

Nicholeen P. Peck proposes the following substitute bill:

Homeschool Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

2

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;
- 11 ▶ removes the requirement for parents to attest to criminal background history;
- 12 ▶ establishes procedures for local school boards to process letters of intent;
- 13 ▶ removes liability from local school boards after student unenrollment; and
- 14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **53G-6-204**, 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.**

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

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

- 31 (ii) on an annual basis, a school-age child may receive a full release from attending a
32 public, regularly established private, or part-time school or class if:
- 33 (A) the school-age child has already completed the work required for graduation
34 from high school;
- 35 (B) the school-age child is in a physical or mental condition, certified by a
36 competent physician or physician assistant if required by the local school board
37 or charter school governing board, which renders attendance inexpedient and
38 impracticable;
- 39 (C) proper influences and adequate opportunities for education are provided in
40 connection with the school-age child's employment; or
- 41 (D) the district superintendent or charter school governing board has determined
42 that a school-age child over 16 years old is unable to profit from attendance at
43 school because of inability or a continuing negative attitude toward school
44 regulations and discipline.
- 45 (b) A school-age child receiving a partial release from school under Subsection (1)(a)(i)
46 is required to attend:
- 47 (i) school part time as prescribed by the local school board or charter school
48 governing board; or
- 49 (ii) a home school part time.
- 50 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)
51 must be sufficient to satisfy the local school board or charter school governing board.
- 52 (d) A local school board or charter school governing board that excuses a school-age
53 child from attendance as provided by this Subsection (1) shall issue a certificate that
54 the child is excused from attendance during the time specified on the certificate.
- 55 ~~[(2)(a)(i) As used in this Subsection (2)(a), "child abuse" means a criminal felony or~~
56 ~~attempted felony offense of which an individual is convicted, or to which an~~
57 ~~individual pleads guilty or no contest, for conduct that constitutes any of the~~
58 ~~following:]~~
- 59 ~~[(A) child abuse under Section 76-5-109;]~~
60 ~~[(B) aggravated child abuse under Section 76-5-109.2;]~~
61 ~~[(C) child abandonment under Section 76-5-109.3;]~~
62 ~~[(D) commission of domestic violence in the presence of a child under Section~~
63 ~~76-5-114;]~~
64 ~~[(E) child abuse homicide under Section 76-5-208;]~~

