

Education Definition Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor:

LONG TITLE**General Description:**

This bill clarifies the distinction between home-based students and home school students.

Highlighted Provisions:

This bill:

- creates definitions for "home-based student" and "home school student";
- amends provisions to ensure correct terminology usage; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

53E-1-102, as last amended by Laws of Utah 2025, Chapter 343

53E-7-401, as last amended by Laws of Utah 2024, Chapter 466

53E-7-405, as last amended by Laws of Utah 2024, Chapter 466

53E-7-406, as last amended by Laws of Utah 2024, Chapter 466

53F-4-501, as last amended by Laws of Utah 2025, Chapter 541

53F-4-502, as last amended by Laws of Utah 2024, Chapter 24

53F-6-401, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

53F-6-412, as last amended by Laws of Utah 2025, Chapter 25

53G-6-204, as last amended by Laws of Utah 2025, Chapters 173, 284 and 370

53G-6-702, as last amended by Laws of Utah 2020, Chapter 408

53G-6-703, as last amended by Laws of Utah 2023, Chapter 340

53G-6-706, as last amended by Laws of Utah 2024, Chapter 464

53G-6-710, as enacted by Laws of Utah 2023, Chapter 60

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

Section 1. Section **53E-1-102** is amended to read:

53E-1-102 . Public education code definitions.

Unless otherwise indicated, as used in this title, Title 53F, Public Education System -- Funding, and Title 53G, Public Education System -- Local Administration:

- (1) "Bullying" means the same as that term is defined in Section 53G-9-601.
- (2) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that authorizes the operation of a charter school.
- (3) "Charter school governing board" means the board that governs a charter school.
- (4) "District school" means a public school under the control of a local school board.
- (5) "Home-based student" means a school-age student who:
 - (a) receives instruction outside of a public school;
 - (b) is not enrolled full-time in a public school; and
 - (c) receives, directly or indirectly, public funds to pay for all or part of the student's educational expenses, including:
 - (i) scholarship programs under:
 - (A) Title 53E, Chapter 7, Part 4, Carson Smith Opportunity Scholarship;
 - (B) Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program; or
 - (C) Title 53F, Chapter 6, Part 5, Utah Private Course Choice Empowerment;
 - (ii) public school extension programs;
 - (iii) publicly funded online, hybrid, or service-based instruction including instruction provided under:
 - (A) Title 53F, Chapter 4, Part 5, Statewide Online Education Program; or
 - (B) Title 53F, Chapter 6, Part 5, Utah Private Course Choice Empowerment; or
 - (iv) any other program using public taxpayer dollars for educational services or materials.
- (6)(a) "Home school" means an instructional setting in which a school-age child receives education as described in Section 53G-6-204, where:
 - (i) the child's parent or legal guardian is solely responsible for:
 - (A) curriculum selection;
 - (B) instructional delivery; and
 - (C) evaluation of learning; and
 - (ii) no public taxpayer funding is used for educational services, materials, or instruction.

(b) "Home school" includes a home-based microschool, as that term is defined in Section 53G-6-201, and other cooperative educational arrangements, if the home-based microschool or other cooperative educational arrangements meet the requirements of this subsection.

(7) "Home school student" means a school-age student who:

(a) is excused from enrollment in a public school under Section 53G-6-204; and

(b) receives instruction through a home school.

~~[(5)]~~ (8) "Individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

~~[(6)]~~ (9) "LEA governing board" means:

(a) for a school district, the local school board;

(b) for a charter school, the charter school governing board; or

(c) for the Utah Schools for the Deaf and the Blind, the state board.

~~[(7)]~~ (10) "Local education agency" or "LEA" means:

(a) a school district;

(b) a charter school; or

(c) the Utah Schools for the Deaf and the Blind.

~~[(8)]~~ (11) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

~~[(9)]~~ (12) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.

~~[(10)]~~ (13) "Parent" means a parent or legal guardian.

~~[(11)]~~ (14) "Public education code" means:

(a) this title;

(b) Title 53F, Public Education System -- Funding; and

(c) Title 53G, Public Education System -- Local Administration.

~~[(12)]~~ (15) "Section 504 accommodation plan" means a plan developed in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a disability, to meet the student's educational needs and ensure equitable access to a free appropriate public education.

~~[(13)]~~ (16) "School nurse" means a registered nurse:

(a) who holds:

(i) a license under Title 58, Chapter 31b, Nurse Practice Act; or

- (ii) a multistate license as that term is defined in Section 58-31e-102; and
- (b) whose primary role is the care of a defined group of students enrolled in the public school system.

~~[(14)]~~ (17) "State board" means the State Board of Education.

~~[(15)]~~ (18) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.

Section 2. Section **53E-7-401** is amended to read:

53E-7-401 . Definitions.

As used in this part:

(1) "The Carson Smith Opportunity Scholarship Program" or "program" means the program established in Section 53E-7-402.

(2) "Eligible student" means:

(a) a student who:

(i) is:

(A) eligible to participate in public school, in kindergarten, or grades 1 through 12;

(B) enrolled in a qualifying school as defined in Subsection (11);

(C) a home-based scholarship student as defined in Subsection (6); or

(D) at least three years old before September 2 of the year the scholarship is awarded;

(ii) is a resident of the state;

(iii) has a qualified disability identified under 20 U.S.C. Sec. 140(3) as determined by:

(A) having an IEP within the previous three years; or

(B) a multidisciplinary team evaluation described in Subsection (7); and

(iv) during the school year for which the student is applying for the scholarship, is not:

(A) a student who receives a scholarship under the Carson Smith Scholarship Program created in Section 53F-4-302; or

(B) enrolled as a public school student; or

(b) a student who:

(i) meets the requirement of Subsections (2)(a)(i) and (ii); and

(ii) is a sibling of and resides in the same household as a student described in Subsection (2)(a) if:

