

# Davis School District Policy and Procedures

**Subject: 5S-101 School Attendance and Truancy Intervention**

**Index: Student Services – *Student Conduct and Discipline***

**Revised**~~DRAFT~~: **August 4, 2020** April 27, 2021 (HB81, HB116, and SB219)

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## 1. PURPOSE AND PHILOSOPHY

To empower all students to function effectively in the society in which they live, the Board of Education of the Davis School District (Board) promotes and encourages regular school attendance of all students and implementation of appropriate interventions when students are truant. Accordingly, the District expects parents and students to fully comply with the State's compulsory attendance law.

## 2. SCHOOL ATTENDANCE PRINCIPLES

Frequent absences of students from regular classroom learning experiences disrupt the continuity of the instructional process. The Board supports the following school attendance principles:

- 2.1. The entire process of education requires regularity of instruction;
- 2.2. The goal of achieving maximum educational benefits requires regular attendance, classroom participation, and study;
- 2.3. It is reasonable to consider a student's class participation in evaluating student progress;
- 2.4. Regular interaction between students in the classroom and student participation in well-planned instructional activities under the direction of a competent teacher are essential to the learning experience;
- 2.5. The Board recognizes that Utah law requires parents to ensure the attendance of their school age children in school; and
- 2.6. It is reasonable to expect school administrators to encourage a parent ~~or legal guardian~~ to comply with Utah attendance laws to ensure regular student attendance and punctuality.

## 3. SCHOOL ATTENDANCE PROCEDURES

**Each school shall establish attendance procedures to help parents and students with their responsibility for regular school attendance. Secondary schools shall incorporate attendance procedures as part of the School Level Citizenship Procedures required by 4I-004 Citizenship Credit. Attendance Procedures shall include, but are not limited to, the following:**

### 3.1. School Staff Promotion of Good Attendance by:

- 3.1.1. Setting a proper example of promptness and regular attendance;
- 3.1.2. Encouraging student attendance through teaching methods which motivate student involvement and participation in the learning process;
- 3.1.3. Conducting periodic discussions centered on the value of punctuality and the relationship between good attendance habits and future career goals;
- 3.1.4. Counseling with a parent ~~or legal guardian~~ and student when a student's absences are interfering with a successful classroom experience; and
- 3.1.5. Expecting students to attend school every day and arrive promptly.

### 3.2. Accounting and Definitions

- 3.2.1. Teachers shall conduct a minimum of two attendance checks each school day at the elementary level and a minimum of one check each period, each school day at the secondary level.

3.2.2. When marking a student's attendance, the following definitions shall apply:

- [a] **"Absence"** means the failure of a school-age child assigned to a class or class period at attend a class or class period.
- [b] **"Unexcused absence"** means an absence charged to a student when the student was not physically present in the assigned class or class period at any of the times attendance checks were made and the student's absence could not be accounted for by evidence of a valid excuse in accordance with this policy or the school's attendance procedures.
- [c] **"Excused absence"** means a student's absence from school which has been verified by a parent/~~guardian~~ or school administrator in accordance with school level procedures and is for a reason identified by state law or District policy as valid including:
  - (i)        illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
  - ~~(i)~~(ii)        mental or behavioral health of the school-age child;
  - ~~(ii)~~(iii)        a scheduled family event if the parent/~~guardian~~ submits a written statement at least one school day before the scheduled absence;
  - ~~(iii)~~(iv)        medical appointment;
  - ~~(iv)~~(v)        family emergency;
  - ~~(v)~~(vi)        death of family member or close friend;
  - ~~(vi)~~(vii)        preapproved extended absences in compliance with Section 3.4; and
  - ~~(vii)~~(viii)        approved school activity.

Excused absence does not mean a parent acknowledgement of an absence for a reason other than a reason described in [c] above.

Although an absence may be identified as "excused", the student is responsible to make up course work for the days missed in accordance with the school level procedures.

### 3.3. **Parent ~~or Legal Guardian~~ Notification**

3.3.1. Absence. The school shall make reasonable attempts to notify a custodial parent ~~or legal guardian~~ of student absences.

