

Effective 1/24/2018

Chapter 6 Participation in Public Schools

Part 1 General Provisions

53G-6-101 Title.

This chapter is known as "Participation in Public Schools."

Enacted by Chapter 3, 2018 General Session

53G-6-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

Part 2 Compulsory Education

Superseded 7/1/2025

53G-6-201 Definitions.

As used in this part:

- (1)
 - (a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.
 - (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.
- (2) "Educational neglect" means the same as that term is defined in Section 80-1-102.
- (3)
 - (a) "Home-based microschool" means an individual or association of individuals that:
 - (i) registers as a business entity in accordance with state and local laws; and
 - (ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.
 - (b) "Home-based microschool" does not include a daycare.
- (4) "Instructor" means an individual who teaches a student as part of a home-based microschool or micro-education entity.
- (5)
 - (a) "Micro-education entity" means a person or association of persons that:
 - (i) registers as a business entity in accordance with state and local laws; and
 - (ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.
 - (b) "Micro-education entity" does not include:
 - (i) a daycare;
 - (ii) a home-based microschool;

- (iii) a private school; or
- (iv) a school within the public education system.
- (6) "Minor" means an individual who is under 18 years old.
- (7) "Parent" includes:
 - (a) a custodial parent of the minor;
 - (b) a legally appointed guardian of a minor; or
 - (c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (7)(a) or (b).
- (8) "School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.
- (9) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child:
 - (a) is enrolled; or
 - (b) should be enrolled, if the school-age child is not enrolled in school.
- (10) "School-age child" means a minor who:
 - (a) is at least six years old but younger than 18 years old; and
 - (b) is not emancipated.
- (11)
 - (a) "Truant" means a condition in which a school-age child, without a valid excuse, and subject to Subsection (11)(b), is absent for at least:
 - (i) half of the school day; or
 - (ii) if the school-age child is enrolled in a learner verified program, as that term is defined by the state board, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.
 - (b) A school-age child may not be considered truant under this part more than one time during one day.
- (12) "Truant minor" means a school-age child who:
 - (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
 - (b) is truant.
- (13)
 - (a) "Valid excuse" means:
 - (i) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
 - (ii) mental or behavioral health of the school-age child;
 - (iii) a family death;
 - (iv) an approved school activity;
 - (v) an absence permitted by a school-age child's:
 - (A) individualized education program; or
 - (B) Section 504 accommodation plan;
 - (vi) an absence permitted in accordance with Subsection 53G-6-803(5); or
 - (vii) any other excuse established as valid by a local school board, charter school governing board, or school district.
 - (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason other than a reason described in Subsections (13)(a)(i) through (vi), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (13)(a)(vi).

Effective 7/1/2025

53G-6-201 Definitions.

As used in this part:

- (1)
 - (a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.
 - (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.
- (2) "Educational neglect" means the same as that term is defined in Section 80-1-102.
- (3)
 - (a) "Home-based microschool" means an individual or association of individuals that:
 - (i) registers as a business entity in accordance with state and local laws; and
 - (ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.
 - (b) "Home-based microschool" does not include a daycare.
- (4) "Instructor" means an individual who teaches a student as part of a home-based microschool or micro-education entity.
- (5)
 - (a) "Micro-education entity" means a person or association of persons that:
 - (i) registers as a business entity in accordance with state and local laws; and
 - (ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.
 - (b) "Micro-education entity" does not include:
 - (i) a daycare;
 - (ii) a home-based microschool;
 - (iii) a private school; or
 - (iv) a school within the public education system.
- (6) "Minor" means an individual who is under 18 years old.
- (7) "Parent" includes:
 - (a) a custodial parent of the minor;
 - (b) a legally appointed guardian of a minor; or
 - (c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (7)(a) or (b).
- (8) "School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.
- (9) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child:
 - (a) is enrolled; or
 - (b) should be enrolled, if the school-age child is not enrolled in school.
- (10) "School-age child" means a minor who:
 - (a) is at least six years old but younger than 18 years old; and
 - (b) is not emancipated.
- (11)
 - (a) "Truant" means a condition in which a school-age child, without a valid excuse, and subject to Subsection (11)(b), is absent for at least:
 - (i) half of the school day; or

- (ii) if the school-age child is enrolled in a learner verified program, as that term is defined by the state board, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.
- (b) A school-age child may not be considered truant under this part more than one time during one day.
- (12) "Truant minor" means a school-age child who:
 - (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
 - (b) is truant.
- (13)
 - (a) "Valid excuse" means:
 - (i) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
 - (ii) mental or behavioral health of the school-age child;
 - (iii) a family death;
 - (iv) an approved school activity;
 - (v) an absence permitted by a school-age child's:
 - (A) individualized education program; or
 - (B) Section 504 accommodation plan;
 - (vi) competition in a rodeo sanctioned by an international, non-profit organization dedicated to the development of sportsmanship, horsemanship, and character in youth through the sport of rodeo;
 - (vii) an absence permitted in accordance with Subsection 53G-6-803(5); or
 - (viii) any other excuse established as valid by a local school board, charter school governing board, or school district.
 - (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason other than a reason described in Subsections (13)(a)(i) through (vii), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (13)(a)(viii).

Amended by Chapter 34, 2025 General Session

53G-6-202 Compulsory education.

- (1) As used in this section:
 - (a) "Intentionally" means the same as that term is defined in Section 76-2-103.
 - (b) "Notice of compulsory education violation" means a notice issued in accordance with Subsections (3) and (4).
 - (c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which a notice of compulsory education violation is served and ending on the last day of the school year.
- (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age child shall enroll and send the school-age child to a public or regularly established private school.
- (3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may only issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is:
 - (a) in grade 1 through 6; and
 - (b) truant at least five times during the school year.
- (4) A notice of compulsory education violation issued to a parent:
 - (a) shall direct the parent to:

