

HB0209S03 compared with HB0209

{Omitted text} shows text that was in HB0209 but was omitted in HB0209S03

inserted text shows text that was not in HB0209 but was inserted into HB0209S03

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Homeschool Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Nicholeen P. Peck
Senate Sponsor: Daniel McCay

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to home school affidavits.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ clarifies when a letter of intent to homeschool is required from parents;
- 9 ▶ removes the requirement for parents to submit an affidavit for students who begin
10 homeschooling at the start of an academic year;

8 ▶ removes {requirements-} the requirement for {a local education agency-} parents to {run-} attest
11 to criminal background {checks on a parent filing an affidavit} history;

10 ▶ {amends the current affidavit filing requirements; and}

12 ▶ establishes procedures for local school boards to process letters of intent;

13 ▶ removes liability from local school boards after student unenrollment; and

11 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

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17 **Other Special Clauses:**

18 None

20 AMENDS:

21 **53G-6-204**, as last amended by Laws of Utah 2024, Chapters 113, 386, as last amended by Laws
of Utah 2024, Chapters 113, 386

22

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

24 Section 1. Section **53G-6-204** is amended to read:

25 **53G-6-204. School-age children exempt from school attendance.**

23 (1)

(a) A local school board or charter school governing board may excuse a school-age child from attendance for any of the following reasons:

25 (i) a school-age child over 16 years old may receive a partial release from school to enter employment, or attend a trade school, if the school-age child has completed grade 8; or

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

30 (A) the school-age child has already completed the work required for graduation from high school;

32 (B) the school-age child is in a physical or mental condition, certified by a competent physician or physician assistant if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;

36 (C) proper influences and adequate opportunities for education are provided in connection with the school-age child's employment; or

38 (D) the district superintendent or charter school governing board has determined that a school-age child over 16 years old is unable to profit from attendance at school because of ~~{an-}~~inability ~~{to follow,~~ }or a continuing negative attitude toward~~{,}~~ school regulations and discipline.

42 (b) A school-age child receiving a partial release from school under Subsection (1)(a)(i) is required to attend:

44 (i) school part time as prescribed by the local school board or charter school governing board; or

46 (ii) a home school part time.

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- (c) In each case, ~~{the student or the student's parent shall provide sufficient}~~ evidence of ~~{the}~~ reasons for granting an exemption under ~~{this}~~ Subsection (1) ~~{must be sufficient}~~ to satisfy the local school board or charter school governing board.
- 50 (d) A local school board or charter school governing board that excuses a school-age child from attendance as provided by this Subsection (1) shall issue a certificate that the child is excused from attendance during the time specified on the certificate.
- 53 ~~(2)~~
~~(a)~~
- (i) ~~As used in this Subsection (2)(a), "child abuse" means a criminal felony or attempted felony offense of which an individual is convicted, or to which an individual pleads guilty or no contest, for conduct that constitutes any of the following:~~
- 57 ~~[(A) child abuse under Section 76-5-109;]~~
58 ~~[(B) aggravated child abuse under Section 76-5-109.2;]~~
59 ~~[(C) child abandonment under Section 76-5-109.3;]~~
60 ~~[(D) commission of domestic violence in the presence of a child under Section 76-5-114;]~~
62 ~~[(E) child abuse homicide under Section 76-5-208;]~~
63 ~~[(F) child kidnapping under Section 76-5-301.1;]~~
64 ~~[(G) human trafficking of a child under Section 76-5-308.5;]~~
65 ~~[(H) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or in Title 76, Chapter 5b, Part 2, Sexual Exploitation, if the victim is under 18 years old;]~~
67 ~~[(I) sexual exploitation of a minor under Section 76-5b-201;]~~
68 ~~[(J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or]~~
69 ~~[(K) an offense in another state that, if committed in this state, would constitute an offense described in this Subsection (2)(a)(i).]~~
- 71 ~~[(ii) Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a school-age child from attendance, if {f} the school-age child's parent or legal guardian files a signed affidavit with the school-age child's school district of residence, as defined in Section 53G-6-302, that {j} :]~~
- 75 ~~[(A) the school-age child will attend a home school {, including a school-age child who is dual enrolled as described in Section 53G-6-702}; and]~~

