

Homeschool Amendments
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

LONG TITLE

General Description:

This bill amends provisions related to home school affidavits.

Highlighted Provisions:

This bill:

- removes requirements for a local education agency to run background checks on a parent filing an affidavit;
- amends the current affidavit filing requirements; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

- (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:
- (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
 - (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:
 - (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
33 competent physician or physician assistant if required by the local school board
34 or charter school governing board, which renders attendance inexpedient and
35 impracticable;
- 36 (C) proper influences and adequate opportunities for education are provided in
37 connection with the school-age child's employment; or
- 38 (D) the district superintendent or charter school governing board has determined
39 that a school-age child over 16 years old is unable to profit from attendance at
40 school because of an inability to follow, or a continuing negative attitude
41 toward, school regulations and discipline.
- 42 (b) A school-age child receiving a partial release from school under Subsection (1)(a)(i)
43 is required to attend:
- 44 (i) school part time as prescribed by the local school board or charter school
45 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
48 the reasons for granting an exemption under this Subsection (1) [must be sufficient]
49 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
51 child from attendance as provided by this Subsection (1) shall issue a certificate that
52 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
54 attempted felony offense of which an individual is convicted, or to which an
55 individual pleads guilty or no contest, for conduct that constitutes any of the
56 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
61 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

- 66 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
- 70 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
- 72 school-age child from attendance, if ~~the school-age child's parent or legal~~
- 73 ~~guardian files a signed affidavit with the school-age child's school district of~~
- 74 ~~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
- 76 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
- 78 the school-age child, except to the extent the school-age child is dual enrolled
- 79 in a public school as provided in Section 53G-6-702.
- 80 (iii) If a parent ~~or legal guardian~~ has been convicted of child abuse or if a court of
- 81 competent jurisdiction has made a substantiated finding of child abuse against the
- 82 parent ~~or legal guardian:~~ , and the parent is not able to legally check the child
- 83 abuse statement box in the affirmative described in Subsection (3),
- 84 ~~[(A)] the parent or legal guardian may not assume responsibility for the~~
- 85 ~~education of a school-age child under Subsection (2)(a)(ii); and] .~~
- 86 ~~[(B) the local school board may not accept the affidavit described in Subsection~~
- 87 ~~(2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age~~
- 88 ~~child from attendance under Subsection (2)(a)(ii) in relation to the parent's or~~
- 89 ~~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
- 91 child's parents or legal guardians , who is not prohibited under Subsection
- 92 (2)(a)(iii), to ~~file the affidavit described in Subsection (2)(a)(ii).]~~ home school the
- 93 school-age child.
- 94 (b) A signed and notarized affidavit ~~filed in accordance with Subsection (2)(a)]~~
- 95 described in Subsection (3) shall remain in effect as long as:
- 96 (i) the school-age child attends a home school; and
- 97 (ii) the school district where the affidavit was filed remains the school-age child's
- 98 district of residence; and] .
- 99 ~~[(iii) the parent or legal guardian who filed the signed affidavit has not been~~

100 convicted of child abuse or been the subject of a substantiated finding of child
 101 abuse by a court of competent jurisdiction.]

102 (c) A parent~~[or legal guardian]~~ of a school-age child who attends a home school is
 103 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~~[or legal guardian]~~ of a school-age child who attends a home
 109 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 ~~[home school students]~~ the school-age
 113 child who attends a home school.

114 (e) Upon the request of a parent~~[or legal guardian]~~, a local school board shall identify
 115 the knowledge, skills, and competencies a ~~[student]~~ school-age child is recommended
 116 to attain by a specific grade level and subject area to assist the parent~~[or legal~~
 117 ~~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~~
 119 ~~Subsection (2) shall annually issue a certificate stating that the school-age child is~~
 120 ~~excused from attendance for the specified school year.]~~

121 ~~[(g) A local school board shall issue a certificate excusing a school-age child from~~
 122 ~~attendance:]~~

123 ~~[(i) within 30 days after receipt of a signed affidavit filed by the school-age child's~~
 124 ~~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~~
 128 ~~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~~
 130 ~~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
 132 the purpose of home-schooling, the parent shall:

133 (i) sign and notarize an affidavit stating that the parent intends to home school the

- 134 parent's school-age child;
- 135 (ii) check a box on a child abuse disclosure form stating that the parent who filed the
- 136 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
- 139 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
- 143 school-age child's school district of residence.
- 144 (b) The child abuse disclosure form described in Subsection (3)(a)(ii) is legally binding
- 145 and can be used against the parent in court if the parent knowingly misrepresents a
- 146 conviction of child abuse on the child abuse disclosure form.
- 147 (c) A local school board shall disclose the legal implications of intentionally
- 148 misrepresenting a conviction of child abuse on the child abuse disclosure form to the
- 149 parent in writing.
- 150 (d) A local school board may not require an affidavit for a school-age child that is not
- 151 enrolled in public education at the beginning of an academic school year, including a
- 152 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
- 155 (3)(b); and
- 156 (ii) may not conduct a background check on a parent who files an affidavit as
- 157 described in this section.
- 158 ~~[(3)]~~ (4) A parent~~[-or legal guardian]~~ who is eligible to file and files a signed affidavit under
- 159 Subsection ~~[(2)(a)-]~~ (3) is exempt from the application of Subsections 53G-6-202(2), (5),
- 160 and (6).
- 161 ~~[(4)]~~ (5)(a) Nothing in this section may be construed to prohibit or discourage voluntary
- 162 cooperation, resource sharing, or testing opportunities between a school or school
- 163 district and a parent~~[-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~~[-or legal guardian]~~ provides education instruction to the parent's ~~[or legal~~
- 166 ~~guardian's]~~ school-age child alone or in cooperation with other parents~~[-or legal~~
- 167 ~~guardians]~~ similarly exempted under this section; or

168 (ii) the parent[~~or legal guardian~~] makes payment for educational services the parent's[
169 ~~or legal guardian's~~] school-age child receives.

170 Section 2. **Effective Date.**

171 This bill takes effect on May 7, 2025.