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**Education Definition Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nicholeen P. Peck**

Senate Sponsor:

2

**LONG TITLE**

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**General Description:**

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

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**Highlighted Provisions:**

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This bill:

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

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**Money Appropriated in this Bill:**

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None

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**Other Special Clauses:**

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None

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**Utah Code Sections Affected:**

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**AMENDS:**

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

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

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

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

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

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

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

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

22

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

23

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

24

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

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

26

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

27

H.B. 233

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

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

33       **53E-1-102 . Public education code definitions.**

34       Unless otherwise indicated, as used in this title, Title 53F, Public Education System --

35       Funding, and Title 53G, Public Education System -- Local Administration:

36       (1) "Bullying" means the same as that term is defined in Section 53G-9-601.

37       (2) "Charter agreement" means an agreement made in accordance with Section 53G-5-303  
38       that authorizes the operation of a charter school.

39       (3) "Charter school governing board" means the board that governs a charter school.

40       (4) "District school" means a public school under the control of a local school board.

41       (5) "Home-based student" means a school-age student who:

42           (a) receives instruction outside of a public school;

43           (b) is not enrolled full-time in a public school; and

44           (c) receives, directly or indirectly, public funds to pay for all or part of the student's  
45            educational expenses, including:

46              (i) scholarship programs under:

47                  (A) Title 53E, Chapter 7, Part 4, Carson Smith Opportunity Scholarship;

48                  (B) Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program; or

49                  (C) Title 53F, Chapter 6, Part 5, Utah Private Course Choice Empowerment;

50              (ii) public school extension programs;

51              (iii) publicly funded online, hybrid, or service-based instruction including instruction  
52                provided under:

53                  (A) Title 53F, Chapter 4, Part 5, Statewide Online Education Program; or

54                  (B) Title 53F, Chapter 6, Part 5, Utah Private Course Choice Empowerment; or

55              (iv) any other program using public taxpayer dollars for educational services or  
56                materials.

57       (6)(a) "Home school" means an instructional setting in which a school-age child receives  
58        education as described in Section 53G-6-204, where:

59              (i) the child's parent or legal guardian is solely responsible for:

60                  (A) curriculum selection;

61                  (B) instructional delivery; and

62                  (C) evaluation of learning; and

63              (ii) no public taxpayer funding is used for educational services, materials, or  
64                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

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

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

170 (a) provides kindergarten, elementary, or secondary education;  
171 (b) is approved by the state board under Section 53E-7-408; and  
172 (c) meets the requirements described in Section 53E-7-403.

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

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

177 (a) by a scholarship granting organization out of program donations; and  
178 (b) for the purpose of paying for a scholarship expense.

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

182 (a) published tuition and fees of a qualifying school or qualifying provider;  
183 (b) fees and instructional materials at a technical college;  
184 (c) tutoring services;  
185 (d) fees for after-school or summer education programs;  
186 (e) textbooks, curricula, or other instructional materials, including any supplemental  
187 materials or associated online instruction that a curriculum, qualifying provider, or a  
188 qualifying school recommends;

189 (f) educational software and applications;  
190 (g) supplies or other equipment related to an eligible student's educational needs;  
191 (h) computer hardware or other technological devices that are intended primarily for an  
192 eligible student's educational needs;

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

195 (i) a national norm-referenced or standardized assessment described in Section  
196 53F-6-410, an advanced placement examination, or another similar assessment;  
197 (ii) a state-recognized industry certification examination; and  
198 (iii) an examination related to college or university admission;

199 (j) educational services for students with disabilities from a licensed or accredited  
200 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);

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

269 (iii)(A) the total number and total dollar amount of scholarships the scholarship  
270 granting organization awarded during the previous state fiscal year to eligible  
271 students described in Subsection 53E-7-401(2)(a); and  
272 (B) the total number and total dollar amount of scholarships the scholarship  
273 granting organization awarded during the previous state fiscal year to eligible  
274 students described in Subsection 53E-7-401(2)(b); and  
275 (iv) the percentage of first-time scholarship recipients who were enrolled in a public  
276 school during the previous school year or who entered kindergarten or a higher  
277 grade for the first time in Utah;

278 (l) issue tax credit certificates as described in Section 53E-7-407; and  
279 (m)(i) require a parent to notify a scholarship granting organization if the parent's  
280 scholarship recipient:  
281 (A) receives scholarship money for tuition expenses; and  
282 (B) does not have continuing enrollment and attendance at a qualifying school; or  
283 (ii) has transitioned to be a home-based home school student as defined in Section  
284 53E-1-102.

