

HB0209 compared with HB0209S02

17 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.

47 (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.

HB0209 compared with HB0209S02

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 { } 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 { } :]~~

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]~~

77 ~~[(B) the parent { } or legal guardian { } 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

HB0209 compared with HB0209S02

- (iii) If a parent{f} -or legal guardian{ } 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:] {, 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{ } may not assume responsibility for the education of a school-age child under Subsection (2)(a)(ii){f} ; and] {.}
- 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{ } {.} who is not prohibited under Subsection (2)(a)(iii){.} to {f} file the affidavit described in Subsection (2)(a)(ii).] {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) 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{ } 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]
- 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

HB0209 compared with HB0209S02

- 114 ~~[(iv) require standardized or other testing of { } home school students { } the school-age child who attends a home school].]~~
- 114 ~~[(e) Upon the request of a parent { } or legal guardian { } , a local school board shall identify the knowledge, skills, and competencies a { } student { } school-age child is recommended to attain by { a specific } grade level and subject area to assist the parent { } 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)}~~
- 131 ~~{(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:~~
- 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

HB0209 compared with HB0209S02

- {(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{~~(f)~~} or legal guardian{~~(j)~~} who is eligible to file and files a signed affidavit under Subsection {~~(f)~~} (2)(a)-{~~(j)~~} (~~(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;
- 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.

HB0209 compared with HB0209S02

- 148 (3) When a parent withdraws an enrolled school-age child from school for the purpose of home-
schooling, the parent shall submit a letter of intent to home school to the local school board of the
school-age child's district of residence regardless of which LEA the school-age child is enrolled
with at the time.
- 152 (4) A local school board may not require a letter of intent 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.
- 155 (5) Upon receiving a letter of intent to home school, the local school board shall:
- 156 (a) maintain a record of the letter of intent; and
- 157 (b) acknowledge receipt of the letter to the parent within 30 days.
- 158 (6) Upon receipt of a letter of intent to home school and the school-age child's unenrollment, the local
school board and school of enrollment are not liable for the education or services of the school-age
child.
- 161 [~~(4)~~] ~~{(5)}~~ (7)
- . (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 {for legal guardian's{}} 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{}} school-age child receives.

170 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

1-28-25 12:41 PM