- (i) meet with school authorities to discuss the school-age child's school attendance problems; and
 - (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;
 - (b) shall designate the school authorities with whom the parent is required to meet;
 - (c) shall state that it is a class B misdemeanor for the parent to intentionally or without good cause:
 - (i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or
 - (ii) fail to prevent the school-age child from being truant five or more times during the remainder of the school year;
 - (d) shall be served on the parent by personal service or certified mail; and
 - (e) may not be issued unless the school-age child has been truant at least five times during the school year.
- (5) Except during the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent of a school-age child to intentionally or without good cause fail to enroll the school-age child in school, unless the school-age child is exempt from enrollment under Section 53G-6-204 or 53G-6-702.
- (6) Except during the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent of a school-age child who is in grade 1 through 6 to, after being served with a notice of compulsory education violation, intentionally or without good cause:
 - (a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or
 - (b) fail to prevent the school-age child from being truant five or more times during the remainder of the school year.
- (7) Except during the period described in Subsections (5) and (6), a local school board, charter school governing board, or school district shall report violations of this section to the appropriate county or district attorney.
- (8) Except during the period described in Subsections (5) and (6), if school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the school-age child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:
 - (a) identifying information of the school-age child and the parent who received the notice of compulsory education violation;
 - (b) information regarding the longest number of consecutive school days the school-age child has been absent or truant from school and the percentage of school days the school-age child has been absent or truant during each relevant school term;
 - (c) whether the school-age child has made adequate educational progress;
 - (d) whether the requirements of Section 53G-6-206 have been met;
 - (e) whether the school-age child is two or more years behind the local public school's age group expectations in one or more basic skills; and
 - (f) whether the school-age child is receiving special education services or systematic remediation efforts.
- (9) Notwithstanding this section, during the period described in Subsections (5) and (6), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of compulsory education.

Amended by Chapter 359, 2021 General Session
Revisor instructions Chapter 359, 2021 General Session

53G-6-203 Truancy -- Notice of truancy -- Failure to cooperate with school authorities.

- (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is enrolled in a public school shall attend the public school in which the school-age child is enrolled.
- (2) In accordance with Section 53G-8-211, a local school board, charter school governing board, or school district may impose administrative penalties on a school-age child who is:
 - (a) in grade 7 or above, unless the school-age child is less than 12 years old; and
 - (b) truant.
- (3) A local school board or charter school governing board:
 - (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy in accordance with Subsection (4); and
 - (b) shall establish a procedure for a school-age child, or the school-age child's parents, to contest a notice of truancy.
- (4) A notice of truancy described in Subsection (3):
 - (a) may not be issued until a school-age child has been truant at least five times during the school year;
 - (b) may not be issued to a school-age child who is less than 12 years old or in a grade below grade 7;
 - (c) may not be issued to a school-age child exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
 - (d) shall direct the school-age child who receives the notice of truancy and the parent of the school-age child to:
 - (i) meet with school authorities to discuss the school-age child's trancies; and
 - (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child; and
 - (e) shall be mailed to, or served on, the school-age child's parent.
- (5)
 - (a) Except as provided in Subsection (5)(b), nothing in this part prohibits a local school board, charter school governing board, or school district from taking action to resolve a truancy problem with a school-age child who has been truant fewer than five times, provided that the action does not conflict with the requirements of this part.
 - (b) A local school board, charter school governing board, or school district may not take punitive action to resolve a truancy problem with a school-age child during the period described in Subsection (2).
- (6) Notwithstanding this section, during the period described in Subsection (2), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of truancy.

Amended by Chapter 161, 2023 General Session

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:
 - (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 child from attendance as provided by this Subsection (1) shall issue a certificate that the child is excused from attendance during the time specified on the certificate.
- (2)
- (a) A parent or legal guardian of a school-age child 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.
 - (b) A local school board may not:
 - (i) require a parent or legal guardian of a school-age child 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.
 - (c) Upon the request of a parent or legal guardian, 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 or legal guardian in achieving college and career readiness through home schooling.
- (3) When a parent withdraws an enrolled school-age child from school for the purpose of home-schooling, or chooses not to enroll a school-age child, the parent shall provide a one-time initial notification, that may include a letter of intent, to the local school board of the school-age child's district of residence.
- (4) A local school board may not require a notification described in Subsection (3) if a parent of a school-age child provided a notification to the local school board on or before May 7, 2025, including through a home-school affidavit.
- (5) Upon receiving the notification in Subsection (3):

- (a) the local school board shall:
 - (i) maintain a record of the notification; and
 - (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.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 284, 2025 General Session
Amended by Chapter 370, 2025 General Session

53G-6-205 Approval absences.

- (1) In determining whether to preapprove an extended absence of a school-age child as a valid excuse, a local school board, charter school governing board, or school district shall approve the absence if the local school board, charter school governing board, or school district determines that the extended absence will not adversely impact the school-age child's education.
- (2) A local school board, charter school governing board, or school district may not require documentation from a medical professional to substantiate a valid excuse that is a mental or physical illness.

Amended by Chapter 113, 2021 General Session

53G-6-206 Duties of a local school board, charter school governing board, or school district in promoting regular attendance -- Parental involvement -- Liability not imposed -- Report to state board.

- (1)
 - (a) As used in this section, "intervention" means a series of non-punitive and increasingly frequent and individualized activities that are designed to:
 - (i) create a trusting relationship between teachers, students, and parents;
 - (ii) improve attendance;
 - (iii) improve academic outcomes; and
 - (iv) reduce negative behavior referrals.
 - (b) "Intervention" includes:
 - (i) mentorship programs;
 - (ii) family connection to community resources;
 - (iii) academic support through small group or individualized tutoring or similar methods; and
 - (iv) teaching executive function skills, including:
 - (A) planning;

- (B) goal setting;
 - (C) understanding and following multi-step directions; and
 - (D) self-regulation.
- (2)
- (a) Subject to Subsection (2)(b), an LEA shall make efforts to promote regular attendance and resolve school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the LEA.
 - (b) A school-age child exempt from school attendance under Section 53G-6-204 or 53G-6-702, or a school-age child who is enrolled in a regularly established private school or part-time school, is not considered to be a school-age child who is or should be enrolled in a school district or charter school under Subsection (2)(a).
- (3) The efforts described in Subsection (2) shall include, as reasonably feasible:
- (a) counseling of the school-age child by school authorities;
 - (b)
 - (i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or
 - (ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance with Section 53G-6-202;
 - (c) making any necessary adjustment to the curriculum and schedule to meet special needs of the school-age child;
 - (d) considering alternatives proposed by the school-age child's parent;
 - (e) incorporating attendance in the school-age child's course score or grade if:
 - (i) incorporation is determined appropriate through an individualized plan the school-age child's parent and teacher develops;
 - (ii) parental written consent is obtained for the individualized plan; and
 - (iii) the parent retains the ability to revoke the parent's consent described in Subsection (3)(e)(ii) at any time.
 - (f) monitoring school attendance of the school-age child;
 - (g) voluntary participation in truancy mediation, if available; and
 - (h) providing the school-age child's parent, upon request, with a list of resources available to assist the parent in resolving the school-age child's attendance problems.
- (4) In addition to the efforts described in Subsection (3), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement agencies and organizations for early intervention services as appropriate and reasonably feasible in accordance with Section 53G-8-211.
- (5) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.
- (6) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 53G-6-210.
- (7) Each LEA shall annually report the following data separately to the state board:
- (a) absences with a valid excuse; and
 - (b) absences without a valid excuse.