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

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

291 (b) A scholarship application form shall contain the following statement:  
292 "I acknowledge that:  
293 (1) A private school may not provide the same level of disability services that are provided  
294 in a public school;  
295 (2) I will assume full financial responsibility for the education of my scholarship recipient  
296 if I accept this scholarship;  
297 (3) Acceptance of this scholarship has the same effect as a parental refusal to consent to  
298 services as described in 24 C.F.R. Sec. 300.300, issued under the Individuals with Disabilities  
299 Education Act, 20 U.S.C. Sec. 1400 et seq.; and  
300 (4) My child may return to a public school at any time."  
301 (c) Upon acceptance of a scholarship, the parent assumes full financial responsibility for  
302 the education of the scholarship recipient.

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

306 (e) The creation of the program or granting of a scholarship does not:  
307 (i) imply that a public school did not provide a free and appropriate public education  
308 for a student; or  
309 (ii) constitute a waiver or admission by the state.

310 (6) A scholarship granting organization shall demonstrate the scholarship granting  
311 organization's financial accountability by annually submitting to the state board a  
312 financial information report that:  
313 (a) complies with the uniform financial accounting standards described in Section  
314 53E-7-404; and  
315 (b) is prepared by a certified public accountant.

316 (7)(a) If a scholarship granting organization allocates \$500,000 or more in scholarships  
317 annually through the program, the scholarship granting organization shall:  
318 (i) contract for an annual audit, conducted by a certified public accountant who is  
319 independent from:  
320 (A) the scholarship granting organization; and  
321 (B) the scholarship granting organization's accounts and records pertaining to  
322 program donations and other funding sources; and  
323 (ii) in accordance with Subsection (7)(b), report the results of the audit to the state  
324 board for review.

325 (b) For the report described in Subsection (7)(a)(ii), the scholarship granting  
326 organization shall:  
327 (i) include the scholarship granting organization's financial statements in a format  
328 that meets generally accepted accounting standards; and  
329 (ii) submit the report to the state board no later than November 1.

330 (c) The certified public accountant shall conduct an audit described in Subsection  
331 (7)(a)(i) in accordance with generally accepted auditing standards and rules made by  
332 the state board.

333 (d)(i) The state board shall review a report submitted under this section and may  
334 request that the scholarship granting organization revise or supplement the report  
335 if the report is not in compliance with the provisions of this Subsection (7) or rules  
336 adopted by the state board.

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

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

**53E-7-406 . Qualifying school or qualifying provider regulatory autonomy --**

Home school autonomy -- Student records -- Scholarship student status.

(1) Nothing in this part:

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

405        As used in this part:

406        (1) "Authorized online course provider" means the entities listed in Subsection 53F-4-504

407            (1).

408        (2)(a) "Certified online course provider" means a provider that the state board approves  
409            to offer courses through the Statewide Online Education Program.

410        (b) "Certified online course provider" does not include an entity described in  
411            Subsections 53F-4-504(1)(a) through (c).

412        (3) "Credit" means credit for a high school course, or the equivalent for a middle school  
413            course, as determined by the state board.

414        (4) "Eligible student" means a student who:

415            (a) intends to take a course for middle school or high school credit; and

416            (b) is:

417                (i) enrolled in an LEA in Utah; or

418                (ii) a home-based student [~~in accordance with Section 53G-6-204~~ as defined in  
419                    Section 53E-1-102, whose custodial parent is a resident of Utah.

420        (5) "High school" means grade 9, 10, 11, or 12.

421        (6) "Middle school" means, only for purposes of student eligibility to participate in the  
422            Statewide Online Education Program, grade 6, 7, or 8.

423        (7) "Online course" means a course of instruction offered by the Statewide Online  
424            Education Program through the use of digital technology, regardless of whether the  
425            student participates in the course at home, at school, at another location, or any  
426            combination of these.

427        (8) "Plan for college and career readiness" means the same as that term is defined in Section  
428            53E-2-304.

429        (9) "Primary LEA of enrollment" or "primary LEA" means the LEA in which an eligible  
430            student is enrolled for courses other than online courses offered through the Statewide  
431            Online Education Program.