- 65 ~~[(F) child kidnapping under Section 76-5-301.1;]~~
66 ~~[(G) human trafficking of a child under Section 76-5-308.5;]~~
67 ~~[(H) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or in~~
68 ~~Title 76, Chapter 5b, Part 2, Sexual Exploitation, if the victim is under 18 years~~
69 ~~old;]~~
70 ~~[(I) sexual exploitation of a minor under Section 76-5b-201;]~~
71 ~~[(J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or]~~
72 ~~[(K) an offense in another state that, if committed in this state, would constitute an~~
73 ~~offense described in this Subsection (2)(a)(i).]~~
74 ~~[(ii) Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a~~
75 ~~school-age child from attendance, if the school-age child's parent or legal guardian~~
76 ~~files a signed affidavit with the school-age child's school district of residence, as~~
77 ~~defined in Section 53G-6-302, that:]~~
78 ~~[(A) the school-age child will attend a home school; and]~~
79 ~~[(B) the parent or legal guardian assumes sole responsibility for the education of~~
80 ~~the school-age child, except to the extent the school-age child is dual enrolled~~
81 ~~in a public school as provided in Section 53G-6-702.]~~
82 ~~[(iii) If a parent or legal guardian has been convicted of child abuse or if a court of~~
83 ~~competent jurisdiction has made a substantiated finding of child abuse against the~~
84 ~~parent or legal guardian:]~~
85 ~~[(A) the parent or legal guardian may not assume responsibility for the education~~
86 ~~of a school-age child under Subsection (2)(a)(ii); and]~~
87 ~~[(B) the local school board may not accept the affidavit described in Subsection~~
88 ~~(2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age~~
89 ~~child from attendance under Subsection (2)(a)(ii) in relation to the parent's or~~
90 ~~legal guardian's intent to home school the child.]~~
91 ~~[(iv) Nothing in this Subsection (2)(a) affects the ability of another of a child's~~
92 ~~parents or legal guardians who is not prohibited under Subsection (2)(a)(iii) to file~~
93 ~~the affidavit described in Subsection (2)(a)(ii).]~~
94 ~~[(b) A signed affidavit filed in accordance with Subsection (2)(a) shall remain in effect~~
95 ~~as long as:]~~
96 ~~[(i) the school-age child attends a home school;]~~
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 ~~[(e) A parent or legal guardian of a school-age child who attends a home school is solely~~
103 ~~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.]~~
- 113 ~~[(e) Upon the request of a parent or legal guardian, a local school board shall identify the~~
114 ~~knowledge, skills, and competencies a student is recommended to attain by grade~~
115 ~~level and subject area to assist the parent or legal guardian in achieving college and~~
116 ~~career readiness through home schooling.]~~
- 117 ~~[(f) A local school board that excuses a school-age child from attendance under this~~
118 ~~Subsection (2) shall annually issue a certificate stating that the school-age child is~~
119 ~~excused from attendance for the specified school year.]~~
- 120 ~~[(g) A local school board shall issue a certificate excusing a school-age child from~~
121 ~~attendance:]~~
- 122 ~~[(i) within 30 days after receipt of a signed affidavit filed by the school-age child's~~
123 ~~parent or legal guardian under this Subsection (2); and]~~
- 124 ~~[(ii) on or before August 1 each year thereafter unless:]~~
- 125 ~~[(A) the school-age child enrolls in a school within the school district;]~~
126 ~~[(B) the school-age child's parent or legal guardian notifies the school district that~~
127 ~~the school-age child no longer attends a home school; or]~~
- 128 ~~[(C) the school-age child's parent or legal guardian notifies the school district that~~
129 ~~the school-age child's school district of residence has changed.]~~
- 130 ~~[(3) A parent or legal guardian who is eligible to file and files a signed affidavit under~~
131 ~~Subsection (2)(a) is exempt from the application of Subsections 53G-6-202(2), (5), and~~
132 ~~(6).]~~

- 133 (2) When a parent requests to withdraw an enrolled school-age child from school for the
134 purpose of home-schooling, the parent shall submit a letter of intent to home school to
135 the local school board of the school-age child's district of residence regardless of which
136 LEA the school-age child is enrolled with at the time.
- 137 (3) A local school board may not require a letter of intent for a school-age child that is not
138 enrolled in public education at the beginning of an academic school year, including a
139 school-age child who is dual enrolled as described in Section 53G-6-702.
- 140 (4) Upon receiving a letter of intent to home school, the local school board shall:
141 (a) maintain a record of the letter of intent; and
142 (b) acknowledge receipt of the letter to the parent within 30 days.
- 143 (5) Upon receipt of a letter of intent to home school and the school-age child's
144 unenrollment, the local school board and school of enrollment are not liable for the
145 education, services, or welfare of the school-age child.
- 146 [(4)] (6)(a) Nothing in this section may be construed to prohibit or discourage voluntary
147 cooperation, resource sharing, or testing opportunities between a school or school
148 district and a parent or legal guardian of a child attending a home school.
- 149 (b) The exemptions in this section apply regardless of whether:
150 (i) a parent or legal guardian provides education instruction to the parent's or legal
151 guardian's child alone or in cooperation with other parents or legal guardians
152 similarly exempted under this section; or
153 (ii) the parent or legal guardian makes payment for educational services the parent's
154 or legal guardian's child receives.

155 **Section 2. Effective Date.**

156 This bill takes effect on May 7, 2025.