Amended by Chapter 516, 2024 General Session

53G-6-207 Truancy specialists.

A local school board or charter school governing board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the state board.

Amended by Chapter 293, 2019 General Session

53G-6-208 Taking custody of a person believed to be a truant minor -- Disposition -- Reports -- Immunity from liability.

- (1) Except during the period between March 17, 2021, and June 1, 2022, a peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.
- (2) An individual taking a presumed truant minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:
 - (a) the principal of the minor's school;
 - (b) a person who has been designated by the local school board or charter school governing board to receive and return the minor to school; or
 - (c) a truancy center established under Subsection (5).
- (3) If the minor described in Subsection (2) refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.
- (4) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to accept custody and none of the options in Subsection (2) are available, the minor shall be referred to the Division of Child and Family Services.
- (5)
 - (a)
 - (i) A local school board or charter school governing board, singly or jointly with another school board, may establish or designate truancy centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors.
 - (ii) Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.
 - (b)
 - (i) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to ensure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services.
 - (ii) A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.
- (6)
 - (a) An individual taking action under this section shall report the action to the appropriate school district.
 - (b) The district described in Subsection (6)(a) shall promptly notify the minor's parents of the action taken.
- (7) The Utah Governmental Immunity Act applies to all actions taken under this section.
- (8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 80, Chapter 2, Child Welfare Services, Title 80, Chapter 2a, Removal and Protective Custody of a Child, and Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings.

Amended by Chapter 335, 2022 General Session

53G-6-209 Truancy support centers.

- (1) A school district may establish one or more truancy support centers for:
 - (a) truant minors taken into custody under Section 53G-6-208; or
 - (b) students suspended or expelled from school.
- (2) A truancy support center shall provide services to the truant minor and the truant minor's family, including:
 - (a) assessments of the truant minor's needs and abilities;
 - (b) support for the parents and truant minor through counseling and community programs; and
 - (c) tutoring for the truant minor during the time spent at the center.
- (3) For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level.
- (4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.
- (5) The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents.

Amended by Chapter 293, 2019 General Session

53G-6-210 Educational neglect of a minor -- Procedures -- Defenses.

- (1) With regard to a minor who is the subject of a petition under Section 80-3-201 based on educational neglect:
 - (a) if allegations include failure of a minor to make adequate educational progress, the juvenile court shall permit demonstration of the minor's educational skills and abilities based upon any of the criteria used in granting school credit, in accordance with Section 53G-6-702;
 - (b) parental refusal to comply with actions taken by school authorities in violation of Section 53G-10-202, 53G-10-205, 53G-10-403, or 53G-10-203, does not constitute educational neglect;
 - (c) parental refusal to support efforts by a school to encourage a minor to act in accordance with any educational objective that focuses on the adoption or expression of a personal philosophy, attitude, or belief that is not reasonably necessary to maintain order and discipline in the school, prevent unreasonable endangerment of persons or property, or to maintain concepts of civility and propriety appropriate to a school setting, does not constitute educational neglect; and
 - (d) an allegation of educational neglect may not be sustained, based solely on a minor's absence from school, unless the minor has been absent from school or from any given class, without good cause, for more than 10 consecutive school days or more than 1/10 of the applicable school term.
- (2) A minor may not be considered to be educationally neglected, for purposes of this chapter:
 - (a) unless there is clear and convincing evidence that:
 - (i) the minor has failed to make adequate educational progress, and school officials have complied with the requirements of Section 53G-6-206; or

- (ii) the minor is two or more years behind the local public school's age group expectations in one or more basic skills, and is not receiving special educational services or systematic remediation efforts designed to correct the problem;
- (b) if the minor's parent or guardian establishes by a preponderance of the evidence that:
 - (i) school authorities have failed to comply with the requirements of this title;
 - (ii) the minor is being instructed at home in compliance with Section 53G-6-204;
 - (iii) there is documentation that the minor has demonstrated educational progress at a level commensurate with the minor's ability;
 - (iv) the parent, guardian, or other person in control of the minor has made a good faith effort to secure the minor's regular attendance in school;
 - (v) good cause or a valid excuse exists for the minor's absence from school;
 - (vi) the minor is not required to attend school under court order or is exempt under other applicable state or federal law;
 - (vii) the minor has performed above the twenty-fifth percentile of the local public school's age group expectations in all basic skills, as measured by a standardized academic achievement test administered by the school district where the minor resides; or
 - (viii) the parent or guardian presented a reasonable alternative curriculum to required school curriculum, in accordance with Section 53G-10-205 or 53G-10-403, and the alternative curriculum was rejected by the school district, but the parents have implemented the alternative curriculum; or
- (c) if the minor is attending school on a regular basis.

Amended by Chapter 20, 2024 General Session

53G-6-211 Proceedings arising from failure to attend public school.

- (1)
 - (a) When a proceeding under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, arises from a minor's failure to attend public school based upon the assertion of a constitutional or statutory right or duty, raised either by the minor, or by the minor's parent, guardian, or custodian, the juvenile court shall hear the petition and resolve the issues associated with the asserted constitutional or statutory claims within 15 days after the day on which the petition is filed.
 - (b) The parties may waive the time limitation described in this subsection.
- (2) Absent an emergency situation or other exigent circumstances, the juvenile court may not enter any order changing the educational status of the minor that existed at the time the petition was filed, until the hearing described in Subsection (1) is concluded.
- (3) A party proceeding under this section shall, insofar as it is possible, provide the juvenile court with factual stipulations and make all other efforts that are reasonably available to minimize the time required to hear the claims described in Subsection (1).

Renumbered and Amended by Chapter 261, 2021 General Session

53G-6-212 Home-based microschool and micro-education entity waivers and exemptions.

- (1) A home-based microschool or micro-education entity:
 - (a) may form to provide education services to school-age children; and
 - (b) is not an LEA, a public school, or otherwise a part of the public education system.
- (2) A local health department may not require a home-based microschool or micro-education entity to obtain a food establishment permit or undergo an inspection in order to prepare or provide

food if staff of the home-based microschool or micro-education entity does not prepare and serve food.

Enacted by Chapter 464, 2024 General Session

Part 3 School District Residency

53G-6-301 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-6-302 Child's school district of residence -- Determination -- Responsibility for providing educational services.

(1) As used in this section:

- (a) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- (b) "Human services program" means the same as that term is defined in Section 26B-2-101.
- (c) "Supervision" means a minor child is:

- (i) receiving services from a state agency, local mental health authority, or substance abuse authority with active involvement or oversight; and
- (ii) engaged in a human services program that is properly licensed or certified and has provided the school district receiving the minor child with an education plan that complies with the requirements of Section 26B-2-116.

(2) The school district of residence of a minor child whose custodial parent resides within Utah is:

- (a) the school district in which the custodial parent resides; or
- (b) the school district in which the child resides:
 - (i) while in the custody or under the supervision of a Utah state agency, local mental health authority, or substance abuse authority;
 - (ii) while under the supervision of a private or public agency which is in compliance with Section 26B-2-131 and is authorized to provide child placement services by the state;
 - (iii) while living with a responsible adult resident of the district, if a determination has been made in accordance with rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
 - (A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;
 - (B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section 53G-6-402; and
 - (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii) does not violate any other law or rule of the state board;
 - (iv) while the child is receiving services from a health care facility or human services program, if a determination has been made in accordance with rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
 - (A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;

- (B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section 53G-6-402; and
 - (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv) does not violate any other law or rule of the state board; or
 - (v) if the child is married or has been determined to be an emancipated minor by a court of law or by a state administrative agency authorized to make that determination.
- (3) A minor child whose custodial parent does not reside in the state is considered to be a resident of the district in which the child lives, unless that designation violates any other law or rule of the state board, if:
- (a) the child is married or an emancipated minor under Subsection (2)(b)(v);
 - (b) the child lives with a resident of the district who is a responsible adult and whom the district agrees to designate as the child's legal guardian under Section 53G-6-303;
 - (c) if permissible under policies adopted by a local school board, it is established to the satisfaction of the local school board that:
 - (i) the child lives with a responsible adult who is a resident of the district and is the child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;
 - (ii) the child's presence in the district is not for the primary purpose of attending the public schools;
 - (iii) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes; and
 - (iv) the child is prepared to abide by the policies of the school and school district in which attendance is sought; or
 - (d) it is established to the satisfaction of the local school board that:
 - (i) the child's parent moves from the state;
 - (ii) the child's parent executes a power of attorney under Section 75-5-103 that:
 - (A) meets the requirements of Subsection (4); and
 - (B) delegates powers regarding care, custody, or property, including schooling, to a responsible adult with whom the child resides;
 - (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the district;
 - (iv) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;
 - (v) the child is prepared to abide by the policies of the school and school district in which attendance is sought; and
 - (vi) the child's attendance in the school will not be detrimental to the school or school district.
- (4)
- (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the district may require the person with whom the child lives to be designated as the child's custodian in a durable power of attorney, issued by the party who has legal custody of the child, granting the custodian full authority to take any appropriate action, including authorization for educational or medical services, in the interests of the child.
 - (b) Both the party granting and the party empowered by the power of attorney shall agree to:
 - (i) assume responsibility for any fees, as defined in Section 53G-7-501, to the child's education in the district; and
 - (ii) if eligibility for fee waivers is claimed under Section 53G-7-504, provide the school district with all financial information requested by the district for purposes of determining eligibility for fee waivers.

- (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of this section and accepted by the school district shall remain in force until the earliest of the following occurs:
 - (i) the child reaches 18 years old, marries, or becomes emancipated;
 - (ii) the expiration date stated in the document; or
 - (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee, or by order of a court of competent jurisdiction.
- (5) A power of attorney does not confer legal guardianship.
- (6) Each school district is responsible for providing educational services for all children of school age who are residents of the district.

Amended by Chapter 497, 2024 General Session

53G-6-303 Guardianship for residency purposes by responsible adult -- Procedure to obtain -- Termination.

- (1) For purposes of this part, "responsible adult" means a person 21 years old or older who is a resident of this state and is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for a minor child.
- (2) A local school board may adopt a policy permitting it to designate a responsible adult residing in the school district as legal guardian of a child whose custodial parent does not reside within the state upon compliance with the following requirements:
 - (a) submission to the school district of a signed and notarized affidavit by the child's custodial parent stating that:
 - (i) the child's presence in the district is not for the primary purpose of attending the public schools;
 - (ii) the child's physical, mental, moral, or emotional health would best be served by a transfer of guardianship to the Utah resident;
 - (iii) the affiant is aware that designation of a guardian under this section is equivalent to a court-ordered guardianship under Section 75-5-206 and will suspend or terminate any existing parental or guardianship rights in the same manner as would occur under a court-ordered guardianship;
 - (iv) the affiant consents and submits to any such suspension or termination of parental or guardianship rights;
 - (v) the affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;
 - (vi) the affiant designates a named responsible adult as agent, authorized to accept service on behalf of the affiant of any process, notice, or demand required or permitted to be served in connection with any action under Subsection (2)(a)(v); and
 - (vii) it is the affiant's intent that the child become a permanent resident of the state and reside with and be under the supervision of the named responsible adult;
 - (b) submission to the school district of a signed and notarized affidavit by the responsible adult stating that:
 - (i) the affiant is a resident of the school district and desires to become the guardian of the child;
 - (ii) the affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;

- (iii) the affiant will accept the responsibilities of guardianship for the duration, including the responsibility to provide adequate supervision, discipline, food, shelter, educational and emotional support, and medical care for the child if designated as the child's guardian; and
- (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);
- (c) submission to the school district of a signed and notarized affidavit by the child stating that:
 - (i) the child desires to become a permanent resident of Utah and reside with and be responsible to the named responsible adult; and
 - (ii) the child will abide by all applicable policies of any public school which the child may attend after guardianship is awarded; and
- (d) if the child's custodial parent cannot be found in order to execute the statement required under Subsection (2)(a), the responsible adult must submit an affidavit to that effect to the district. The district shall also submit a copy of the statement to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
- (3) The district may require the responsible adult, in addition to the documents set forth in Subsection (2), to also submit any other documents which are relevant to the appointment of a guardian of a minor or which the district reasonably believes to be necessary in connection with a given application to substantiate any claim or assertion made in connection with the application for guardianship.
- (4) Upon receipt of the information and documentation required under Subsections (2) and (3), and a determination by the local school board that the information is accurate, that the requirements of this section have been met, and that the interests of the child would best be served by granting the requested guardianship, the local school board or its authorized representative may designate the applicant as guardian of the child by issuing a designation of guardianship letter to the applicant.
- (5)
 - (a) If a local school board has adopted a policy permitting the local school board to designate a guardian under this section, a denial of an application for appointment of a guardian may be appealed to the district court in which the school district is located.
 - (b) The court shall uphold the decision of the local school board unless it finds, by clear and convincing evidence, that the local school board's decision was arbitrary and capricious.
 - (c) An applicant may, rather than appealing the local school board's decision under Subsection (5)(b), file an original Petition for Appointment of Guardian with the district court, which action shall proceed as if no decision had been made by the local school board.
- (6) A responsible adult obtaining guardianship under this section has the same rights, authority, and responsibilities as a guardian appointed under Section 75-5-201.
- (7)
 - (a) The school district shall deliver the original documents filed with the school district, together with a copy of the designation of guardianship issued by the district, in person or by any form of mail requiring a signed receipt, to the clerk of the state district court in which the school district is located.
 - (b) The court may not charge the school district a fee for filing guardianship papers under this section.
- (8)
 - (a) The authority and responsibility of a custodial parent submitting an affidavit under this section may be restored by the district, and the guardianship obtained under this section terminated by the district:

- (i) upon submission to the school district in which the guardianship was obtained of a signed and notarized statement by the person who consented to guardianship under Subsection (2) (a) requesting termination of the guardianship; or
- (ii) by the person accepting guardianship under Subsection (2)(b) requesting the termination of the guardianship.
- (b) If the school district determines that it would not be in the best interests of the child to terminate the guardianship, the district may refer the request for termination to the state district court in which the documents were filed under Subsection (5) for further action consistent with the interests of the child.
- (9) The school district shall retain copies of all documents required by this section until the child in question has reached 18 years old unless directed to surrender the documents by a court of competent jurisdiction.
- (10)
 - (a) Intentional submission to a school district of fraudulent or misleading information under this part is punishable under Section 76-8-504.
 - (b) A school district which has reason to believe that a party has intentionally submitted false or misleading information under this part may, after notice and opportunity for the party to respond to the allegation:
 - (i) void any guardianship, authorization, or action which was based upon the false or misleading information; and
 - (ii) recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees, as defined in Section 53G-7-501, and other unpaid school charges, together with any related costs of recovery.
 - (c) A student whose guardianship or enrollment has been terminated under this section may, upon payment of all applicable tuition and fees, as defined in Section 53G-7-501, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Amended by Chapter 497, 2024 General Session

53G-6-304 Recognition of guardianship.

- (1) A document issued by other than a court of law which purports to award guardianship to a person who is not a legal resident of the jurisdiction in which the guardianship is awarded is not valid in the state of Utah until reviewed and approved by a Utah court.
- (2) The procedure for obtaining approval under Subsection (1) is the procedure required under Title 75, Chapter 5, Part 2, Guardians of Minors, for obtaining a court appointment of a guardian.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-6-305 District paying tuition -- Effect on state aid.

- (1) A local school board may by written agreement pay the tuition of a child attending school in a district outside the state. Both districts shall approve the agreement and file it with the state board.
- (2) The average daily membership of the child may be added to that of other eligible children attending schools within the district of residence for the purpose of apportionment of state funds.
- (3)

- (a) The district of residence shall bear any excess tuition costs over the state's contribution for attendance in the district of residence unless otherwise approved in advance by the state board.
- (b)
 - (i) If a child who resides in a Utah school district's boundaries attends school in a neighboring state under this section, the state board may make an out-of-state tuition payment to the Utah school district of residence.
 - (ii) If the state board approves the use of state funds for an out-of-state tuition payment described in Subsection (3)(b)(i), the state board shall use funds appropriated by the Legislature for necessarily existent small schools as described in Section 53F-2-304.

Amended by Chapter 293, 2019 General Session

53G-6-306 Permitting attendance by nonresident of the state -- Tuition.

- (1) As used in this section:
 - (a) "Armed forces" means the same as that term is defined in Section 68-3-12.5.
 - (b) "Eligible student" means a student who is a dependent child of a member of the uniformed services or a DOD civilian who is:
 - (i)
 - (A) relocating to the state and does not reside in the state during an LEA's enrollment period;
or
 - (B) relocating out of the state during the school year; and
 - (ii)
 - (A) on permanent change of station orders; or
 - (B) relocating for a civilian assignment or position.
 - (c) "Nonresident child" means a child residing outside the state.
 - (d) "Provisional enrollment" means enrollment in a public school by an eligible student:
 - (i) before the eligible student relocates to the state; or
 - (ii) after the eligible student's parent relocates out of the state, but before the eligible student relocates out of the state.
 - (e) "Uniformed services" means:
 - (i) the same as that term is defined in Section 68-3-12.5;
 - (ii) the reserve components of the armed forces; and
 - (iii) the national guard of a state.
- (2)
 - (a) An LEA may permit a nonresident child to attend school within the district, giving priority to a child of a member of the uniformed services or a DOD civilian.
 - (b) With the exception of a child enrolled under Section 53G-6-707, a nonresident child is not included for the purpose of apportionment of state funds.
- (3)
 - (a) An LEA shall charge a nonresident child who enrolls in a school within the LEA tuition in an amount at least equal to the per capita cost of the school program in which the nonresident child enrolls unless the LEA, in open meeting, determines to waive the charge for that nonresident child in whole or in part.
 - (b) The official minutes of the meeting described in Subsection (3)(a) shall reflect the LEA's determination to waive the charge described in Subsection (3)(a).
- (4)

- (a) Notwithstanding anything to the contrary in Subsection (3), an LEA shall allow an eligible student to:
 - (i) provisionally enroll in a public school in the LEA at the same time and in the same manner as individuals who reside in the state; or
 - (ii) provisionally enroll in virtual education options that the LEA provides in the same manner as an individual residing in the state.
- (b) An LEA may not require proof of residency from an eligible student at the time the eligible student applies to enroll in a public school in the LEA.
- (c) An LEA shall require proof of residence within 10 days after the eligible student's first day of residence in the state.

Amended by Chapter 438, 2025 General Session

Part 4 School District Enrollment

53G-6-401 Definitions.