(A) the student described in Subsection (2)(a) is a scholarship student and has

verified enrollment or intent to enroll at a qualifying school or participate in

- 133 services provided by a qualifying provider; and
- 134 (B) the sibling is applying for a scholarship to attend the same qualifying school
- 135 or participate in the same services provided by a qualifying provider.
- 136 (3)(a) "Employee" means an individual working in a position in which the individual's
- 137 salary, wages, pay, or compensation, including as a contractor, is paid from:
- 138 (i) program donations to a scholarship granting organization; or
- 139 (ii) scholarship money allocated to a qualifying school or qualifying provider by a
- 140 scholarship granting organization under Section 53E-7-405.
- 141 (b) "Employee" does not include an individual who volunteers at the scholarship
- 142 granting organization, qualifying school, or qualifying provider.
- 143 (4) "Family income" means the annual income of the parent, parents, legal guardian, or
- 144 legal guardians with whom a scholarship student lives.
- 145 (5) "Federal poverty level" means the poverty level as defined by the most recently revised
- 146 poverty income guidelines published by the United States Department of Health and
- 147 Human Services in the Federal Register.
- 148 (6) "Home-based scholarship student" means a student who:
- 149 ~~[(a) is eligible to participate in public school, in kindergarten or grades 1 through 12;]~~
- 150 ~~[(b)] (a) [is excused from enrollment in an LEA in accordance with Section 53G-6-204 to~~
- 151 ~~attend a home school] is a home-based student as defined in Section 53E-1-102; and~~
- 152 ~~[(c)] (b) receives a benefit from a scholarship under the program.~~
- 153 (7) "Multidisciplinary evaluation team" means two or more individuals:
- 154 (a) who are qualified in two or more separate disciplines or professions; and
- 155 (b) who evaluate a child.
- 156 (8) "Officer" means:
- 157 (a) a member of the board of a scholarship granting organization, qualifying school, or
- 158 qualifying provider; or
- 159 (b) the chief administrative officer of a scholarship granting organization[-], qualifying
- 160 school, or qualifying provider.
- 161 (9) "Program donation" means a donation to the program under Section 53E-7-405.
- 162 (10) "Qualifying provider" means:
- 163 (a) an entity that:
- 164 (i) is not a public school and is autonomous and not an agent of the state, in
- 165 accordance with Section 53E-7-406; and
- 166 (ii) meets the requirement described in Section 53E-7-403; and

(b) is an eligible service provider approved by the scholarship granting organization in accordance with Section 53E-7-408.5.

(11) "Qualifying school" means a private school that:

(a) provides kindergarten, elementary, or secondary education;

(b) is approved by the state board under Section 53E-7-408; and

(c) meets the requirements described in Section 53E-7-403.

(12) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

(13) "Scholarship" means a grant awarded to an eligible student:

(a) by a scholarship granting organization out of program donations; and

(b) for the purpose of paying for a scholarship expense.

(14) "Scholarship expense" means an expense that a parent or eligible student incurs in the education of the eligible student for goods or a service that a qualifying school or qualifying provider provides or facilitates, including:

(a) published tuition and fees of a qualifying school or qualifying provider;

(b) fees and instructional materials at a technical college;

(c) tutoring services;

(d) fees for after-school or summer education programs;

(e) textbooks, curricula, or other instructional materials, including any supplemental materials or associated online instruction that a curriculum, qualifying provider, or a qualifying school recommends;

(f) educational software and applications;

(g) supplies or other equipment related to an eligible student's educational needs;

(h) computer hardware or other technological devices that are intended primarily for an eligible student's educational needs;

(i) fees for the following examinations, or for a preparation course for the following examinations, that the scholarship granting organization approves:

(i) a national norm-referenced or standardized assessment described in Section

53F-6-410, an advanced placement examination, or another similar assessment;

(ii) a state-recognized industry certification examination; and

(iii) an examination related to college or university admission;

(j) educational services for students with disabilities from a licensed or accredited practitioner or provider, including occupational, behavioral, physical, audiology, or

- 201 speech-language therapies;
- 202 (k) contracted services that the scholarship granting organization approves and that an
- 203 LEA provides, including individual classes, after-school tutoring services,
- 204 transportation, or fees or costs associated with participation in extracurricular
- 205 activities;
- 206 (l) ride fees or fares for a fee-for-service transportation provider to transport the eligible
- 207 student to and from a qualifying school or qualifying provider, not to exceed \$750 in
- 208 a given school year;
- 209 (m) expenses related to extracurricular activities, field trips, educational supplements,
- 210 and other educational experiences; or
- 211 (n) the scholarship granting organization approves in accordance with Subsection
- 212 53E-7-405(3).
- 213 (15) "Scholarship granting organization" means an organization that is:
- 214 (a) qualified as tax exempt under Section 501(c)(3), Internal Revenue Code; and
- 215 (b) recognized through an agreement with the state board as a scholarship granting
- 216 organization, as described in Section 53E-7-404.
- 217 (16) "Scholarship student" means an eligible student, including a home-based scholarship
- 218 student, who receives a scholarship under this part.
- 219 (17) "Value of the weighted pupil unit" means the amount established each year in the
- 220 enacted public education budget that is multiplied by the number of weighted pupil units
- 221 to yield the funding level for the basic state-supported school program.
- 222 Section 3. Section **53E-7-405** is amended to read:
- 223 **53E-7-405 . Program donations -- Scholarship granting organization**
- 224 **requirements -- Legislative appropriations.**
- 225 (1) A person that makes a donation to a scholarship granting organization to help fund
- 226 scholarships through the program may be eligible to receive a nonrefundable tax credit
- 227 as described in Sections 59-7-625 and 59-10-1041.
- 228 (2) In accordance with Section 53E-7-404, an organization may enter into an agreement
- 229 with the state board to be a scholarship granting organization.
- 230 (3) A scholarship granting organization shall:
- 231 (a) accept program donations and allow a person that makes a program donation to
- 232 designate a qualifying school or qualifying provider to which the donation shall be
- 233 directed for scholarships;
- 234 (b) adopt an application process in accordance with Subsection (5);

- (c) review scholarship applications and determine scholarship awards;
- (d) allocate scholarship money to a scholarship student's parent or, on the parent's behalf, to a qualifying school or qualifying provider in which the scholarship student is enrolled or participates;
- (e) adopt a process, with state board approval, that allows a parent to use a scholarship to pay for a nontuition scholarship expense for the scholarship student;
- (f) ensure that during the state fiscal year:
 - (i) at least 92% of the scholarship granting organization's revenue from program donations and other funding sources are spent on scholarships;
 - (ii) up to 5% of the scholarship granting organization's revenue from program donations and other funding sources are spent on administration of the program;
 - (iii) up to 3% of the scholarship granting organization's revenue from program donations and other funding sources are spent on marketing and fundraising costs; and
 - (iv) all revenue from interest or investments is spent on scholarships;
- (g) carry forward no more than 60% of the scholarship granting organization's funds, less funds for a scholarship that has been awarded, and funds expended for administration and marketing, from the state fiscal year in which the scholarship granting organization received the funds to the following state fiscal year;
- (h) at the end of a state fiscal year, remit to the state treasurer donation amounts greater than the amount described in Subsection (3)(g);
- (i) prohibit a scholarship granting organization employee or officer from handling, managing, or processing program donations or other funds, if, based on a criminal background check conducted by the state board in accordance with Section 53E-7-404, the state board identifies the employee or officer as posing a risk to the appropriate use of program donations or other funds;
- (j) ensure that a scholarship can be transferred during the school year to a different qualifying school or qualifying provider that accepts the scholarship student;
- (k) report to the state board on or before November 1 of each year the following information, prepared by a certified public accountant:
 - (i) the name and address of the scholarship granting organization;
 - (ii) the total number and total dollar amount of program donations and other funding sources that the scholarship granting organization received during the previous calendar year;

(iii)(A) the total number and total dollar amount of scholarships the scholarship granting organization awarded during the previous state fiscal year to eligible students described in Subsection 53E-7-401(2)(a); and

(B) the total number and total dollar amount of scholarships the scholarship granting organization awarded during the previous state fiscal year to eligible students described in Subsection 53E-7-401(2)(b); and

(iv) the percentage of first-time scholarship recipients who were enrolled in a public school during the previous school year or who entered kindergarten or a higher grade for the first time in Utah;

(l) issue tax credit certificates as described in Section 53E-7-407; and

(m)(i) require a parent to notify a scholarship granting organization if the parent's scholarship recipient:

(A) receives scholarship money for tuition expenses; and

(B) does not have continuing enrollment and attendance at a qualifying school; or

(ii) has transitioned to be a [~~home-based~~] home school student as defined in Section 53E-1-102.

(4) The state treasurer shall deposit the money described in Subsection (3)(h) into the Income Tax Fund.

(5)(a) An application for a scholarship shall contain an acknowledgment by the applicant's parent that the qualifying school or qualifying provider selected by the parent for the applicant to attend or participate in using a scholarship is capable of providing the level of disability services required for the student.

(b) A scholarship application form shall contain the following statement:

"I acknowledge that:

(1) A private school may not provide the same level of disability services that are provided in a public school;

(2) I will assume full financial responsibility for the education of my scholarship recipient if I accept this scholarship;

(3) Acceptance of this scholarship has the same effect as a parental refusal to consent to services as described in 24 C.F.R. Sec. 300.300, issued under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and

(4) My child may return to a public school at any time."

(c) Upon acceptance of a scholarship, the parent assumes full financial responsibility for the education of the scholarship recipient.

- (d) Acceptance of a scholarship has the same effect as a parental refusal to consent to services as described in 24 C.F.R. Sec. 300.300, issued under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (e) The creation of the program or granting of a scholarship does not:
- (i) imply that a public school did not provide a free and appropriate public education for a student; or
 - (ii) constitute a waiver or admission by the state.
- (6) A scholarship granting organization shall demonstrate the scholarship granting organization's financial accountability by annually submitting to the state board a financial information report that:
- (a) complies with the uniform financial accounting standards described in Section 53E-7-404; and
 - (b) is prepared by a certified public accountant.
- (7)(a) If a scholarship granting organization allocates \$500,000 or more in scholarships annually through the program, the scholarship granting organization shall:
- (i) contract for an annual audit, conducted by a certified public accountant who is independent from:
 - (A) the scholarship granting organization; and
 - (B) the scholarship granting organization's accounts and records pertaining to program donations and other funding sources; and
 - (ii) in accordance with Subsection (7)(b), report the results of the audit to the state board for review.
- (b) For the report described in Subsection (7)(a)(ii), the scholarship granting organization shall:
- (i) include the scholarship granting organization's financial statements in a format that meets generally accepted accounting standards; and
 - (ii) submit the report to the state board no later than November 1.
- (c) The certified public accountant shall conduct an audit described in Subsection (7)(a)(i) in accordance with generally accepted auditing standards and rules made by the state board.
- (d)(i) The state board shall review a report submitted under this section and may request that the scholarship granting organization revise or supplement the report if the report is not in compliance with the provisions of this Subsection (7) or rules adopted by the state board.

- 337 (ii) A scholarship granting organization shall provide a revised report or supplement
338 to the report no later than 45 days after the day on which the state board makes a
339 request described in Subsection (7)(d)(i).
- 340 (8)(a) A scholarship granting organization may not allocate scholarship money to a
341 qualifying school or qualifying provider if:
- 342 (i) the scholarship granting organization determines that the qualifying school or
343 qualifying provider intentionally or substantially misrepresented information on
344 overpayment;
- 345 (ii) the qualifying school or qualifying provider fails to refund an overpayment in a
346 timely manner; or
- 347 (iii) the qualifying school or qualifying provider routinely fails to provide scholarship
348 recipients with promised educational goods or services.
- 349 (b) A scholarship granting organization shall notify a scholarship recipient if the
350 scholarship granting organization stops allocation of the recipient's scholarship
351 money to a qualifying school or qualifying provider under Subsection (8)(a).
- 352 (9) If a scholarship recipient transfers to another qualifying school or qualifying provider
353 during the school year, the scholarship granting organization may prorate scholarship
354 money between the qualifying schools or qualifying providers according to the time the
355 scholarship recipient spends at each school or each provider.
- 356 (10) A scholarship granting organization may not:
- 357 (a) award a scholarship to a relative of the scholarship granting organization's officer; or
358 (b) allocate scholarship money to a qualifying school or qualifying provider at which the
359 scholarship recipient has a relative who is an officer or an administrator of the
360 qualifying school or qualifying provider.
- 361 (11) The Legislature may appropriate funds to the board to be distributed in an equal
362 amount to each scholarship granting organization for the same purposes program
363 donations are used.

364 Section 4. Section **53E-7-406** is amended to read:

365 **53E-7-406 . Qualifying school or qualifying provider regulatory autonomy --**
366 **Home school autonomy -- Student records -- Scholarship student status.**

367 (1) Nothing in this part:

- 368 (a) except as expressly described in this part, grants additional authority to any state
369 agency or LEA to regulate or control:

370 (i) a qualifying school, qualifying provider, or home school as defined in Section