432        (10) "Released-time" means a period of time during the regular school day a student is  
433            excused from school at the request of the student's parent pursuant to rules of the state  
434            board.

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

436            **53F-4-502 . Statewide Online Education Program created -- Designated as  
437            program of the public education system -- Purposes.**

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

439 through the completion of publicly funded online courses:

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

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

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

446 (a) provide a student with access to online learning options regardless of where the  
447 student attends school, whether a public, private, or home school as defined in  
448 Section 53E-1-102, or a home-based student;

449 (b) provide digital learning options for a student regardless of language, residence,  
450 family income, or special needs;

451 (c) provide online learning options to allow a student to acquire the knowledge and  
452 technology skills necessary in a digital world;

453 (d) utilize the power and scalability of technology to customize education so that a  
454 student may learn in the student's own style preference and at the student's own pace;

455 (e) utilize technology to remove the constraints of traditional classroom learning,  
456 allowing a student to access learning virtually at any time and in any place and giving  
457 the student the flexibility to take advantage of the student's peak learning time;

458 (f) provide personalized learning, where a student can spend as little or as much time as  
459 the student needs to master the material;

460 (g) provide greater access to self-paced programs enabling a high achieving student to  
461 accelerate academically, while a struggling student may have additional time and  
462 help to gain competency;

463 (h) allow a student to customize the student's schedule to better meet the student's  
464 academic goals;

465 (i) provide quality learning options to better prepare a student for post-secondary  
466 education, vocational training, or career opportunities; and

467 (j) allow a student to have an individualized educational experience.

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

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

471 **53F-6-401 . Definitions.**

472 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

507 (iii) an eligible service provider.

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

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

513 (i) an individual who volunteers for a contracted entity or for a qualifying provider;  
514 (ii) an individual who works for a qualifying provider; or  
515 (iii) a qualifying provider.

516 (5) "Contracted entity officer" means:

517 (a) a member of the board of a contracted entity; or  
518 (b) the chief administrative officer of a contracted entity.

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

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

523 (i) materials, tools, and equipment that:  
524 (A) are directly related to and necessary for subjects aligned with the core  
525 standards the state board establishes pursuant to Section 53E-4-202;

526 (B) are used for specific learning objectives or competencies;  
527 (C) support structured learning activities or lessons; and  
528 (D) are consumable or non-reusable in nature;

529 (ii) supplemental learning materials that:

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

532 (B) are tied to specific educational goals or outcomes; and  
533 (C) are not primarily for entertainment or general enrichment purposes;

534 (iii) arts and music education materials that:

535 (A) align with state core standards; and  
536 (B) are used in structured arts or music instruction; and

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

538 (A) necessary for meeting specific learning objectives;  
539 (B) appropriate for the student's age or grade level; and  
540 (C) primarily educational rather than recreational in nature.

541 (b) "Educational supplements" does not include:

542 (i) entertainment materials;

543 (ii) recreational equipment;

544 (iii) food or nutritional items;

545 (iv) furniture or household items;

546 (v) general office supplies not specific to an educational activity; or

547 (vi) other items that do not have a clear, direct educational purpose aligned with

548 academic instruction.

549 (8) "Eligible student" means a student:

550 (a) who is eligible to participate in public school, in kindergarten, or grades 1 through 12;

551 (b) who is a primary resident of the state, including a child of a military service member,

552 as that term is defined in Section 53H-11-202;

553 (c) who, during the school year for which the student is applying for a scholarship

554 account:

555 (i) does not receive a scholarship under:

556 (A) the Carson Smith Scholarship Program established in Section 53F-4-302; or

557 (B) the Carson Smith Opportunity Scholarship Program established in Section

558 53E-7-402; and

559 (ii) before receiving the scholarship is not enrolled in:

560 (A) an LEA; or

561 (B) the Statewide Online Education Program to participate in a course with

562 funding provided under Chapter 4, Part 5, Statewide Online Education

563 Program, which does not include participation in a course by an entity as

564 described in Subsection 53F-6-409(7);

565 (d) whose eligibility is not suspended or disqualified under Section 53F-6-401;

566 (e) who completes, to maintain eligibility, the portfolio requirement described in

567 Subsection 53F-6-402(3)(d);

568 (f) who provides verification of primary residence in Utah, including a parent's utility

569 bill, mortgage statement, lease agreement, or property tax records from the current

570 calendar year in which the eligible student is renewing, reapplying, or applying for

571 the scholarship for the first time; and

572 (g) for out-of-state military families, who attests that the student is not enrolled in a

573 public school elsewhere while receiving the scholarship.

