintained by private individuals or entities;
- b. maintained and operated not at public expense;
- c. generally supported, in part at least, by tuition fee or charges;
- d. operated as a substitute for, and giving the equivalent of, instruction required in public schools;
- e. employs teachers able to provide the same quality of education as public school teachers;
- f. established to operate indefinitely and independently, not dependent upon the age of the students available or upon individual family situations; and
- g. licensed as a business by the Utah Department of Business Regulations.

[Utah Admin. Rules R277-438-1 \(Nov. 10, 2008\)](#)

4. "Truant" means absent without a valid excuse or excused absence.

[Utah Code § 53A-11-101\(7\) \(2007\)](#)

### **Notice of Compulsory Education Attendance Laws—**

Prior to or no later than school registration, the parent or legal guardian of each student in grades 1-12 shall be provided written notice from the school or district informing the parents or legal guardians of Compulsory Education attendance laws, discipline or consequences progress; and opportunities to appeal disciplinary measures.

[Utah Admin. Rules R277-607-4 \(Nov. 10, 2008\)](#)

### **Compulsory Education—**

The parent or legal guardian of a student who is at least six (6) years of age and not more than eighteen (18) years of age, shall enroll and send his or her school-age minor to a public or regularly established private school during the school year of the district in which the student resides, unless exempted as indicated below. Attendance shall be in District schools or in some other district to which the student may legally be transferred, or in a regularly established private school. It is a class B misdemeanor for a parent or legal guardian, after being served with a notice of compulsory education violation, to fail to enroll a school-age minor in school, unless exempted as indicated below. The District shall report violations of this policy to the appropriate city, county, or district attorney.

[Utah Code § 53A-11-101.5 \(2012\)](#)

### **Exemptions—**

Students who meet one or more of the following conditions to the satisfaction of the Board shall be exempt from compulsory attendance requirements and shall be

given a certificate, issued by the Board, stating that the minor is excused from attendance during the time specified on the certificate:

1. A minor over age sixteen (16) may receive a partial release from school to enter employment, or to attend a trade school, if the minor has completed the eighth grade. Minors receiving this exemption must still attend school part-time as required by the Board or home school part time as permitted in 2.e. below.
2. On an annual basis, a school-age minor under eighteen (18) years of age may receive a full release from attending a public, regularly established private or part-time school or class if one of the following is established to the Board's satisfaction:
  - a. The minor has already completed the work required for graduation from high school or has demonstrated mastery of the skills and competencies required for graduation from high school in accordance with Utah Code Ann. § 53A-15-102(1).
  - b. The minor is in a physical or mental condition, certified by a competent physician if required by the Board, which renders attendance inexpedient and impracticable.
  - c. Proper influences and adequate opportunities for education are provided in connection with the minor's employment.
  - d. The Superintendent determines that the minor, if over age sixteen (16), is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.
  - e. The minor's parent files a signed and notarized affidavit with the minor's school district of residence that the minor will attend a home school and that the parent assumes sole responsibility for the education of the school-age minor except to the extent that the minor is dual-enrolled in a public school. A minor receiving a partial release in order to enter employment under item (1) above may be excused from attending required part-time school to attend home school part time.
    - i. A parent of a minor who attends a home school is solely responsible for:
      1. the selection of instructional materials and textbooks;
      2. the time, place, and method of instruction, and
      3. the evaluation of the home school instruction.
    - ii. A local school board may not:

1. require a parent of a minor who attends a home school to maintain records of instruction or attendance;
  2. require credentials for individuals providing home school instruction;
  3. inspect home school facilities; or
  4. require standardized or other testing of home school students.
- iii. Upon request of a parent, the District shall identify the knowledge, skills, and competencies a student is recommended to achieve by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.

[Utah Code § 53A-11-102 \(2014\)](#)

#### **Certificate of Exemption from Public School Attendance—**

When the Board excuses a minor from public school attendance pursuant to an exemption other than for home schooling, the Board shall issue a certificate stating that the minor is excused from attendance during the time specified on the certificate. When the Board excuses a minor from attendance under the home school exemption, the Board shall annually issue a certificate excusing the minor from attendance for the specified school year. The certificate shall be issued within 30 days after the initial receipt of the parent or guardian's signed and notarized affidavit filed by the minor's parent pursuant to Subsection (2)(e). The Board shall issue additional certificates on or before August 1 of each year thereafter unless (1) the minor enrolls in a District school, (2) the parent or guardian notifies the District that the minor no longer attends a home school, or (3) the parent or guardian notifies the District that the minor's district of residence has changed.

[Utah Code § 53A-11-102 \(2014\)](#)

#### **School Efforts to Resolve Attendance Problems—**

Parent(s) of all students in grades 1-12 shall be provided written notice from the school or district informing parents of Compulsory Education attendance laws and encouraging parental cooperation.

1. A student registering in the school district during the school year may be provided written notice explaining the school and school district's compulsory education policy.
2. A student moving from one school to another within the same district may be provided written notice explaining the school and school district's compulsory education policy.