- 371 53E-1-102; or
- 372 (ii) students receiving education from a qualifying school, qualifying provider, or
- 373 home school as defined in Section 53E-1-102;
- 374 (b) applies to or otherwise affects the freedom of choice of [~~an out-of-program~~] a home
- 375 school student, as defined in Section 53E-1-102 including the curriculum, resources,
- 376 developmental planning, or any other aspect of the [~~out-of-program~~] home school
- 377 student's education; or
- 378 (c) expands the regulatory authority of the state, a state office holder, or an LEA to
- 379 impose any additional regulation of a qualifying school or qualifying provider
- 380 beyond any regulation necessary to administer this part.
- 381 (2) A qualifying school or qualifying provider:
- 382 (a) has a right to maximum freedom from unlawful governmental control in providing
- 383 for the educational needs of a scholarship student who attends or engages with the
- 384 qualifying school or qualifying provider; and
- 385 (b) is not an agent of the state by virtue of the provider's acceptance of payment from a
- 386 scholarship account in accordance with this part.
- 387 (3) Except as provided in Section 53E-7-403 regarding qualifying schools or qualifying
- 388 providers, Section 53E-7-408 regarding eligible schools, or Section 53E-7-408.5
- 389 regarding eligible service providers, a scholarship granting organization may not require
- 390 a qualifying provider to alter the qualifying provider's creed, practices, admissions
- 391 policies, hiring practices, or curricula in order to accept scholarship funds.
- 392 (4) An LEA or a school in an LEA in which a scholarship student was previously enrolled
- 393 shall provide to the scholarship student's parent a copy of all school records relating to
- 394 the student that the LEA possesses within 30 days after the day on which the LEA or
- 395 school receives the parent's request for the student's records, subject to:
- 396 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and
- 397 (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
- 398 (5) By virtue of a scholarship student's involvement in the program and unless otherwise
- 399 expressly provided in statute, a scholarship student is not:
- 400 (a) enrolled in the public education system; or
- 401 (b) otherwise subject to statute, administrative rules, or other state regulations as if the
- 402 student was enrolled in the public education system.

403 Section 5. Section **53F-4-501** is amended to read:

404 **53F-4-501 . Definitions.**

As used in this part:

- (1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504(1).
- (2)(a) "Certified online course provider" means a provider that the state board approves to offer courses through the Statewide Online Education Program.
- (b) "Certified online course provider" does not include an entity described in Subsections 53F-4-504(1)(a) through (c).
- (3) "Credit" means credit for a high school course, or the equivalent for a middle school course, as determined by the state board.
- (4) "Eligible student" means a student who:
 - (a) intends to take a course for middle school or high school credit; and
 - (b) is:
 - (i) enrolled in an LEA in Utah; or
 - (ii) a home-based student [~~in accordance with Section 53G-6-204~~] as defined in Section 53E-1-102, whose custodial parent is a resident of Utah.
- (5) "High school" means grade 9, 10, 11, or 12.
- (6) "Middle school" means, only for purposes of student eligibility to participate in the Statewide Online Education Program, grade 6, 7, or 8.
- (7) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology, regardless of whether the student participates in the course at home, at school, at another location, or any combination of these.
- (8) "Plan for college and career readiness" means the same as that term is defined in Section 53E-2-304.
- (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.
- (10) "Released-time" means a period of time during the regular school day a student is excused from school at the request of the student's parent pursuant to rules of the state board.

Section 6. Section **53F-4-502** is amended to read:

53F-4-502 . Statewide Online Education Program created -- Designated as program of the public education system -- Purposes.

- (1) The Statewide Online Education Program is created to enable an eligible student to,

through the completion of publicly funded online courses:

- (a) earn college credit by July 1, 2025;
- (b) earn high school graduation credit; or
- (c) earn middle school credit.

(2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online Education Program is designated as a program of the public education system.

(3) The purposes of the Statewide Online Education Program are to:

- (a) provide a student with access to online learning options regardless of where the student attends school, whether a public, private, or home school as defined in Section 53E-1-102, or a home-based student;
- (b) provide digital learning options for a student regardless of language, residence, family income, or special needs;
- (c) provide online learning options to allow a student to acquire the knowledge and technology skills necessary in a digital world;
- (d) utilize the power and scalability of technology to customize education so that a student may learn in the student's own style preference and at the student's own pace;
- (e) utilize technology to remove the constraints of traditional classroom learning, allowing a student to access learning virtually at any time and in any place and giving the student the flexibility to take advantage of the student's peak learning time;
- (f) provide personalized learning, where a student can spend as little or as much time as the student needs to master the material;
- (g) provide greater access to self-paced programs enabling a high achieving student to accelerate academically, while a struggling student may have additional time and help to gain competency;
- (h) allow a student to customize the student's schedule to better meet the student's academic goals;
- (i) provide quality learning options to better prepare a student for post-secondary education, vocational training, or career opportunities; and
- (j) allow a student to have an individualized educational experience.

(4) The program name, "Statewide Online Education Program," shall be used in the dissemination of information on the program.

Section 7. Section **53F-6-401** is amended to read:

53F-6-401 . Definitions.

As used in this part:

- 473 (1) "Contract administrator" means the state board's appointed Deputy Superintendent of
474 Operations that ensures the program manager or financial administrator meets
475 contractual obligations.
- 476 (2) "Contract oversight and compliance" means the oversight and coordination functions
477 performed by the Department of Operations contract administrator, including:
478 (a) establishing and maintaining program standards within a contract with a program
479 manager or financial administrator;
480 (b) determining operational requirements and structures;
481 (c) procuring and managing contracts for program services and standards;
482 (d) ensuring program integrity through direct or contracted oversight;
483 (e) coordinating program functions and contracted services with a program manager or
484 financial administrator; and
485 (f) maintaining appropriate separation between government oversight and independent
486 program operations.
- 487 (3) "Contracted entity" means:
488 (a) an organization that:
489 (i) contracts with the state board under Section 53F-6-404 to perform duties and
490 functions necessary for program administration and operations;
491 (ii) is not affiliated with any international organization;
492 (iii) does not harvest data for the purpose of reproducing or distributing the data to
493 other entities;
494 (iv) is not involved in guiding or directing any curriculum or curriculum standards;
495 and
496 (v) performs the specific duties and functions assigned in the contract with the state
497 board.
- 498 (b) "Contracted entity" includes:
499 (i) the program manager, unless the program manager is the Department of
500 Operations for any duration of time;
501 (ii) the financial administrator; and
502 (iii) any other entity contracted to perform program functions under Section
503 53F-6-404.
- 504 (c) "Contracted entity" does not include:
505 (i) a qualifying provider;
506 (ii) an eligible school; or

(iii) an eligible service provider.

(4)(a) "Contracted entity employee" means an individual working for an entity contracted under Section 53F-6-404 in a position in which the individual's salary, wages, pay, or compensation, including as a contractor, is paid from scholarship funds.

(b) "Contracted entity employee" does not include:

(i) an individual who volunteers for a contracted entity or for a qualifying provider;

(ii) an individual who works for a qualifying provider; or

(iii) a qualifying provider.

(5) "Contracted entity officer" means:

(a) a member of the board of a contracted entity; or

(b) the chief administrative officer of a contracted entity.

(6) "Department of Operations" means the section of the state board that oversees financial operations, procurement operations, data and statistics operations, school land trust, and information technology operations for the state board.

(7)(a) "Educational supplements" means:

(i) materials, tools, and equipment that:

(A) are directly related to and necessary for subjects aligned with the core standards the state board establishes pursuant to Section 53E-4-202;

(B) are used for specific learning objectives or competencies;

(C) support structured learning activities or lessons; and

(D) are consumable or non-reusable in nature;

(ii) supplemental learning materials that:

(A) directly support or enhance the delivery of instruction in core academic subjects;

(B) are tied to specific educational goals or outcomes; and

(C) are not primarily for entertainment or general enrichment purposes;

(iii) arts and music education materials that:

(A) align with state core standards; and

(B) are used in structured arts or music instruction; and

(iv) other educational materials that the program manager determines are:

(A) necessary for meeting specific learning objectives;

(B) appropriate for the student's age or grade level; and

(C) primarily educational rather than recreational in nature.

(b) "Educational supplements" does not include:

- (i) entertainment materials;
- (ii) recreational equipment;
- (iii) food or nutritional items;
- (iv) furniture or household items;
- (v) general office supplies not specific to an educational activity; or
- (vi) other items that do not have a clear, direct educational purpose aligned with academic instruction.

(8) "Eligible student" means a student:

- (a) who is eligible to participate in public school, in kindergarten, or grades 1 through 12;
- (b) who is a primary resident of the state, including a child of a military service member, as that term is defined in Section 53H-11-202;
- (c) who, during the school year for which the student is applying for a scholarship account:
 - (i) does not receive a scholarship under:
 - (A) the Carson Smith Scholarship Program established in Section 53F-4-302; or
 - (B) the Carson Smith Opportunity Scholarship Program established in Section 53E-7-402; and
 - (ii) before receiving the scholarship is not enrolled in:
 - (A) an LEA; or
 - (B) the Statewide Online Education Program to participate in a course with funding provided under Chapter 4, Part 5, Statewide Online Education Program, which does not include participation in a course by an entity as described in Subsection 53F-6-409(7);
- (d) whose eligibility is not suspended or disqualified under Section 53F-6-401;
- (e) who completes, to maintain eligibility, the portfolio requirement described in Subsection 53F-6-402(3)(d);
- (f) who provides verification of primary residence in Utah, including a parent's utility bill, mortgage statement, lease agreement, or property tax records from the current calendar year in which the eligible student is renewing, reapplying, or applying for the scholarship for the first time; and
- (g) for out-of-state military families, who attests that the student is not enrolled in a public school elsewhere while receiving the scholarship.

(9) "Federal poverty level" means the United States poverty level as defined by the most

recently revised poverty income guidelines published by the United States Department of Health and Human Services in the Federal Register.

(10)(a) "Financial administrator" means an organization that:

- (i) is not affiliated with any international organization;
- (ii) does not harvest data for the purpose of reproducing or distributing the data to other entities;
- (iii) is not involved in guiding or directing any curriculum or curriculum standards; and
- (iv) contracts with the state board to administer scholarship payments in accordance with this part.

(b) "Financial administrator" may include an organization that serves as both program manager and financial administrator if the organization maintains appropriate separation of duties and meets all qualifications for both roles.

(11)(a) "Home-based scholarship student" means a student who:

- (i) ~~[is eligible to participate in public school, in kindergarten or grades 1 through 12;]~~
is a home-based student as defined in Section 53E-1-102; and
- ~~[(ii) attests to being exited from enrollment in a public school to attend a home-based learning environment if the student was enrolled at any time in a public school; and]~~
[(ii)] (ii) receives a benefit of scholarship funds.

(b) "Home-based scholarship student" does not mean a home-based student who does not receive a scholarship under the program or a home school student as defined in Section 53E-1-102.

(12) "Household income" means:

- (a) the combined gross income of all parents residing in the same household as the eligible student;
- (b) the gross income of a single parent who claims the student as a dependent; or
- (c) the gross income of a parent who claims the student as a dependent under the terms of a joint custody agreement.

(13) "Parent" means:

- (a) the same as that term is defined in Section 53E-1-102; and
- (b) a foster parent who has initiated a process to adopt the foster child.

(14) "Primary residence" means the one location where an individual resides for the majority of the year.

- (15) "Private school" means a full-time, tuition-bearing educational institution where the student receives the majority of the student's academic instruction.
- (16)(a) "Program manager" means a contracted entity or entities that:
- (i) perform program operational functions outlined in the procurement agreement described in Section 53F-6-404, including:
 - (A) processing scholarship applications and eligibility determinations;
 - (B) maintaining scholarship account records;
 - (C) coordinating with qualifying providers and the financial administrator; and
 - (D) providing customer service to program participants;
 - (ii) in accordance with required program administration, implement established program standards and procedures; and
 - (iii) perform other operational duties as specified in the contract.
- (b) "Program manager" may include an organization that serves as both program manager and financial administrator if the organization maintains appropriate separation of duties and meets all qualifications for both roles.
- (17)(a) "Qualifying provider" means one of the following entities:
- (i) an eligible school that the program manager approves in accordance with Section 53F-6-408; or
 - (ii) an eligible service provider that the program manager approves in accordance with Section 53F-6-409.
- (b) "Qualifying provider" does not include:
- (i) a parent of a home-based scholarship student solely in relation to the parent's child; or
 - (ii) any other individual that does not meet the requirements described in Subsection (17)(a).
- (18) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- (19) "Scholarship account" means the account to which a program manager allocates funds for the payment of approved scholarship expenses in accordance with this part.
- (20)(a) "Scholarship expense" means an expense described in Section 53F-6-402 that a parent or scholarship student incurs in the education of the scholarship student for a service or goods that a qualifying provider provides, including:
- (i) tuition and fees of a qualifying provider;

- (ii) fees and instructional materials at a technical college;
- (iii) tutoring services;
- (iv) fees for after-school or summer education programs;
- (v) textbooks, curricula, or other instructional materials, including any supplemental materials or associated online instruction that a curriculum or a qualifying provider recommends;
- (vi) educational software and applications;
- (vii) supplies or other equipment related to a scholarship student's educational needs;
- (viii) computer hardware or other technological devices that are intended primarily for a scholarship student's educational needs, not to exceed once every three years for a scholarship student;
- (ix) fees for the following examinations, or for a preparation course for the following examinations, that the program manager approves:
 - (A) a national norm-referenced or standardized assessment described in Section 53F-6-410, an advanced placement examination, or another similar assessment;
 - (B) a state-recognized industry certification examination; and
 - (C) an examination related to college or university admission;
- (x) educational services for students with disabilities from a licensed or accredited practitioner or provider, including occupational, behavioral, physical, audiology, or speech-language therapies;
- (xi) contracted services that the program manager approves and that an LEA provider offers, including individual classes, after-school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;
- (xii) ride fees or fares for a fee-for-service transportation provider to transport the scholarship student to and from a qualifying provider, not to exceed \$750 in a given school year;
- (xiii) in accordance with Subsection (20)(c), expenses related to extracurricular activities, field trips, educational supplements, physical education experiences, and other educational experiences;
- (xiv) coursework or an educational supplement for arts and music that aligns with state core standards;
- (xv) a musical instrument rental, excluding purchase; or
- (xvi) any other expense for a good or service that:
 - (A) a parent or scholarship student incurs in the education of the scholarship

- 677 student; and
- 678 (B) the program manager approves.
- 679 (b) "Scholarship expense" does not include:
- 680 (i) chaperone expenses, except that a family with one or more scholarship students
- 681 receiving the scholarship under Subsection 53F-6-402(2)(c) may use scholarship
- 682 funds for one chaperone expense or pass per family, regardless of how many
- 683 scholarship students are in the family or household;
- 684 (ii) season tickets or subscriptions to entertainment venues;
- 685 (iii) ski passes or lift tickets;
- 686 (iv) access to recreational facilities unless for physical education of the student;
- 687 (v) playground equipment;
- 688 (vi) the purchase of any type of:
- 689 (A) furniture; or
- 690 (B) a musical instrument;
- 691 (vii) apparel; and
- 692 (viii) other non-educational expenses as the program manager determines.
- 693 (c)(i) A scholarship expense for extracurricular activities may not exceed 20% of the
- 694 total scholarship amount.
- 695 (ii) A scholarship expense for physical education requirements may not exceed an
- 696 additional 20% of the total scholarship amount from the amount described in
- 697 Subsection (20)(c)(i).
- 698 (iii) A scholarship expense for arts and music described in Subsection (20)(a)(xiv) is
- 699 not an extracurricular activity.
- 700 (21) "Scholarship funds" means:
- 701 (a) funds that the Legislature appropriates for the program; and
- 702 (b) interest that scholarship funds accrue.
- 703 (22)(a) "Scholarship student" means an eligible student, including a home-based
- 704 scholarship student, for whom the program manager establishes and maintains a
- 705 scholarship account in accordance with this part.
- 706 (b) "Scholarship student" does not include a home-based student who does not receive a
- 707 scholarship award under the program or a home school student as defined in Section
- 708 53E-1-102.
- 709 (23) "Utah Fits All Scholarship Program" or "program" means the scholarship program
- 710 established in Section 53F-6-402.

Section 8. Section **53F-6-412** is amended to read:

53F-6-412 . Reports.

In accordance with Section 68-3-14 and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, the program manager shall submit a report on the program to the Education Interim Committee no later than September 1 of each year that includes:

- (1) the number and outcomes of appeals processed through the appeals process established in Section 53F-6-417;
- (2) the total amount and usage of rollover funds as described in Section 53F-6-411;
- (3) a summary of the income verification process and outcomes, including the number of households verified through each method described in Section 53F-6-402;
- (4) for scholarship rollovers:
 - (a) the total amount of funds rolled over;
 - (b) the number of students with rollovers; and
 - (c) the impact on subsequent year scholarship amounts;
- (5) for restricted expenses:
 - (a) the total amount spent on extracurricular and physical education expenses;
 - (b) the percentage of scholarship funds used for restricted expenses by students; and
 - (c) the number of students reaching:
 - (i) the 20% restriction limit for physical education expenses; and
 - (ii) the 20% limit for extracurricular related expenses;
- (6) in consultation with the financial administrator, all financial data necessary for the preparation of the report required under this section no later than 30 days before each reporting deadline;
- (7) the total amount of tuition and fees qualifying providers charged for the current year and previous two years;
- (8) the total amount of goods paid for with scholarship funds in the previous year and a general characterization of the types of goods;
- (9) administrative costs of the program;
- (10) the number of scholarship students from each county and the aggregate number of eligible students on the waitlist described in Section 53F-6-405;
- (11) the percentage of first-time scholarship students who were enrolled in a public school during the previous school year or who entered kindergarten or a higher grade for the first time in Utah;
- (12) the program manager's strategy and outreach efforts to reach eligible students whose

family income is at or below 200% of the federal poverty level and related obstacles to enrollments;

(13) in the report that the program manager submits in 2025, information on steps the program manager has taken and processes the program manager has adopted to implement the program;

(14) breakdown of scholarship students by:

(a) a student enrolled in private school~~[enrollment]~~ versus a home-based ~~[education]~~ student as defined in Section 53E-1-102; and

(b) enrollment preference tier through which the student received the scholarship; and

(15) any other information regarding the program and the program's implementation that the committee requests.

Section 9. 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;

(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;

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

(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 inability or a continuing negative attitude toward school regulations and discipline.

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

- 779 (i) school part time as prescribed by the local school board or charter school
780 governing board; or
781 (ii) a home school part time.
- 782 (c) In each case, evidence of reasons for granting an exemption under this Subsection (1)
783 must be sufficient to satisfy the local school board or charter school governing board.
- 784 (d) A local school board or charter school governing board that excuses a school-age
785 child from attendance as provided by this Subsection (1) shall issue a certificate that
786 the child is excused from attendance during the time specified on the certificate.
- 787 (2)(a) A parent or legal guardian of a school-age child who attends a home school as
788 defined in Section 53E-1-102 is solely responsible for:
- 789 (i) the selection of instructional materials and textbooks;
790 (ii) the time, place, and method of instruction; and
791 (iii) the evaluation of the home school instruction.
- 792 (b) A local school board may not:
- 793 (i) require a parent or legal guardian of a school-age child who attends a home school
794 to maintain records of instruction or attendance;
795 (ii) require credentials for individuals providing home school instruction;
796 (iii) inspect home school facilities; or
797 (iv) require standardized or other testing of home school students.
- 798 (c) Upon the request of a parent or legal guardian, a local school board shall identify the
799 knowledge, skills, and competencies a student is recommended to attain by grade
800 level and subject area to assist the parent or legal guardian in achieving college and
801 career readiness through home schooling.
- 802 (3) When a parent withdraws an enrolled school-age child from school for the purpose of
803 home-schooling, or chooses not to enroll a school-age child, the parent shall provide a
804 one-time initial notification, that may include a letter of intent, to the local school board
805 of the school-age child's district of residence.
- 806 (4) A local school board may not require a notification described in Subsection (3) if a
807 parent of a school-age child provided a notification to the local school board on or
808 before May 7, 2025, including through a home-school affidavit.
- 809 (5) Upon receiving the notification in Subsection (3):
- 810 (a) the local school board shall:
- 811 (i) maintain a record of the notification; and
812 (ii) acknowledge receipt of the notification to the parent within 30 days; and

(b) the local school board and school of enrollment are not liable for the education or services of the school-age child.