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

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

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

578 (i) is not affiliated with any international organization;

579 (ii) does not harvest data for the purpose of reproducing or distributing the data to  
580 other entities;

581 (iii) is not involved in guiding or directing any curriculum or curriculum standards;  
582 and

583 (iv) contracts with the state board to administer scholarship payments in accordance  
584 with this part.

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

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

589 (i) ~~is eligible to participate in public school, in kindergarten or grades 1 through 12;~~  
590 is a home-based student as defined in Section 53E-1-102; and

591 ~~(ii) attests to being exited from enrollment in a public school to attend a home-based  
592 learning environment if the student was enrolled at any time in a public school;~~  
593 ~~and]~~

594 ~~(iii) (ii) receives a benefit of scholarship funds.~~

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

598 (12) "Household income" means:

599 (a) the combined gross income of all parents residing in the same household as the  
600 eligible student;

601 (b) the gross income of a single parent who claims the student as a dependent; or

602 (c) the gross income of a parent who claims the student as a dependent under the terms  
603 of a joint custody agreement.

604 (13) "Parent" means:

605 (a) the same as that term is defined in Section 53E-1-102; and

606 (b) a foster parent who has initiated a process to adopt the foster child.

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

609 (15) "Private school" means a full-time, tuition-bearing educational institution where the  
610 student receives the majority of the student's academic instruction.

611 (16)(a) "Program manager" means a contracted entity or entities that:

- 612 (i) perform program operational functions outlined in the procurement agreement  
613 described in Section 53F-6-404, including:
  - 614 (A) processing scholarship applications and eligibility determinations;
  - 615 (B) maintaining scholarship account records;
  - 616 (C) coordinating with qualifying providers and the financial administrator; and
  - 617 (D) providing customer service to program participants;
- 618 (ii) in accordance with required program administration, implement established  
619 program standards and procedures; and
- 620 (iii) perform other operational duties as specified in the contract.

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

624 (17)(a) "Qualifying provider" means one of the following entities:

- 625 (i) an eligible school that the program manager approves in accordance with Section  
626 53F-6-408; or
- 627 (ii) an eligible service provider that the program manager approves in accordance  
628 with Section 53F-6-409.

629 (b) "Qualifying provider" does not include:

- 630 (i) a parent of a home-based scholarship student solely in relation to the parent's  
631 child; or
- 632 (ii) any other individual that does not meet the requirements described in Subsection  
633 (17)(a).

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

637 (19) "Scholarship account" means the account to which a program manager allocates funds  
638 for the payment of approved scholarship expenses in accordance with this part.

639 (20)(a) "Scholarship expense" means an expense described in Section 53F-6-402 that a  
640 parent or scholarship student incurs in the education of the scholarship student for a  
641 service or goods that a qualifying provider provides, including:

- 642 (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

student; and

(B) the program manager approves.

(b) "Scholarship expense" does not include:

(i) chaperone expenses, except that a family with one or more scholarship students receiving the scholarship under Subsection 53F-6-402(2)(c) may use scholarship funds for one chaperone expense or pass per family, regardless of how many scholarship students are in the family or household;

(ii) season tickets or subscriptions to entertainment venues;

(iii) ski passes or lift tickets;

(iv) access to recreational facilities unless for physical education of the student;

(v) playground equipment;

(vi) the purchase of any type of:

(A) furniture; or

(B) a musical instrument;

(vii) apparel; and

(viii) other non-educational expenses as the program manager determines.

(c)(i) A scholarship expense for extracurricular activities may not exceed 20% of the total scholarship amount.

(ii) A scholarship expense for physical education requirements may not exceed an additional 20% of the total scholarship amount from the amount described in Subsection (20)(c)(i).

(iii) A scholarship expense for arts and music described in Subsection (20)(a)(xiv) is not an extracurricular activity.

(21) "Scholarship funds" means:

(a) funds that the Legislature appropriates for the program; and

(b) interest that scholarship funds accrue.

(22)(a) "Scholarship student" means an eligible student, including a home-based

scholarship student, for whom the program manager establishes and maintains a scholarship account in accordance with this part.

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

(23) "Utah Fits All Scholarship Program" or "program" means the scholarship program established in Section 53F-6-402.

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

712       **53F-6-412 . Reports.**

713       In accordance with Section 68-3-14 and the Family Educational Rights and Privacy Act,  
714       20 U.S.C. Sec. 1232g, the program manager shall submit a report on the program to the  
715       Education Interim Committee no later than September 1 of each year that includes:

716       (1) the number and outcomes of appeals processed through the appeals process established  
717       in Section 53F-6-417;

718       (2) the total amount and usage of rollover funds as described in Section 53F-6-411;

719       (3) a summary of the income verification process and outcomes, including the number of  
720       households verified through each method described in Section 53F-6-402;

721       (4) for scholarship rollovers:  
722           (a) the total amount of funds rolled over;  
723           (b) the number of students with rollovers; and  
724           (c) the impact on subsequent year scholarship amounts;

725       (5) for restricted expenses:  
726           (a) the total amount spent on extracurricular and physical education expenses;  
727           (b) the percentage of scholarship funds used for restricted expenses by students; and  
728           (c) the number of students reaching:  
729              (i) the 20% restriction limit for physical education expenses; and  
730              (ii) the 20% limit for extracurricular related expenses;

731       (6) in consultation with the financial administrator, all financial data necessary for the  
732       preparation of the report required under this section no later than 30 days before each  
733       reporting deadline;

734       (7) the total amount of tuition and fees qualifying providers charged for the current year and  
735       previous two years;

736       (8) the total amount of goods paid for with scholarship funds in the previous year and a  
737       general characterization of the types of goods;

738       (9) administrative costs of the program;

739       (10) the number of scholarship students from each county and the aggregate number of  
740       eligible students on the waitlist described in Section 53F-6-405;

741       (11) the percentage of first-time scholarship students who were enrolled in a public school  
742       during the previous school year or who entered kindergarten or a higher grade for the  
743       first time in Utah;

744       (12) the program manager's strategy and outreach efforts to reach eligible students whose

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

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

750 (14) breakdown of scholarship students by:

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

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

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

756 Section 9. Section **53G-6-204** is amended to read:

757 **53G-6-204 . School-age children exempt from school attendance.**

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

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

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

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

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

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

773 (D) the district superintendent or charter school governing board has determined  
774 that a school-age child over 16 years old is unable to profit from attendance at  
775 school because of inability or a continuing negative attitude toward school  
776 regulations and discipline.

777 (b) A school-age child receiving a partial release from school under Subsection (1)(a)(i)  
778 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

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

815 (6)(a) Nothing in this section may be construed to prohibit or discourage voluntary  
816 cooperation, resource sharing, or testing opportunities between a school or school  
817 district and a parent or legal guardian of a child attending a home school.

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

819 (i) a parent or legal guardian provides education instruction to the parent's or legal  
820 guardian's child alone or in cooperation with other parents or legal guardians  
821 similarly exempted under this section; or  
822 (ii) the parent or legal guardian makes payment for educational services the parent's  
823 or legal guardian's child receives.

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

825 **53G-6-702 . Dual enrollment.**

826 (1) As used in this section, "minor" means the same as that term is defined in Section  
827 53G-6-201.

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

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

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

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

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

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

845 **53G-6-703 . Private school and home school students' participation in  
846 extracurricular activities in a public school.**

847 (1) As used in this section:

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

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

852 (c) "Extracurricular activity" means the same as that term is defined in Section  
853 53G-7-501.

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

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

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

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

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

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

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

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

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

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

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

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

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

878 (ii) A private school student or a home school student retains the ability to participate  
879 in an extracurricular activity at a school described in Subsection (2)(c)(i) if the  
880 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

participates in an extracurricular activity at the public school.

- (4) Eligibility requirements based on school attendance are not applicable to a home school student.
- (5) A home school student meets academic eligibility requirements to participate in an extracurricular activity if:
  - (a) the student is mastering the material in each course or subject being taught; and
  - (b) the student is maintaining satisfactory progress towards achievement or promotion.
- (6)(a) To establish a home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an affidavit to the principal indicating the student meets academic eligibility requirements.
- (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school student shall:
  - (i) be considered to meet academic eligibility requirements; and
  - (ii) retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:
    - (A) a panel established under Subsection (10) determines the home school student does not meet academic eligibility requirements; or
    - (B) the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the student no longer meets academic eligibility requirements.
- (7)(a) A home school student who loses academic eligibility pursuant to Subsection (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the home school student has reestablished academic eligibility.
- (b) If a home school student reestablishes academic eligibility pursuant to Subsection (7)(a), the home school student may participate in extracurricular activities for the remainder of the activity season for which an affidavit was submitted under Subsection (6)(a).
- (8) A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:
  - (a) asserting the home school student does not meet academic eligibility requirements; and
  - (b) providing information indicating that the home school student does not meet the academic eligibility requirements.

949 (9) A principal shall review the affidavit submitted under Subsection (8), and if the  
950 principal determines it contains information which constitutes probable cause to believe  
951 a home school student may not meet academic eligibility requirements, the principal  
952 shall request a panel established pursuant to Subsection (10) to verify the student's  
953 compliance with academic eligibility requirements.

954 (10)(a) A school district superintendent shall:

- 955 (i) appoint a panel of three individuals to verify a home school student's compliance  
956 with academic eligibility requirements when requested by a principal pursuant to  
957 Subsection (9); and
- 958 (ii) select the panel members from nominees submitted by national, state, or regional  
959 organizations whose members are home school students and parents.

960 (b) Of the members appointed to a panel under Subsection (10)(a):

- 961 (i) one member shall have experience teaching in a public school as a licensed  
962 teacher and in home schooling high school-age students;
- 963 (ii) one member shall have experience teaching in a higher education institution and  
964 in home schooling; and
- 965 (iii) one member shall have experience in home schooling high school-age students.

966 (11) A panel appointed under Subsection (10):

- 967 (a) shall review the affidavit submitted under Subsection (8);
- 968 (b) may confer with the person who submitted the affidavit under Subsection (8);
- 969 (c) shall request the home school student to submit test scores or a portfolio of work  
970 documenting the student's academic achievement to the panel;
- 971 (d) shall review the test scores or portfolio of work; and
- 972 (e) shall determine whether the home school student meets academic eligibility  
973 requirements.

974 (12) A home school student who meets academic eligibility requirements pursuant to  
975 Subsection (11), retains academic eligibility for all extracurricular activities during the  
976 activity season for which an affidavit is submitted pursuant to Subsection (6).

977 (13)(a) A panel's determination that a home school student does not comply with  
978 academic eligibility requirements is effective for an activity season and all  
979 extracurricular activities that have academic eligibility requirements.

980 (b) A home school student who is not in compliance with academic eligibility  
981 requirements as determined by a panel appointed under Subsection (11) may seek to  
982 establish academic eligibility under this section for the next activity season.

983 (14)(a) A public school student who has been declared to be academically ineligible to  
984 participate in an extracurricular activity and who subsequently enrolls in a home  
985 school shall lose eligibility for participation in the extracurricular activity until the  
986 student:  
987 (i) demonstrates academic eligibility by providing test results or a portfolio of the  
988 student's work to the school principal, provided that a student may not reestablish  
989 academic eligibility under this Subsection (14)(a) during the same activity season  
990 in which the student was declared to be academically ineligible;  
991 (ii) returns to public school and reestablishes academic eligibility; or  
992 (iii) enrolls in a private school and establishes academic eligibility.  
993 (b) A public school student who has been declared to be behaviorally ineligible to  
994 participate in an extracurricular activity and who subsequently enrolls in a home  
995 school shall lose eligibility for participation in the extracurricular activity until the  
996 student meets eligibility standards as provided in Subsection (3).  
997 (15) When selection to participate in an extracurricular activity at a public school is made  
998 on a competitive basis, a private school student or a home school student is eligible to  
999 try out for and participate in the activity as provided in this section.  
1000 (16)(a) If a student exits a public school to enroll in a private school or a home school  
1001 mid-semester or during an activity season, and the student desires to participate in an  
1002 extracurricular activity at the public school, the public school shall issue an interim  
1003 academic assessment based on the student's work in each class.  
1004 (b) A student's academic eligibility to participate in an extracurricular activity under the  
1005 circumstances described in Subsection (16)(a) is dependent on the student meeting  
1006 public school academic eligibility standards at the time of exiting public school.  
1007 (c) A student may appeal an academic eligibility determination made under Subsection  
1008 (16)(b) in accordance with procedures for appealing a public school student's  
1009 academic eligibility.  
1010 Section 12. Section **53G-6-706** is amended to read:  
1011 **53G-6-706 . Placement of a student of a home school, micro-education entity, or**  
1012 **home-based microschool, who transfers to a public school.**  
1013 (1) For the purposes of this section[.] :  
1014 (a) "Home-based student" means the same as that term is defined in Section 53E-1-102.  
1015 (b) "Home school student" means the same as that term is defined in Section 53E-1-102.  
1016 (c) ["parent"] "Parent" means the same as that term is defined in Section 53G-6-201.

