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1	EDUCATION ALTERNATIVES
2	2000 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Bill Wright
5	AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT FOR PURPOSES OF
6	COMPULSORY EDUCATION A PARENT MAY EXERCISE DISCRETION BY SENDING
7	THE MINOR TO A PUBLIC SCHOOL OR PROVIDING NOTICE TO SCHOOL
8	AUTHORITIES THAT THE MINOR IS ATTENDING A REGULARLY ESTABLISHED
9	PRIVATE SCHOOL OR BEING HOME SCHOOLED.
10	This act affects sections of Utah Code Annotated 1953 as follows:
11	AMENDS:
12	53A-11-102, as last amended by Chapter 99, Laws of Utah 1999
13	53A-11-904, as last amended by Chapter 74, Laws of Utah 1996
14	Be it enacted by the Legislature of the state of Utah:
15	Section 1. Section 53A-11-102 is amended to read:
16	53A-11-102. Minors exempt from school attendance.
17	(1) In the absence of demonstrated educational neglect in juvenile court, a parent's exercise
18	of discretion regarding the type and nature of education provided for a minor is not subject to more
19	than either:
20	(a) the minor's attendance at a public school; or
21	(b) the parent providing notice to the school district in which the student resides and the
22	State Office of Education that the minor is attending a regularly established private school or being
23	home schooled.
24	[(1)] (2) A school-age minor may be excused from attendance by the local board of
25	education and a parent exempted from application of Subsections 53A-11-101(2) and (3) for any
26	of the following reasons:
27	(a) a minor over age 16 may receive a partial release from school to enter employment if

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28	the minor has completed the eighth grade. Minors excused under this subsection are required to
29	attend part-time schooling or home schooling as prescribed by the board; or
30	(b) on an annual basis, a minor may receive a full release from attending a public, regularly
31	established private, or part-time school or class if:
32	(i) the minor has already completed the work required for graduation from high school,
33	or has demonstrated mastery of required skills and competencies in accordance with Subsection
34	53A-15-102(1);
35	[(ii) the minor is taught at home in the subjects prescribed by the State Board of Education
36	in accordance with the law for the same length of time as minors are required by law to be taught
37	in the district schools;]
38	[(iii)] (ii) the minor is in a physical or mental condition, certified by a competent physician
39	if required by the district board, which renders attendance inexpedient and impracticable;
40	[(iv)] (iii) proper influences and adequate opportunities for education are provided in
41	connection with the minor's employment; or
42	[(v)] (iv) the district superintendent has determined that a minor over the age of 16 is
43	unable to profit from attendance at school because of inability or a continuing negative attitude
44	toward school regulations and discipline.
45	[(2)] (3) In each case, evidence of reasons for granting an exemption must be sufficient
46	to satisfy the local board.
47	[(3)] (4) Boards excusing minors from attendance shall issue a certificate stating that the
48	minor is excused from attendance during the time specified on the certificate.
49	Section 2. Section 53A-11-904 is amended to read:
50	53A-11-904. Grounds for suspension or expulsion from a public school.
51	(1) A student may be suspended or expelled from a public school for any of the following
52	reasons:
53	(a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
54	behavior, including the use of foul, profane, vulgar, or abusive language;
55	(b) willful destruction or defacing of school property;
56	(c) behavior or threatened behavior which poses an immediate and significant threat to the
57	welfare, safety, or morals of other students or school personnel or to the operation of the school;
58	(d) possession, control, or use of an alcoholic beverage as defined in Section 32A-1-105;

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59 or

60 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the 61 school or school property, to a person associated with the school, or property associated with any 62 such person, regardless of where it occurs.

63 (2) (a) A student shall be suspended or expelled from a public school for any of the64 following reasons:

(i) any serious violation affecting another student or a staff member, or any serious
violation occurring in a school building, in or on school property, or in conjunction with any
school activity, including the possession, control, or actual or threatened use of a real, look alike,
or pretend weapon, explosive, or noxious or flammable material under Section 53A-3-502, or the
sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an
imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in
Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of forcewhich if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real, look alike,
or pretend firearm, explosive, or flammable material shall be expelled from school for a period of
not less than one year, unless the district superintendent determines, on a case-by-case basis, that
a lesser penalty would be more appropriate.

(3) A student may be denied admission to a public school on the basis of having been
expelled from that or any other school during the preceding 12 months.

80 (4) A suspension or expulsion under this section is not subject to the age limitations under
81 Subsection 53A-11-102[(1)] (2).

Legislative Review Note as of 2-4-00 9:57 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel