

Effective 5/13/2014

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53A-11-102 Minors exempt from school attendance.

- (1)
 - (a) A local school board or charter school governing board may excuse a school-age minor from attendance for any of the following reasons:
 - (i) a school-age minor over age 16 may receive a partial release from school to enter employment, or attend a trade school, if the school-age minor has completed the eighth grade; or
 - (ii) on an annual basis, a school-age minor may receive a full release from attending a public, regularly established private, or part-time school or class if:
 - (A) the school-age minor has already completed the work required for graduation from high school, or has demonstrated mastery of required skills and competencies in accordance with Subsection 53A-15-102(1);
 - (B) the school-age minor is in a physical or mental condition, certified by a competent physician 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 minor's employment; or
 - (D) the district superintendent or charter school governing board has determined that a school-age minor over the age of 16 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 minor receiving a partial release from school under Subsection (1)(a)(i) is required to attend:
 - (i) school part time as prescribed by the local school board or charter school governing board; or
 - (ii) a home school part time.
 - (c) In each case, evidence of reasons for granting an exemption under Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.
 - (d) A local school board or charter school governing board that excuses a school-age minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor is excused from attendance during the time specified on the certificate.
- (2)
 - (a) A local school board shall excuse a school-age minor from attendance, if the school-age minor's parent files a signed and notarized affidavit with the school-age minor's school district of residence, as defined in Section 53A-2-201, that:
 - (i) the school-age minor will attend a home school; and
 - (ii) the parent assumes sole responsibility for the education of the school-age minor, except to the extent the school-age minor is dual enrolled in a public school as provided in Section 53A-11-102.5.
 - (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall remain in effect as long as:
 - (i) the school-age minor attends a home school; and
 - (ii) the school district where the affidavit was filed remains the school-age minor's district of residence.
 - (c) A parent of a school-age minor who attends a home school is solely responsible for:
 - (i) the selection of instructional materials and textbooks;
 - (ii) the time, place, and method of instruction; and

- (iii) the evaluation of the home school instruction.
- (d) A local school board may not:
 - (i) require a parent of a school-age minor who attends a home school to maintain records of instruction or attendance;
 - (ii) require credentials for individuals providing home school instruction;
 - (iii) inspect home school facilities; or
 - (iv) require standardized or other testing of home school students.
- (e) Upon the request of a parent, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.
- (f) A local school board that excuses a school-age minor from attendance as provided by this Subsection (2) shall annually issue a certificate stating that the school-age minor is excused from attendance for the specified school year.
- (g) A local school board shall issue a certificate excusing a school-age minor from attendance:
 - (i) within 30 days after receipt of a signed and notarized affidavit filed by the school-age minor's parent pursuant to Subsection (2); and
 - (ii) on or before August 1 each year thereafter unless:
 - (A) the school-age minor enrolls in a school within the school district;
 - (B) the school-age minor's parent or guardian notifies the school district that the school-age minor no longer attends a home school; or
 - (C) the school-age minor's parent or guardian notifies the school district that the school-age minor's school district of residence has changed.
- (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a) is exempt from the application of Subsections 53A-11-101.5(2), (5), and (6).
- (4) 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 guardian of a minor attending a home school.