(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 or legal guardian of a child attending a home school.

(b) The exemptions in this section apply regardless of whether:

(i) a parent or legal guardian provides education instruction to the parent's or legal guardian's child alone or in cooperation with other parents or legal guardians similarly exempted under this section; or

(ii) the parent or legal guardian makes payment for educational services the parent's or legal guardian's child receives.

Section 10. Section **53G-6-702** is amended to read:

53G-6-702 . Dual enrollment.

(1) As used in this section, "minor" means the same as that term is defined in Section 53G-6-201.

(2) A person having control of a minor who is enrolled in a regularly established private school or a home school as defined in Section 53E-1-102 may also enroll the minor in a public school for dual enrollment purposes.

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

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

(b) A [student] minor enrolled in a dual enrollment program in a charter school is considered a student of the charter school for purposes of state funding to the extent of the student's participation in the charter school programs.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for purposes of dual enrollment to govern and regulate the transferability of credits toward graduation that are earned in a private or home school.

Section 11. Section **53G-6-703** is amended to read:

53G-6-703 . Private school and home school students' participation in extracurricular activities in a public school.

(1) As used in this section:

(a) "Academic eligibility requirements" means the academic eligibility requirements that a home school student is required to meet to participate in an extracurricular activity in a public school.

(b) "Association" means the same as that term is defined in Section 53G-7-1101.

(c) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.

(d) "Home school" means the same as that term is defined in Section 53E-1-102.

(e) "Home school student" means the same as that term is defined in Section 53E-1-102.

~~[(f)]~~ (f) "Initial establishment of eligibility requirements" means an association's eligibility requirements, policies, procedures, and transfer rules that a school student in grade 9 or 10 must meet, and to which the student is bound, to participate on a high school sports team when the student:

(i) attends the high school in which the student is selected for membership on a high school sports team; or

(ii) does not attend the high school in which the student tries out for and is selected for membership on a high school sports team.

~~[(g)]~~ (g) "Minor" means the same as that term is defined in Section 53G-6-201.

~~[(h)]~~ (h) "Parent" means the same as that term is defined in Section 53G-6-201.

~~[(i)]~~ (i) "Principal" means the principal of the school in which a home school student participates or intends to participate in an extracurricular activity.

(2)(a) A minor who is enrolled in a private school or a home school is eligible to participate in an extracurricular activity at a public school as provided in this section.

(b) A private school student may only participate in an extracurricular activity at a public school that is not offered by the student's private school.

(c)(i) Except as provided in Subsection (2)(d), a private school student or a home school student may only participate in an extracurricular activity at:

(A) the school with attendance boundaries within which the student's custodial parent resides; or

(B) the school from which the student withdrew for the purpose of attending a private or home school.

(ii) A private school student or a home school student retains the ability to participate in an extracurricular activity at a school described in Subsection (2)(c)(i) if the student did not initially establish the student's eligibility at another school in grade

- 881 9 or 10.
- 882 (d) A school other than a school described in Subsection (2)(c)(i) may allow a private
883 school student or a home school student to participate in an extracurricular activity
884 that the public school sponsors and supports if:
- 885 (i) for an interscholastic competition of athletic teams, the private school student or
886 the home school student meets the initial establishment of eligibility requirements;
- 887 (ii) for an interscholastic contest or competition for music, drama, or forensic groups
888 or teams, the private school student, subject to Subsection (2)(b), or the home
889 school student meets the entry requirements for participation;
- 890 (iii) the private school student or the home school student meets the eligibility
891 requirements under this section; and
- 892 (iv) the private school student or the home school student meets the enrollment
893 requirements for public school in accordance with Part 4, School District
894 Enrollment.
- 895 (3)(a) Except as provided in Subsections (4) through (13), a private school student or a
896 home school student is eligible to participate in an extracurricular activity at a public
897 school consistent with eligibility standards:
- 898 (i) applied to a fully enrolled public school student;
- 899 (ii) of the public school where the private school student or the home school student
900 participates in an extracurricular activity; and
- 901 (iii) for the extracurricular activity in which the private school or the home school
902 student participates.
- 903 (b) A school district or public school may not impose additional requirements on a
904 private school student or a home school student to participate in an extracurricular
905 activity that are not imposed on a fully enrolled public school student.
- 906 (c)(i) A private school student or a home school student who participates in an
907 extracurricular activity at a public school shall pay the same fees as required of a
908 fully enrolled public school student to participate in an extracurricular activity.
- 909 (ii) If a local school board or a charter school governing board imposes a mandatory
910 student activity fee for a student enrolled in a public school, the fee may be
911 imposed on a private school student or a home school student who participates in
912 an extracurricular activity at the public school if the same benefits of paying the
913 mandatory student activity fee that are available to a fully enrolled public school
914 student are available to a private school student or a home school student who

- 915 participates in an extracurricular activity at the public school.
- 916 (4) Eligibility requirements based on school attendance are not applicable to a home school
917 student.
- 918 (5) A home school student meets academic eligibility requirements to participate in an
919 extracurricular activity if:
- 920 (a) the student is mastering the material in each course or subject being taught; and
921 (b) the student is maintaining satisfactory progress towards achievement or promotion.
- 922 (6)(a) To establish a home school student's academic eligibility, a parent, teacher, or
923 organization providing instruction to the student shall submit an affidavit to the
924 principal indicating the student meets academic eligibility requirements.
- 925 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school student
926 shall:
- 927 (i) be considered to meet academic eligibility requirements; and
928 (ii) retain academic eligibility for all extracurricular activities during the activity
929 season for which the affidavit is submitted, until:
- 930 (A) a panel established under Subsection (10) determines the home school student
931 does not meet academic eligibility requirements; or
932 (B) the person who submitted the affidavit under Subsection (6)(a) provides
933 written notice to the school principal that the student no longer meets academic
934 eligibility requirements.
- 935 (7)(a) A home school student who loses academic eligibility pursuant to Subsection
936 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who
937 submitted the affidavit under Subsection (6)(a) provides written notice to the school
938 principal that the home school student has reestablished academic eligibility.
- 939 (b) If a home school student reestablishes academic eligibility pursuant to Subsection
940 (7)(a), the home school student may participate in extracurricular activities for the
941 remainder of the activity season for which an affidavit was submitted under
942 Subsection (6)(a).
- 943 (8) A person who has probable cause to believe a home school student does not meet
944 academic eligibility requirements may submit an affidavit to the principal:
- 945 (a) asserting the home school student does not meet academic eligibility requirements;
946 and
947 (b) providing information indicating that the home school student does not meet the
948 academic eligibility requirements.