[Utah Admin. Rules R277-607-4 \(Oct. 10, 2007\)](#)

The District shall make reasonable efforts to resolve the school attendance problems of its students, including the following, as deemed reasonably feasible by the Board or its designee in individual cases:

1. counseling of the student by school authorities;
2. issuing a Notice of Truancy;
3. issuing a habitual truant citation;
4. adjusting the curriculum and schedule if determined necessary to meet special needs of the student;
5. considering alternatives proposed by the parent or legal guardian;
6. monitoring school attendance of the student;
7. voluntarily participating in truancy mediation, if available;
8. providing the student's parent or legal guardian, upon request, a list of resources available to assist the parent or legal guardian in resolving the student's attendance problems; and
9. enlisting the assistance of community and law enforcement agencies as appropriate.

This policy and related statute do not impose any civil liability on the school district or its employees.

[Utah Code § 53A-11-103 \(2012\)](#)

#### **Notice of Compulsory Education Violation—**

A school administrator, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a student, who is at least six (6) years old but under the age of fourteen (14), if the student is truant at least five (5) times during the school year.

The notice of compulsory education violation shall:

1. direct the student's parent or legal guardian to meet with designated school authorities to discuss the student's attendance problems and cooperate with the District to secure regular attendance by the student.
2. specify the school authorities with whom the parent is required to meet.
3. state that it is a class B misdemeanor for the student's parent or legal guardian to intentionally or recklessly fail to meet with the designated school authorities to discuss the student's attendance problems or fail to prevent the student from being truant an additional five (5) or more times during the remainder of the school year.
4. be served on the student's parent or legal guardian by personal service or certified mail.

The District shall report violations of this policy to the appropriate city, county, or district attorney.

[Utah Code § 53A-11-101.5 \(2012\)](#)

### **Notice of Truancy—**

A student is truant who is absent from school without a valid excuse. The District may authorize school administrators, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy to any student who is at least twelve (12) years of age and has been truant at least five (5) times during the school year.

The notice of truancy shall:

1. Identify each of the five (5) or more dates when the student was truant.
2. Direct the student and his or her parent or legal guardian to meet with the designated school authorities and cooperate with the school in securing regular attendance by the student;
3. Allow for contesting the notice of truancy. If the student and/or his or her parent or legal guardian desires to contest the notice of truancy, the parent or legal guardian must meet with the principal or the principal's designee to voice any concerns about the accuracy of the notice of truancy. If the parent or legal guardian cannot meet with the principal or the principal's designee, he or she can submit a written review to the principal outlining the concerns about the accuracy of the notice of truancy. After reviewing the concerns, the principal shall make a determination to either revise or affirm each of the dates when the student was allegedly truant. The principal's determination is final. The principal shall notify the parent or legal guardian of the determination. If the principal affirms the notice of truancy, the principal shall direct the parent or legal guardian to follow step 2 outlined above.
4. Be mailed to, or served on, the student's parent or legal guardian.

[Utah Code § 53A-11-101.7 \(2014\)](#)

### **Habitual Truant Citation—**

A "habitual truant" is a student, twelve (12) years of age or older, who fails to cooperate with efforts on the part of school authorities to resolve the student's attendance problem as outlined above and/or has been absent without valid excuse ten (10) or more times during one school year. A habitual truant citation may be issued by a designated school administrator, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or truancy specialist to a habitual truant after reasonable efforts have been made by the school to resolve the school attendance problems of the student, as outlined above, and these efforts have not been successful. However, a habitual truant citation may not be issued to

a student who is at least 16 years old and has at least a 3.5 cumulative grade point average.

After issuing a habitual truant citation, the school shall refer the habitual truant to juvenile court. The habitual truant is subject to the jurisdiction of the juvenile court.

[Utah Code § 53A-11-101.7\(5\) \(2014\)](#)  
[Utah Admin. Rules R277-607-4 \(Oct. 10, 2007\)](#)

### **Other Actions to Resolve Attendance Problems—**

Nothing in the Notice of Truancy policy or Habitual Truant Citation policy shall prohibit a school from taking action to resolve a student's attendance problems prior to five (5) absences without valid excuses, providing the action does not conflict with the requirements of these policies.

[Utah Code § 53A-11-101.7 \(2014\)](#)

### **Truancy Specialist—**

The Board may appoint and determine compensation for a truancy specialist to assist in enforcing laws related to school attendance, and to perform other duties prescribed by law or the Board.

[Utah Code § 53A-11-104 \(2007\)](#)

### **Duties and Powers—**

The truancy specialist may:

1. Investigate all cases of unexcused absences from school.
2. Enforce provisions of the compulsory attendance law.
3. Keep written records of all cases of any kind investigated by the truancy specialist in the discharge of his or her duties.
4. Follow and assist the school in the designation of habitually truant students pursuant to Policy FBD.

### **Custody—**

The truancy specialist or a school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

[Utah Code § 53A-11-105\(1\) \(2008\)](#)

If the truancy specialist or a school administrator takes a child into custody, the truancy specialist or administrator shall, without unnecessary delay, release the child to one of the following:

1. The Principal of the child's school.
2. Any person designated by the Board to receive the child and return him or her to school.

3. A designated receiving center of the District.

[Utah Code § 53A-11-105\(2\) \(2008\)](#)

If the child refuses to return to school or to go to the receiving center, the officer or administrator shall, without unnecessary delay, notify the child's parents, guardian or custodian and release the child to their custody. If the parents, guardian or custodian cannot be reached or are unable or unwilling to accept custody, the child shall be referred to the Division of Child and Family Services.

[Utah Code § 53A-11-105\(3\), \(4\) \(2008\)](#)