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- ~~[(B) the parent{f} or legal guardian{g} assumes sole responsibility for the education of the school-age child, except to the extent the school-age child is dual enrolled in a public school as provided in Section 53G-6-702.]~~
- 80 ~~[(iii) If a parent{f} or legal guardian{g} has been convicted of child abuse or if a court of competent jurisdiction has made a substantiated finding of child abuse against the parent{f} or legal guardian:]~~
- 85 ~~[(A) {, and the parent is not able to legally check the child abuse statement box in the affirmative described in Subsection (3)};~~
- 84 ~~{(A)} the parent{f} or legal guardian{g} may not assume responsibility for the education of a school-age child under Subsection (2)(a)(ii){f} ; and]~~
- 87 ~~[(B) {;~~
- 86 ~~{(B)} the local school board may not accept the affidavit described in Subsection (2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age child from attendance under Subsection (2)(a)(ii) in relation to the parent's or legal guardian's intent to home school the child.]~~
- 90 ~~[(iv) Nothing in this Subsection (2)(a) affects the ability of another of a {school-age} child's parents{f} or legal guardians{g} who is not prohibited under Subsection (2)(a)(iii){,} to {f} file the affidavit described in Subsection (2)(a)(ii).]~~
- 94 ~~[(b) {home school the school-age child}.~~
- 94 ~~{(b)} A signed{and notarized} affidavit {f} filed in accordance with Subsection (2)(a){} described in Subsection (3)} shall remain in effect as long as:]~~
- 96 ~~[(i) the school-age child attends a home school;]~~
- 97 ~~[(ii) {and~~
- 97 ~~{(ii)} the school district where the affidavit was filed remains the school-age child's district of residence{f} ; and]~~
- 99 ~~[(iii) {;~~
- 99 ~~{(iii)} the parent or legal guardian who filed the signed affidavit has not been convicted of child abuse or been the subject of a substantiated finding of child abuse by a court of competent jurisdiction.]~~
- 102 ~~[(e) A parent{f} or legal guardian{g} of a school-age child who attends a home school is solely responsible for:]~~
- 104 ~~[(i) the selection of instructional materials and textbooks;]~~
- 105 ~~[(ii) the time, place, and method of instruction; and]~~

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- 106 ~~[(iii) the evaluation of the home school instruction.]~~
- 107 ~~[(d) A local school board may not:]~~
- 108 ~~[(i) require a parent{f} or legal guardian{}} of a school-age child who attends a home school to maintain records of instruction or attendance;]~~
- 110 ~~[(ii) require credentials for individuals providing home school instruction;]~~
- 111 ~~[(iii) inspect home school facilities; or]~~
- 112 ~~[(iv) require standardized or other testing of {f} home school students{ } the school-age child who attends a home school];]~~
- 114 ~~[(e) Upon the request of a parent{f} or legal guardian{}} , a local school board shall identify the knowledge, skills, and competencies a {f} student{ } school-age child is recommended to attain by {a specific} grade level and subject area to assist the parent{f} or legal guardian{}} in achieving college and career readiness through home schooling.]~~
- 118 [(f) A local school board that excuses a school-age child from attendance under this Subsection (2) shall annually issue a certificate stating that the school-age child is excused from attendance for the specified school year.]
- 121 [(g) A local school board shall issue a certificate excusing a school-age child from attendance:]
- 123 [(i) within 30 days after receipt of a signed affidavit filed by the school-age child's parent or legal guardian under this Subsection (2); and]
- 125 [(ii) on or before August 1 each year thereafter unless:]
- 126 [(A) the school-age child enrolls in a school within the school district;]
- 127 [(B) the school-age child's parent or legal guardian notifies the school district that the school-age child no longer attends a home school; or]
- 129 [(C) the school-age child's parent or legal guardian notifies the school district that the school-age child's school district of residence has changed.]
- 131 ~~{(3)}~~
- ~~{(a) When a parent requests to withdraw an enrolled school-age child from school for the purpose of home schooling, the parent shall:~~
- 133 ~~{(i) sign and notarize an affidavit stating that the parent intends to home school the parent's school-age child;~~
- 135 ~~{(ii) check a box on a child abuse disclosure form stating that the parent who filed the signed and notarized affidavit has not;~~