As used in Sections 53G-6-402 through 53G-6-407:

- (1) "Early enrollment" means:
 - (a) except as provided in Subsection (1)(b), application prior to the third Friday in February for admission for the next school year to a school that is not a student's school of residence; and
 - (b) application prior to November 1 for admission for the next school year to a school that is not a student's school of residence if:
 - (i) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
 - (ii) the grade reconfiguration described in Subsection (1)(b)(i) will be implemented in the next school year.
- (2)
 - (a) "Early enrollment school capacity" or "maximum capacity" means the total number of students who could be served in a school building if each of the building's instructional stations were to have the enrollment specified in Subsection (2)(b).
 - (b)
 - (i) Except as provided in Subsection (2)(b)(ii):
 - (A) for an elementary school, an instructional station shall have an enrollment at least equal to the school district's average class size for the corresponding grade; and
 - (B) for a middle, junior, or senior high school, an instructional station shall have an enrollment at least equal to the district's average class size for similar classes.
 - (ii)
 - (A) A local school board shall determine the instructional station capacity for laboratories, physical education facilities, shops, study halls, self-contained special education classrooms, facilities jointly financed by the school district and another community agency for joint use, and similar rooms.
 - (B) Capacity for self-contained special education classrooms shall be based upon students per class as defined by state board and federal special education standards.
- (3)

- (a) "Instructional station" means a classroom, laboratory, shop, study hall, or physical education facility to which a local school board could reasonably assign a class, teacher, or program during a given class period.
- (b) More than one instructional station may be assigned to a classroom, laboratory, shop, study hall, or physical education facility during a class period.
- (4) "Late enrollment" means application:
 - (a) after the third Friday in February for admission for the next school year to a school that is not the student's school of residence; or
 - (b) for admission for the current year to a school that is not the student's school of residence.
- (5)
 - (a) "Late enrollment school capacity" or "adjusted capacity" means the total number of students who could be served in a school if each teacher were to have the class size specified in Subsection (5)(b).
 - (b)
 - (i) An elementary school teacher shall have a class size at least equal to the district's average class size for the corresponding grade.
 - (ii) A middle, junior, or senior high school teacher shall have a class size at least equal to the district's average class size for similar classes.
- (6) "Nonresident student" means a student who lives outside the boundaries of the school attendance area.
- (7) "Open enrollment threshold" means:
 - (a) for early enrollment, a projected school enrollment level that is the greater of:
 - (i) 90% of the maximum capacity; or
 - (ii) maximum capacity minus 40 students; and
 - (b) for late enrollment, actual school enrollment that is the greater of:
 - (i) 90% of adjusted capacity; or
 - (ii) adjusted capacity minus 40 students.
- (8) "Projected school enrollment" means the current year enrollment of a school as of October 1, adjusted for projected growth for the next school year.
- (9) "School attendance area" means an area established by a local school board from which students are assigned to attend a certain school.
- (10) "School of residence" means the school to which a student is assigned to attend based on the student's place of residence.

Amended by Chapter 293, 2019 General Session

53G-6-402 Open enrollment options -- Procedures -- Processing fee -- Continuing enrollment.

- (1) Each local school board is responsible for providing educational services consistent with Utah state law and rules of the state board for each student who resides in the district and, as provided in this section through Section 53G-6-407 and to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district, giving priority to a child of a military service member or a child of a DOD civilian.
- (2)
 - (a) A school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold.
 - (b) If a school's enrollment falls below the open enrollment threshold, the local school board shall allow a nonresident student to enroll in the school.

- (3) A local school board may allow enrollment of nonresident students in a school that is operating above the open enrollment threshold.
- (4)
 - (a) A local school board shall adopt policies describing procedures for nonresident students to follow in applying for entry into the district's schools.
 - (b) Those procedures shall provide, as a minimum, for:
 - (i) distribution to interested parties of information about the school or school district and how to apply for admission;
 - (ii) use of standard application forms prescribed by the state board;
 - (iii)
 - (A) submission of applications from November 15 through the first Friday in February by those seeking admission during the early enrollment period for the following year; or
 - (B) submission of applications from August 1 through November 1 by those seeking admission during the early enrollment period for the following year in a school district described in Subsection 53G-6-401(1)(b);
 - (iv) submission of applications by those seeking admission during the late enrollment period;
 - (v) notwithstanding any other provision of this part or Part 3, School District Residency, submission of applications for at least 30 days after the day on which a school boundary change takes effect for those affected by the school boundary change;
 - (vi) written notification to the student's parent of acceptance or rejection of an application:
 - (A) within six weeks after receipt of the application by the district or by March 31, whichever is later, for applications submitted during the early enrollment period;
 - (B) within two weeks after receipt of the application by the district or by the Friday before the new school year begins, whichever is later, for applications submitted during the late enrollment period for admission in the next school year;
 - (C) within two weeks after receipt of the application by the district, for applications submitted during the late enrollment period for admission in the current year; and
 - (D) within two weeks after receipt of the application by the district, for applications submitted by students affected by a school district boundary change;
 - (vii) written notification to the resident school for intradistrict transfers or the resident district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and
 - (viii) written notification to the parents of each student that resides within the school district and other interested parties of the revised early enrollment period described in Subsection 53G-6-401(1)(b) if:
 - (A) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
 - (B) the grade reconfiguration described in Subsection (4)(b)(viii)(A) will be implemented in the next school year.
 - (c)
 - (i) Notwithstanding the dates established in Subsection (4)(b) for submitting applications and notifying parents of acceptance or rejection of an application, a local school board may delay the dates if a local school board is not able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school due to:
 - (A) school construction or remodeling;
 - (B) drawing or revision of school boundaries; or
 - (C) other circumstances beyond the control of the local school board.

- (ii) The delay may extend no later than four weeks beyond the date the local school board is able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school.
- (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of application.
- (6) An enrolled nonresident student shall be permitted to remain enrolled in a school, subject to the same rules and standards as resident students, without renewed applications in subsequent years unless one of the following occurs:
 - (a) the student graduates;
 - (b) the student is no longer a Utah resident;
 - (c) the student is suspended or expelled from school;
 - (d) except for a student described in Subsection (6)(e), the district determines that enrollment within the school will exceed the school's open enrollment threshold; or
 - (e) for a child of a military service member or a child of a DOD civilian who moves from temporary to permanent housing outside of the relevant school district boundaries following a permanent change of station:
 - (i) in kindergarten through grade 10, the student completes the current school year; or
 - (ii) in grades 11 and 12, the student graduates.
- (7)
 - (a) Determination of which nonresident students will be excluded from continued enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in the school, with those most recently enrolled being excluded first and the use of a lottery system when multiple nonresident students have the same number of school days in the school.
 - (b) Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15 of the current school year.
- (8) The parent of a student enrolled in a school that is not the student's school of residence may withdraw the student from that school for enrollment in another public school by submitting notice of intent to enroll the student in:
 - (a) the district of residence; or
 - (b) another nonresident district.
- (9) Unless provisions have previously been made for enrollment in another school, a nonresident district releasing a student from enrollment shall immediately notify the district of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.
- (10)
 - (a) Except as provided in Subsection (10)(c), a student who transfers between schools, whether effective on the first day of the school year or after the school year has begun, by exercising an open enrollment option under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this section.
 - (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a student transfer made for health or safety reasons.
 - (c) A local school board may adopt a policy allowing a student to exercise an open enrollment option more than once in a school year.
- (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that is not the student's school of residence, because school bus service is not provided between the student's neighborhood and school of residence for safety reasons:
 - (a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and

- (b) shall be allowed to attend the middle school, junior high school, or high school into which the school's students feed until the student graduates from high school.
- (12) Notwithstanding any other provision of this part or Part 3, School District Residency, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. Sec. 675.