3.3.2. Injury or Illness. The school shall notify the custodial parent and, if requested in writing by a non-custodial parent, make reasonable efforts to notify the non-custodial parent, of a student who is injured or becomes ill at school during the regular school day if:

- [a] the injury or illness requires treatment at a hospital, doctor's office, or other medical facility not located on the school premises;
- [b] the school has received a current telephone number for the party it is required to notify or make reasonable efforts to notify; and
- [c] the non-custodial parent is not under a court order restricting contact with the student. The custodial parent is responsible for providing the school with a certified copy of any such court order.

3.3.3. Academic Progress. The teacher shall notify a custodial parent/~~guardian~~, by phone, in person, or in writing (email, letter, midterm report, etc.), when:

- [a] a secondary student is failing or receiving a "U" citizenship grade related to attendance issues; or

- [b] an elementary student displays a pattern of excessive absence or tardiness, or when student achievement does not match grade level expectations.

#### 3.4. Preapproval of Extended Absence

- 3.4.1. If the custodial parent ~~or legal guardian~~ of a student reasonably foresees their student will be absent from school for an extended period of time, the parent ~~guardian~~ shall submit a written request for preapproval of the extended absence to the school's administration.
- 3.4.2. The school administrator shall review the request, along with the student's current schedule and grades. If the school administrator finds that the proposed extended absence will not adversely impact the student's education, the administrator shall approve the extended absences as "excused absences."
- 3.4.3. If the school administrator finds that the extended absences will adversely impact the student's education, the administrator shall deny the request and inform the parent in writing that such absences will not be deemed "excused" and may be considered to be trancies or violations of compulsory education law.
- 3.4.4. It must be understood that participation in classes is a vital aspect of learning and assessment of learning. Reduction of class requirements cannot be expected for extended absences and prolonged absences may result in a lower grade in many classes as there is no way to duplicate the activities of some classes while the student is absent.

### 4. TRUANCY PREVENTION AND INTERVENTION

The Davis School District Truancy Prevention and Intervention Program has been established to encourage good attendance, identify interventions to resolve attendance problems, and to facilitate the processing of chronically truant students through the District Student and Family Resources Department.

#### 4.1. Definitions

- 4.1.1. **"School day"** means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.
- 4.1.2. **"Truant"** means a condition in which a school-age child, without a valid excuse, is absent for **at least half of the school day**; or if the school age child is enrolled in a learner verified program, as that term is defined by the state board, the relevant amount of time under the District's policy regarding the District's continuing enrollment measure as it relates to truancy. A school-age child may not be considered truant more than one time during one school day.

#### 4.2. Interventions

The school shall make and document efforts to resolve a student's attendance problems and shall include, as reasonably feasible:

- 4.2.1. counseling of the student by school authorities using positive behavioral interventions and supports;
- 4.2.2. making any necessary adjustment to the curriculum and schedule to meet special needs of the student, as determined by the Local Case Management Team (LCMT);
- 4.2.3. considering alternatives proposed by a parent ~~or legal guardian~~;
- 4.2.4. monitoring school attendance of the student;
- 4.2.5. voluntary participation in truancy mediation, if available;
- 4.2.6. home visits, as determined by the LCMT;

- 4.2.7. providing a student's parent, upon request, with a list of resources available to assist the parent in resolving the student's attendance problems;
- 4.2.8. enlisting the assistance of community intervention education classes as appropriate;
- 4.2.9. issuing a Truancy Citation to a student who is in grade 7 or above, unless the school-age child is less than 12 years old;
- 4.2.10. issuing a Notice of Truancy to a student who is in grade 7 or above, unless the school-age child is less than 12 years old;
- 4.2.11. issuing a Notice of Compulsory Education Violation to the parent ~~or legal guardian~~ of a student who is in grade 1 through 6.