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- 137 ~~{(A) been convicted of child abuse within the last five years; or}~~
- 138 ~~{(B) been the subject of a substantiated finding of child abuse by a court of competent jurisdiction;
and}~~
- 140 ~~{(iii) file the affidavit described in this Subsection (3)(a) with:}~~
- 141 ~~{(A) the school-age child's current school of enrollment; or}~~
- 142 ~~{(B) if the school-age child's current school of enrollment is a charter school, the school-age child's
school district of residence.}~~
- 144 ~~{(b) The child abuse disclosure form described in Subsection (3)(a)(ii) is legally binding and can be
used against the parent in court if the parent knowingly misrepresents a conviction of child abuse on
the child abuse disclosure form.}~~
- 147 ~~{(c) A local school board shall disclose the legal implications of intentionally misrepresenting a
conviction of child abuse on the child abuse disclosure form to the parent in writing.}~~
- 150 ~~{(d) A local school board may not require an affidavit for a school-age child that is not enrolled in
public education at the beginning of an academic school year, including a school-age child who is
dual-enrolled as described in Section 53G-6-702.}~~
- 153 ~~{(e) A local school board:}~~
- 154 ~~{(i) is not civilly liable for a misrepresentation by a parent as described in Subsection (3)(b); and}~~
- 156 ~~{(ii) may not conduct a background check on a parent who files an affidavit as described in this
section.}~~
- 158 ~~[(3){ } ~~{(4)}~~ A parent{ } -or legal guardian{ } who is eligible to file and files a signed affidavit under
Subsection { } (2)(a) -{ } ~~{(3)}~~ is exempt from the application of Subsections 53G-6-202(2), (5), and
(6).]~~
- 133 (2)
- (a) A parent or legal guardian of a school-age child who attends a home school is solely responsible for:
- 135 (i) the selection of instructional materials and textbooks;
- 136 (ii) the time, place, and method of instruction; and
- 137 (iii) the evaluation of the home school instruction.
- 138 (b) A local school board may not:
- 139 (i) require a parent or legal guardian of a school-age child who attends a home school to maintain
records of instruction or attendance;
- 141 (ii) require credentials for individuals providing home school instruction;

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- 142 (iii) inspect home school facilities; or
143 (iv) require standardized or other testing of home school students.
144 (c) Upon the request of a parent or legal guardian, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent or legal guardian in achieving college and career readiness through home schooling.
148 (3) When a parent withdraws an enrolled school-age child from school for the purpose of home-schooling, or chooses not to enroll a school-age child, the parent shall provide a one-time initial notification, that may include a letter of intent, to the local school board of the school-age child's district of residence.
152 (4) A local school board may not require a notification described in Subsection (3) if a parent of school-age child provided a notification to the local school board on or before May, 7 2025, including through a home-school affidavit.
155 (5) Upon receiving the notification in Subsection (3):
156 (a) the local school board shall:
157 (i) maintain a record of the letter of intent; and
158 (ii) acknowledge receipt of the letter to the parent within 30 days; and
159 (b) the local school board and school of enrollment are not liable for the education or services of the school-age child.
161 ~~[(4)]~~ ~~{(5)}~~ (6)
(a) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent{f or legal guardian} of a child attending a home school.
164 (b) The exemptions in this section apply regardless of whether:
165 (i) a parent{f or legal guardian} provides education instruction to the parent's {f or legal guardian's}{f school-age} child alone or in cooperation with other parents{f or legal guardians} similarly exempted under this section; or
168 (ii) the parent{f or legal guardian} makes payment for educational services the parent's{f or legal guardian's}{f school-age} child receives.
170 Section 2. **Effective date.**
This bill takes effect on May 7, 2025.

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