- (9) A principal shall review the affidavit submitted under Subsection (8), and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request a panel established pursuant to Subsection (10) to verify the student's compliance with academic eligibility requirements.
- (10)(a) A school district superintendent shall:
- (i) appoint a panel of three individuals to verify a home school student's compliance with academic eligibility requirements when requested by a principal pursuant to Subsection (9); and
 - (ii) select the panel members from nominees submitted by national, state, or regional organizations whose members are home school students and parents.
- (b) Of the members appointed to a panel under Subsection (10)(a):
- (i) one member shall have experience teaching in a public school as a licensed teacher and in home schooling high school-age students;
 - (ii) one member shall have experience teaching in a higher education institution and in home schooling; and
 - (iii) one member shall have experience in home schooling high school-age students.
- (11) A panel appointed under Subsection (10):
- (a) shall review the affidavit submitted under Subsection (8);
 - (b) may confer with the person who submitted the affidavit under Subsection (8);
 - (c) shall request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;
 - (d) shall review the test scores or portfolio of work; and
 - (e) shall determine whether the home school student meets academic eligibility requirements.
- (12) A home school student who meets academic eligibility requirements pursuant to Subsection (11), retains academic eligibility for all extracurricular activities during the activity season for which an affidavit is submitted pursuant to Subsection (6).
- (13)(a) A panel's determination that a home school student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements.
- (b) A home school student who is not in compliance with academic eligibility requirements as determined by a panel appointed under Subsection (11) may seek to establish academic eligibility under this section for the next activity season.

(14)(a) A public school student who has been declared to be academically ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student:

- (i) demonstrates academic eligibility by providing test results or a portfolio of the student's work to the school principal, provided that a student may not reestablish academic eligibility under this Subsection (14)(a) during the same activity season in which the student was declared to be academically ineligible;
- (ii) returns to public school and reestablishes academic eligibility; or
- (iii) enrolls in a private school and establishes academic eligibility.

(b) A public school student who has been declared to be behaviorally ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student meets eligibility standards as provided in Subsection (3).

(15) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a private school student or a home school student is eligible to try out for and participate in the activity as provided in this section.

(16)(a) If a student exits a public school to enroll in a private school or a home school mid-semester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student's work in each class.

(b) A student's academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) is dependent on the student meeting public school academic eligibility standards at the time of exiting public school.

(c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student's academic eligibility.

Section 12. Section **53G-6-706** is amended to read:

53G-6-706 . Placement of a student of a home school, micro-education entity, or home-based microschool, who transfers to a public school.

(1) For the purposes of this section[;] :

(a) "Home-based student" means the same as that term is defined in Section 53E-1-102.

(b) "Home school student" means the same as that term is defined in Section 53E-1-102.

(c) ["parent"] "Parent" means the same as that term is defined in Section 53G-6-201.

- (2) When a home school student, a home-based student, a home-based microschool student, or a micro-education entity student transfers from a home school, a home-based microschool, or a micro-education entity to a public school, the public school shall place the student in the grade levels, classes, or courses that the student's parent and the school administrator determine are appropriate based on the parent's assessment of the student's academic performance.
- (3)(a) Within 30 days of the student's placement in a public school grade level, class, or course, either the student's teacher or the student's parent may request a conference to consider changing the student's placement.
- (b) If the student's teacher and the student's parent agree on a placement change, the public school shall place the student in the agreed upon grade level, class, or course.
- (c) If the student's teacher and the student's parent do not agree on a placement change, the public school shall evaluate the student's subject matter mastery in accordance with Subsection (3)(d).
- (d) The student's parent has the option of:
- (i) allowing the public school to administer, to the student, assessments that are:
 - (A) regularly administered to public school students; and
 - (B) used to measure public school students' subject matter mastery and determine placement; or
 - (ii) having a private entity or individual administer assessments of subject matter mastery to the student at the parent's expense.
- (e) After an evaluation of a student's subject matter mastery, a public school may change the student's placement in a grade level, class, or course.
- (4) In accordance with Section 53G-6-702, this section does not apply to a student who is dual enrolled in a public school and a:
- (a) home school;
 - (b) home-based microschool; or
 - (c) micro-education entity.

Section 13. Section **53G-6-710** is amended to read:

53G-6-710 . Home-centered, school-supported enrollment option.

- (1) As used in this section:
- (a) "Home-centered, school-supported enrollment option" means an enrollment option for an LEA that allows participating students to:
 - (i) complete the course work for one or more courses or subject areas from home

- 1051 during part of the school day; and
- 1052 (ii) attend in-person instruction for the remainder of the school day.
- 1053 (b) "Home school" means the same as that term is defined in Section 53E-1-102.
- 1054 [~~(b)~~] (c) "Local education agency" or "LEA" means a school district or charter school.
- 1055 [~~(c)~~] (d) "Participating student" means a student who is:
- 1056 (i) enrolled in an LEA; and
- 1057 (ii) approved to participate in a home-centered, school-supported enrollment option
- 1058 provided by the LEA.
- 1059 (2)(a) An LEA may provide a home-centered, school-supported enrollment option.
- 1060 (b) An LEA that provides a home-centered, school-supported enrollment option shall:
- 1061 (i) establish standards and requirements for student participation;
- 1062 (ii) provide the instructional materials to be used by a participating student;
- 1063 (iii) provide a participating student's parent with resources the LEA considers
- 1064 appropriate to assist in parent involvement with student learning;
- 1065 (iv) develop assessments to measure a participating student's academic progress;
- 1066 (v) administer the assessments described in Subsection (2)(b)(iv) to a participating
- 1067 student, subject to Subsection 53G-6-803(9); and
- 1068 (vi) monitor compliance with the standards and requirements established under
- 1069 Subsection (2)(b)(i).
- 1070 (3) A student who attends a home school pursuant to Section 53G-6-204 is not eligible to
- 1071 participate in a home-centered, school-supported enrollment option.
- 1072 (4) A participating student is subject to a statewide assessment, as defined in Section
- 1073 53E-4-301, to the same extent as a student who is not participating.
- 1074 (5) A student's participation in a home-centered, school-supported enrollment option
- 1075 provided by an LEA does not reduce or otherwise affect enrollment count for purposes
- 1076 of computing the LEA's Minimum School Program funds under Title 53F, Chapter 2,
- 1077 State Funding -- Minimum School Program.
- 1078 Section 14. **Effective Date.**
- 1079 This bill takes effect on May 6, 2026.