**4.3. Truancy Citations and Notice of Truancy**

Earnest and persistent efforts to resolve student attendance problems may include the issuance of a Truancy Citation and/or Notice of Truancy, as follows:

- 4.3.1. **Truancy Citations.** A school administrator or a designee of a school administrator may issue a Truancy Citation to a school-age child who is in grade 7 or above, unless the school-age child is less than 12 years old and is truant. A copy of the Truancy Citation shall be personally delivered or mailed by regular mail to the parent ~~or legal guardian~~ of the school-age child.
- 4.3.2. **Until June 1, 2022, a school administrator or a designee of a school administrator acting as a school resource officer may not issue or otherwise enforce a notice of truancy to resolve a truancy problem.**  
**Notice of Truancy.** A school administrator or a designee of a school administrator may issue a Notice of Truancy to a school-age child who is in grade 7 or above, unless the school-age child is less than 12 years of age, and has been truant at least five (5) times during the current school year. The Notice of Truancy shall:
  - [a] identify the classes and/or dates for which the student has been considered truant;
  - [b] direct the student and parent to meet with school authorities to discuss the student's trancies; and
  - [c] inform the student and parent that Utah State Law requires their cooperation in securing regular attendance of the school-age child.
- 4.3.3. Copies of truancy citations and notices shall be retained in the student's permanent record.
- 4.3.4. If a student enters or leaves the District, truancy citations and notices issued may follow the student at the discretion of the receiving district.
- 4.3.5. The parent shall have the right to appeal a truancy citation or notice of truancy in writing to the building level administrator within ten (10) days of being issued.
- 4.3.6. A school administrator may impose administrative penalties on a student who is issued a truancy citation. Administrative penalties may include, but are not limited to, an administrative "U", make-up classes, or a fine as outlined in the schedule below.
- 4.3.7. **Truancy Citation Fine Schedule**

Level	Citation	Maximum Fine Permitted
1	First	Warning

2	Second	\$10.00
3	Third	\$15.00
4	Fourth	\$20.00
5	Fifth or more	\$25.00 each

**4.4. Compulsory Education Violation**

**Until June 1, 2022, a school administrator or a designee of a school administrator acting as a school resource officer may not issue or otherwise enforce a notice of compulsory education.**

A school administrator or a designee of a school administrator acting as a school resource officer, may only issue a Notice of Compulsory Education Violation to the parent of a school-age child in grade 1 through 6 if the school-age child is truant at least five (5) times during the school year.

4.4.1. The Notice of Compulsory Education Violation shall:

- [a] direct the parent to meet with school authorities to discuss the student's attendance problems;
- [b] the parent to cooperate with the school in securing regular attendance by the student;
- [c] designate the school authority with whom the parent is required to meet.;
- [d] state that it is a class B misdemeanor for the parent to intentionally or without good cause fail to meet with the school authority or fail to prevent the student from being truant five (5) or more times during the remainder of the school year.

4.4.2. The Notice of Compulsory Education Violation must be served on the school-aged child's parent by personal service or certified mail.

4.4.3. If a parent or legal guardian intentionally or without cause fails to meet with the school authority or the school-age child is absent without a valid excuse an additional five (5) or more times during the remainder of the school year, the school administrator shall forward a copy of the documented efforts which have been made by the school to address the school-age child's attendance issues along with a copy of the Notice of Compulsory Education Violation to the Student and Family Resources Department (Department).

4.4.4. If school personnel have reason to believe that, after a notice of compulsory education violation is issued the parent has failed to make a good faith effort to ensure that the student receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:

- [a] identifying information of the school-age child and the school-age child's parent who received the Notice of Compulsory Education Violation;
- [b] information regarding the longest number of consecutive school days the school-age child has been absent or truant from school and the percentage of school days the school-age child has been absent or truant during each relevant school term;
- [c] whether the school-age child has made adequate educational progress;
- [d] whether the school-age child is two or more years behind the District's school's age group expectations in one or more basic skills;
- [e] whether the school-age child is receiving special education services or systematic remediation efforts; and

[f] efforts made by the school to resolve the school-age child attendance problems.

4.4.5. If the LCMT's efforts are not successful, the Department shall review the school's interventions and documentation. The Department will continue to work with the parent(s) and school-age child to resolve attendance issues. The Department shall report violations to the appropriate county or district attorney.

**5. School-aged Child Exempt from School Attendance**

The District may not issue a citation for truancy or compulsory education violation if the school-age child is properly exempt from school attendance.