Amended by Chapter 438, 2025 General Session

53G-6-403 Policies for acceptance and rejection of applications.

- (1)
 - (a) A local school board shall adopt policies governing acceptance and rejection of applications required under Section 53G-6-402.
 - (b) The policies adopted under Subsection (1)(a) shall include policies and procedures to assure that decisions regarding enrollment requests are administered fairly without prejudice to any student or class of student, except as provided in Subsection (2).
- (2) Standards for accepting or rejecting an application for enrollment may include:
 - (a) for an elementary school, the capacity of the grade level;
 - (b) for a secondary school, the capacity of a comprehensive program;
 - (c) maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;
 - (d) not offering, or having capacity in, an elementary or secondary special education or other special program the student requires;
 - (e) maintenance of reduced class sizes:
 - (i) in a Title I school that uses federal, state, and local money to reduce class sizes for the purpose of improving student achievement; or
 - (ii) in a school that uses school trust money to reduce class size;
 - (f) willingness of prospective students to comply with district policies; and
 - (g) giving priority to intradistrict transfers over interdistrict transfers.
- (3)
 - (a) Standards for accepting or rejecting applications for enrollment may not include:
 - (i) previous academic achievement;
 - (ii) athletic or other extracurricular ability;
 - (iii) the fact that the student requires special education services for which space is available;
 - (iv) proficiency in the English language; or
 - (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).
 - (b) A local school board may provide for the denial of applications from students who:
 - (i) have committed serious infractions of the law or school policies, including policies of the district in which enrollment is sought; or
 - (ii) have been guilty of chronic misbehavior which would, if it were to continue after the student was admitted:
 - (A) endanger persons or property;
 - (B) cause serious disruptions in the school; or
 - (C) place unreasonable burdens on school staff.
 - (c) A local school board may also provide for provisional enrollment of students with prior behavior problems, establishing conditions under which enrollment of a nonresident student would be permitted or continued.
- (4)

- (a) The state board, in consultation with the Utah High School Activities Association, shall establish policies regarding nonresident student participation in interscholastic competition.
 - (b) Nonresident students shall be eligible for extracurricular activities at a public school consistent with eligibility standards as applied to students that reside within the school attendance area, except as provided by policies established under Subsection (4)(a).
- (5) For each school in the district, the local school board shall post on the school district's website:
- (a) the school's maximum capacity;
 - (b) the school's adjusted capacity;
 - (c) the school's projected enrollment used in the calculation of the open enrollment threshold;
 - (d) actual enrollment on October 1, January 2, and April 1;
 - (e) the number of nonresident student enrollment requests;
 - (f) the number of nonresident student enrollment requests accepted; and
 - (g) the number of resident students transferring to another school.

Amended by Chapter 293, 2019 General Session

53G-6-404 Denial of enrollment -- Appeal.

- (1) Denial of initial or continuing enrollment in a nonresident school may be appealed to the local school board of the nonresident district.
- (2) The decision of the local school board shall be upheld in any subsequent proceedings unless the local school board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Amended by Chapter 293, 2019 General Session

Superseded 7/1/2025

53G-6-405 Funding.

- (1) A student who enrolls in a nonresident district is considered a resident of that district for purposes of state funding.
- (2) The state board shall adopt rules providing that:
 - (a) the resident district pay the nonresident district, for each of the resident district's students who enroll in the nonresident district, 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution; and
 - (b) if a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage of school days the student is enrolled in the nonresident district.
- (3)
 - (a) Except as provided in this Subsection (3), the parent of a nonresident student shall arrange for the student's own transportation to and from school.
 - (b) The state board may adopt rules under which a nonresident student may be transported to the student's school of attendance if:
 - (i) transportation relieves overcrowding or other serious problems in the district of residence;
 - (ii) the district of residence lacks sufficient transportation services;
 - (iii) the costs of transportation are reasonable;
 - (iv) there is available space on an approved route within the student's school of attendance; or
 - (v) the Legislature has granted an adequate specific appropriation for that purpose.
 - (c) Nothing in this section shall be construed as prohibiting the resident district or the receiving district from providing bus transportation on any approved route.

- (d) Except as provided in Subsection (3)(b), the district of residence may not claim any state transportation costs for students enrolled in other school districts.

Amended by Chapter 252, 2023 General Session

Effective 7/1/2025

53G-6-405 Funding.

- (1) A student who enrolls in a nonresident district is considered a resident of that district for purposes of state funding.
- (2) The state board shall adopt rules providing that:
 - (a) except as provided in Subsection (2)(b):
 - (i) the resident district pay the nonresident district, for each of the resident district's students who enroll in the nonresident district, 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution; and
 - (ii) if a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount specified in this Subsection (2)(a) based on the percentage of school days the student is enrolled in the nonresident district; and
 - (b) the payment requirements under Subsection (2)(a) do not apply to students enrolled in an online school within the nonresident district.
- (3)
 - (a) Except as provided in this Subsection (3), the parent of a nonresident student shall arrange for the student's own transportation to and from school.
 - (b) The state board may adopt rules under which a nonresident student may be transported to the student's school of attendance if:
 - (i) transportation relieves overcrowding or other serious problems in the district of residence;
 - (ii) the district of residence lacks sufficient transportation services;
 - (iii) the costs of transportation are reasonable;
 - (iv) there is available space on an approved route within the student's school of attendance; or
 - (v) the Legislature has granted an adequate specific appropriation for that purpose.
 - (c) Nothing in this section shall be construed as prohibiting the resident district or the receiving district from providing bus transportation on any approved route.
 - (d) Except as provided in Subsection (3)(b), the district of residence may not claim any state transportation costs for students enrolled in other school districts.

Amended by Chapter 529, 2025 General Session

53G-6-406 Graduation credits.