1017 (2) When a home school student, a home-based student, a home-based microschool student,  
1018 or a micro-education entity student transfers from a home school, a home-based  
1019 microschool, or a micro-education entity to a public school, the public school shall place  
1020 the student in the grade levels, classes, or courses that the student's parent and the school  
1021 administrator determine are appropriate based on the parent's assessment of the student's  
1022 academic performance.

1023 (3)(a) Within 30 days of the student's placement in a public school grade level, class, or  
1024 course, either the student's teacher or the student's parent may request a conference to  
1025 consider changing the student's placement.

1026 (b) If the student's teacher and the student's parent agree on a placement change, the  
1027 public school shall place the student in the agreed upon grade level, class, or course.

1028 (c) If the student's teacher and the student's parent do not agree on a placement change,  
1029 the public school shall evaluate the student's subject matter mastery in accordance  
1030 with Subsection (3)(d).

1031 (d) The student's parent has the option of:

1032 (i) allowing the public school to administer, to the student, assessments that are:  
1033 (A) regularly administered to public school students; and  
1034 (B) used to measure public school students' subject matter mastery and determine  
1035 placement; or

1036 (ii) having a private entity or individual administer assessments of subject matter  
1037 mastery to the student at the parent's expense.

1038 (e) After an evaluation of a student's subject matter mastery, a public school may change  
1039 the student's placement in a grade level, class, or course.

1040 (4) In accordance with Section 53G-6-702, this section does not apply to a student who is  
1041 dual enrolled in a public school and a:

1042 (a) home school;  
1043 (b) home-based microschool; or  
1044 (c) micro-education entity.

1045 Section 13. Section **53G-6-710** is amended to read:

1046 **53G-6-710 . Home-centered, school-supported enrollment option.**

1047 (1) As used in this section:

1048 (a) "Home-centered, school-supported enrollment option" means an enrollment option  
1049 for an LEA that allows participating students to:

1050 (i) complete the course work for one or more courses or subject areas from home

during part of the school day; and

(ii) attend in-person instruction for the remainder of the school day.

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

[b)] (c) "Local education agency" or "LEA" means a school district or charter school.

[(e)] (d) "Participating student" means a student who is:

(i) enrolled in an LEA; and

(ii) approved to participate in a home-centered, school-supported enrollment option provided by the LEA.

(2)(a) An LEA may provide a home-centered, school-supported enrollment option.

(b) An LEA that provides a home-centered, school-supported enrollment option shall:

(i) establish standards and requirements for student participation;

(ii) provide the instructional materials to be used by a participating student;

(iii) provide a participating student's parent with resources the LEA considers appropriate to assist in parent involvement with student learning;

(iv) develop assessments to measure a participating student's academic progress;

(v) administer the assessments described in Subsection (2)(b)(iv) to a participating student, subject to Subsection 53G-6-803(9); and

(vi) monitor compliance with the standards and requirements established under Subsection (2)(b)(i).

(3) A student who attends a home school pursuant to Section 53G-6-204 is not eligible to participate in a home-centered, school-supported enrollment option.

(4) A participating student is subject to a statewide assessment, as defined in Section 53E-4-301, to the same extent as a student who is not participating.

(5) A student's participation in a home-centered, school-supported enrollment option provided by an LEA does not reduce or otherwise affect enrollment count for purposes of computing the LEA's Minimum School Program funds under Title 53F, Chapter 2, State Funding -- Minimum School Program.

## Section 14. Effective Date.

This bill takes effect on May 6, 2026.