5.1. The Board shall excuse a school-age student from attendance if the school-age child's parent/~~guardian~~ submits a signed affidavit stating the school-age child will attend a home school as provided in District policy [5S-003 Compulsory Education Attendance Exemption for Home Instruction](#).

5.2. The Board may excuse a school-age child from attendance if it has received sufficient evidence to support a finding by the Superintendent that the school-age child is over the age of sixteen (16) and is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline, or as otherwise provided in [Utah Code Ann. §53G-6-204](#). When a school-aged child is excused from attendance by the Board, a certificate shall be issued by the District Director of Student and Family Resources Department stating that the school-aged child is excused from school attendance for the period specified on the certificate.

**6. POLICY DISSEMINATION AND REVIEW**

Schools shall provide annual notification of the District and school attendance and discipline policies to the parent/~~guardian(s)~~ of all students at the time of registration.

## 5S-101 School Attendance and Truancy Intervention

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### DEFINITIONS

“**Certified mail**” means notification sent through the U.S. Post Office, that requires a signature of acceptance for the letter. A signed receipt notifies the sender that the letter was accepted.

“**School-age child**” means a minor who is at least six years old, but younger than 18 years old; and is not emancipated.

See additional definitions in section 4.

### REFERENCES

[Utah Code Ann. Title 53G, Chapter 6, Part 2](#) – Compulsory Education.

[Utah Code Ann. §53G-9-202](#) – Notification to the parent of an injured or sick child.

[Utah Administrative Code R277-607](#) – Absenteeism and Truancy Prevention.

### RELATED POLICIES

[5S-003 Compulsory Education Attendance Exemption for Home Instruction](#)

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### DOCUMENT HISTORY:

**Adopted December 5, 1995** – Adoption of this policy repeals Attendance and Discipline sections of policy 5S-401 Safe Schools Policy.

**Revised: February 17, 1998** - Section 10 repealed and replaced with policy 111R-108 Student Dress and Grooming Expectations/School Uniform Rules.

**Revised: May 2, 2000** - Truancy Intervention section updated to reflect changes in the law.

**Revised: October 16, 2001** - Notification of noncustodial parent of illness or injury in section 4.2.2 and 5.2.3.

**Revised: August 15, 2006** - To comply with state administrative rule language was added regarding bullying prevention.

**Revised: September 4, 2007** - Modified section 8 Truancy Prevention and added section 4.3 Preapproval of Extended Absence to comply with changes in state law and administrative rule.

**Revised: September 1, 2009** - Removed all language on student discipline and put into the new revised, renumbered, renamed policy 5S-100 Student Conduct and Discipline (formerly 5S-401 Safe and Orderly Schools). Renumbered and renamed current policy 5S-400 Attendance and Discipline to 5S-101 Attendance and Truancy Intervention. Moved language on meeting with students outside normal school day to policy 2HR-119 Ethical Conduct of District Employees.

**Revised: May 7, 2013** – Technical changes made due to updates made in State law and Administrative Rules.

**Revised: June 18, 2014** – Updates made due to changes made in State law. School districts may not issue a habitual truant citation if the school-age minor has at least a 3.5 cumulative grade point average and is at least 15 years old. Eliminates instructional requirements for a school-age minor who attends a home school.

**Revised: August 2, 2016** – Added reference to the Citizenship Policy and more clearly defining unexcused absence” and “excused absence.”

**Revised: August 1, 2017** - Updated to comply with change in State law. HB239 eliminates habitual truant citation.

**Revised: September 4, 2018** - Updated to comply with changes in State law. HB234 Compulsory Education amends definition to specify that valid excuses means an illness, which may be either physical or mental. SB125 adds a referral to the Division of Child and Family Services for a compulsory education violation for a student under the age of 14.

**Revised: August 4, 2020** - Updated to comply with changes in State law. HB 14 School Absenteeism and Truancy Amendments in the 2020 Legislative Session

**Revised:** [Updated to comply with changes in State law. HB81 Mental Health Days for Student. HB116 prohibits requiring documentation from a medical professional for an absence due to mental or physical illness. SB219 Truancy enforcement moratorium until June 2022](#)