

Representative Michael T. Morley proposes the following substitute bill:

1 **HOME SCHOOL AND DUAL ENROLLMENT**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mark B. Madsen**

6 House Sponsor: Michael T. Morley

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies procedures for exempting minors who are home schooled from
11 attendance at a public or private school and provides that home school students shall be
12 eligible to participate in extracurricular activities at a public school.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ provides that a minor shall be excused from attendance at a public or private school
16 if the minor's parent files a statement signed by the parent with the local board of
17 education stating that the minor will attend a home school;

18 ▶ provides that a minor who is enrolled in a home school shall be eligible to
19 participate in extracurricular activities at a public school;

20 ▶ provides that, with certain exceptions, a home school student may only participate
21 in extracurricular activities at the public school within whose boundaries the
22 student's custodial parent or legal guardian resides or a public school within the
23 student's school district of residence which is open for enrollment of nonresident
24 students; and

25 ▶ provides that home school students shall be eligible for extracurricular activities at a



26 public school consistent with eligibility standards for fully enrolled public school students.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-11-102**, as last amended by Chapter 253, Laws of Utah 2005

34 **53A-11-102.5**, as last amended by Chapter 221, Laws of Utah 2003



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

37 Section 1. Section **53A-11-102** is amended to read:

38 **53A-11-102. Minors exempt from school attendance.**

39 (1) (a) A school-age minor may be excused from attendance by the local board of
40 education and a parent exempted from application of Subsections 53A-11-101(2) and (3) for
41 any of the following reasons:

42 (i) a minor over age 16 may receive a partial release from school to enter employment
43 if the minor has completed the eighth grade; or

44 (ii) on an annual basis, a minor may receive a full release from attending a public,
45 regularly established private, or part-time school or class if:

46 (A) the minor has already completed the work required for graduation from high
47 school, or has demonstrated mastery of required skills and competencies in accordance with
48 Subsection 53A-15-102(1);

49 (B) the minor is in a physical or mental condition, certified by a competent physician if
50 required by the district board, which renders attendance inexpedient and impracticable;

51 (C) proper influences and adequate opportunities for education are provided in
52 connection with the minor's employment; or

53 (D) the district superintendent has determined that a minor over the age of 16 is unable
54 to profit from attendance at school because of inability or a continuing negative attitude toward
55 school regulations and discipline.

56 (b) Minors receiving a partial release from school under Subsection (1)(a)(i) are

57 required to attend:

58 (i) school part-time as prescribed by the local school board; or

59 (ii) a home school part-time.

60 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)

61 must be sufficient to satisfy the local board.

62 (2) (a) On an annual basis, a school-age minor shall be excused from attendance by a

63 local board of education and a parent exempted from application of Subsections 53A-11-101(2)

64 and (3), if the minor's parent files a statement signed [affidavit] by the parent with the minor's

65 school district of residence, as defined in Section 53A-2-201, stating that the minor will attend

66 a home school and receive instruction as required by Subsection (2)(b).

67 (b) Each minor who attends a home school shall receive instruction:

68 (i) in the subjects the State Board of Education requires to be taught in public schools

69 in accordance with the law; and

70 (ii) for the same length of time as minors are required by law to receive instruction in

71 public schools, as provided by rules of the State Board of Education.

72 (c) Subject to the requirements of Subsection (2)(b), a parent of a minor who attends a

73 home school is solely responsible for:

74 (i) the selection of instructional materials and textbooks;

75 (ii) the time, place, and method of instruction, and

76 (iii) the evaluation of the home school instruction.

77 (d) A local school board may not:

78 (i) require a parent of a minor who attends a home school to maintain records of

79 instruction or attendance;

80 (ii) require credentials for individuals providing home school instruction;

81 (iii) inspect home school facilities; or

82 (iv) require standardized or other testing of home school students.

83 (3) Boards excusing minors from attendance as provided by Subsections (1) and (2)

84 shall issue a certificate stating that the minor is excused from attendance during the time

85 specified on the certificate.

86 (4) Nothing in this section may be construed to prohibit or discourage voluntary

87 cooperation, resource sharing, or testing opportunities between a school or school district and a

88 parent or guardian of a minor attending a home school.

89 Section 2. Section **53A-11-102.5** is amended to read:

90 **53A-11-102.5. Participation in public school programs -- Dual enrollment --**
91 **Private or home school students -- Extracurricular activities.**

92 (1) A person having control of a minor under this part who is enrolled in a regularly
93 established private school or a home school may also enroll the minor in a public school for
94 dual enrollment purposes.

95 (2) The minor may participate in any academic activity in the public school available to
96 students in the minor's grade or age group, subject to compliance with the same rules and
97 requirements that apply to a full-time student's participation in the activity.

98 (3) Except as otherwise provided in Sections 53A-11-101 and 53A-11-102, a student
99 enrolled in a public school may also be enrolled in a private school or a home school for dual
100 enrollment purposes.

101 (4) A student enrolled in a dual enrollment program is considered a student of the
102 district in which the public school of attendance is located for purposes of state funding to the
103 extent of the student's participation in the public school programs.

104 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
105 State Board of Education shall make rules for purposes of dual enrollment to govern and
106 regulate the transferability of credits toward graduation that are earned in a private or home
107 school.

108 (6) The State Board of Education shall determine the policies and procedures necessary
109 to permit private school students enrolled under Subsection (1) to participate in public school
110 extracurricular activities.

111 (7) (a) A minor who is enrolled in a home school shall be eligible to participate in
112 extracurricular activities at a public school as provided in this Subsection (7).

113 (b) Except as provided in Subsection (7)(c), a home school student may only
114 participate in extracurricular activities at:

115 (i) the public school within whose boundaries the student's custodial parent or legal
116 guardian resides; or

117 (ii) a public school:

118 (A) within the home school student's school district of residence; and

119 (B) that is open for enrollment of nonresident students pursuant to Section 53A-2-207
 120 or Section 53A-2-213.

121 (c) A school district may allow a home school student who does not reside within the
 122 district's boundaries to participate in extracurricular activities other than:

123 (i) interschool competitions of athletic teams sponsored and supported by a public
 124 school; or

125 (ii) interschool contests or competitions for music, drama, or forensic groups or teams
 126 sponsored and supported by a public school.

127 (d) A school district or public school may not impose additional requirements on home
 128 school students to participate in extracurricular activities that are not imposed on fully enrolled
 129 public school students.

130 (e) Eligibility requirements based on school attendance are not applicable to home
 131 school students.

132 (f) When selection to participate in an extracurricular activity is made on a competitive
 133 basis, the home school student shall be eligible to try out for and participate in the activity as
 134 provided in this Subsection (7).

135 (g) To demonstrate a home school student's compliance with scholastic eligibility
 136 requirements, the individual providing the primary instruction of a home school student shall
 137 submit a written statement that indicates:

138 (i) the student is mastering the material in each course or subject being taught;

138a **H→ [and] ←H**

139 (ii) the student is maintaining satisfactory progress towards advancement or promotion

139a **H→ [;] ; and**

139b (iii)(A) the student is performing at or above the grade level corresponding to the
 139c student's age; or

139d (B) the student was performing below grade level when withdrawn from a public school
 139e and is making satisfactory progress towards achieving grade level standards. ←H

140 (h) Home school students shall be eligible for extracurricular activities at a public
 141 school consistent with other eligibility standards as applied to fully enrolled public school
 142 students not exempted in Subsection (7)(e) or (g).

143 (i) A public school student who has been declared to be academically ineligible to
 144 participate in an extracurricular activity and who subsequently enrolls in a home school shall
 145 lose eligibility for participation in the extracurricular activity until the H→ [commencement of the
 146 next season or cycle of the extracurricular activity for which the student was academically
 147 ineligible.] student:

147a (A) demonstrates academic eligibility by providing test results or a portfolio of the
 147b student's work;

147c

(B) returns to public school and reestablishes academic eligibility; or

147d

(C) enrolls in a private school and establishes academic eligibility. ←H

Fiscal Note
Bill Number SB0072S02

Home School and Dual Enrollment Amendments

01-Mar-06

7:48 PM

State Impact

No Fiscal Impact

Individual and Business Impact

None

Office of the Legislative Fiscal Analyst