- (1) A nonresident district shall accept credits toward graduation that were awarded by a school accredited or approved by the state board or a regional accrediting body recognized by the U.S. Department of Education.
- (2) A nonresident district shall award a diploma to a nonresident student attending school within the district during the semester immediately preceding graduation if the student meets graduation requirements generally applicable to students in the school.
- (3) A district may not require that a student attend school within the district for more than one semester prior to graduation in order to receive a diploma.

Amended by Chapter 293, 2019 General Session

**53G-6-407 Intradistrict transfers for students impacted by boundary changes --
Transportation of students who transfer within a district.**

- (1)
 - (a) In adjusting school boundaries, a local school board shall strive to avoid requiring current students to change schools and shall, to the extent reasonably feasible, accommodate parents who wish to avoid having their children attend different schools of the same level because of boundary changes which occur after one or more children in the family begin attending one of the affected schools.
 - (b) In granting interdistrict and intradistrict transfers to a particular school, the local school board shall take into consideration the fact that an applicant's brother or sister is attending the school or another school within the district.
- (2)
 - (a) A district shall receive transportation money under Sections 53F-2-402 and 53F-2-403 for resident students who enroll in schools other than the regularly assigned school on the basis of the distance from the student's residence to the school the student would have attended had the intradistrict attendance option not been used.
 - (b) The parent of the student shall arrange for the student's transportation to and from school, except that the district shall provide transportation on the basis of available space on an approved route within the district to the school of the student's attendance if the student would be otherwise eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

Amended by Chapter 293, 2019 General Session

**Part 5
Charter School Enrollment**

53G-6-501 Definitions.

As used in this part:

- (1) "Asset" means the same as that term is defined in Section 53G-5-102.
- (2) "Board of trustees of a higher education institution" or "board of trustees" means the same as that term is defined in Section 53G-5-102.
- (3) "Charter school authorizer" or "authorizer" means the same as that term is defined in Section 53G-5-102.

Amended by Chapter 293, 2019 General Session

53G-6-502 Eligible students.

- (1) As used in this section:
 - (a) "At capacity" means operating above the school's open enrollment threshold.
 - (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.
 - (c) "Open enrollment threshold" means the same as that term is defined in Section 53G-6-401.
 - (d) "Refugee" means a person who is eligible to receive benefits and services from the federal Office of Refugee Resettlement.
 - (e) "School of residence" means the same as that term is defined in Section 53G-6-401.

- (2) All resident students of the state qualify for admission to a charter school, subject to the limitations set forth in this section and Section 53G-6-503.
- (3)
 - (a) A charter school shall enroll:
 - (i) a foster child residing in the same residence as an individual who is enrolled in the charter school; and
 - (ii) an eligible student other than a child described in Subsection (3)(a)(i) who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the charter school.
 - (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity of a program, class, grade level, or the charter school, the charter school shall select students on a random basis, except as provided in Subsections (4) through (8).
- (4) A charter school may give an enrollment preference to:
 - (a) a child or grandchild of an individual who has actively participated in the development of the charter school;
 - (b) a child or grandchild of a member of the charter school governing board;
 - (c) a sibling of an individual who was previously or is presently enrolled in the charter school;
 - (d) a child of an employee of the charter school;
 - (e) a student articulating between charter schools offering similar programs that are governed by the same charter school governing board;
 - (f) a student articulating from one charter school to another pursuant to an articulation agreement between the charter schools that is approved by the State Charter School Board;
 - (g) an individual seeking enrollment in a charter school if:
 - (i) the individual's sibling is a student enrolled in a charter school; and
 - (ii) the charter school where the individual is seeking enrollment has an articulation agreement with the charter school where the sibling is enrolled that the State Charter School Board approves;
 - (h) a student who resides within up to a two-mile radius of the charter school and whose school of residence is at capacity;
 - (i) a child of a military service member;
 - (j) a child of a DOD civilian; or
 - (k) for the 2022-2023 school year, a student who withdraws from the charter school to attend an online school or home school for the 2020-2021 or 2021-2022 school years due to the COVID-19 emergency.
- (5)
 - (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(h), a charter school that is approved by the state board after May 13, 2014, and is located in a high growth area as defined in Section 53G-6-504 shall give an enrollment preference to a student who resides within a two-mile radius of the charter school.
 - (b) The requirement to give an enrollment preference under Subsection (5)(a) does not apply to a charter school that was approved without a high priority status pursuant to Subsection 53G-6-504(7)(b).
- (6) If a district school converts to charter status, the charter school shall give an enrollment preference to students who would have otherwise attended it as a district school.
- (7)
 - (a) A charter school whose mission is to enhance learning opportunities for refugees or children of refugee families may give an enrollment preference to refugees or children of refugee families.

- (b) A charter school whose mission is to enhance learning opportunities for English language learners may give an enrollment preference to English language learners.
- (8) A charter school may weight the charter school's lottery to give a slightly better chance of admission to educationally disadvantaged students, including:
 - (a) low-income students;
 - (b) students with disabilities;
 - (c) English language learners;
 - (d) migrant students;
 - (e) neglected or delinquent students; and
 - (f) homeless students.
- (9) A charter school may not discriminate in the charter school's admission policies or practices on the same basis as other public schools may not discriminate in admission policies and practices.

Amended by Chapter 438, 2025 General Session

53G-6-503 Charter school students -- Admissions procedures -- Transfers.

- (1) As used in this section:
 - (a) "Nonresident school district" means a school district other than a student's school district of residence.
 - (b) "School district of residence" means a student's school district of residence as determined under Section 53G-6-302.
 - (c) "School of residence" means the school to which a student is assigned to attend based on the student's place of residence.
- (2)
 - (a) The state board, in consultation with the State Charter School Board, shall make rules describing procedures for students to follow in applying for entry into, or exiting, a charter school.
 - (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:
 - (i) posting on a charter school's Internet website, beginning no later than 60 days before the school's initial period of applications:
 - (A) procedures for applying for admission to the charter school;
 - (B) the school's opening date, if the school has not yet opened, or the school calendar; and
 - (C) information on how a student may transfer from a charter school to another charter school or a district school;
 - (ii) written notification to a student's parent of an offer of admission;
 - (iii) written acceptance of an offer of admission by a student's parent;
 - (iv) written notification to a student's current charter school or school district of residence upon acceptance of the student for enrollment in a charter school; and
 - (v) the admission of students at:
 - (A) any time to protect the health or safety of a student; or
 - (B) times other than those permitted under standard policies if there are other conditions of special need that warrant consideration.
 - (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is enrolled in a charter school or who has accepted an offer of admission to a charter school from duplicating enrollment for the student in another charter school or a school district without following the withdrawal procedures described in Subsection (3).

- (3) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in another charter school or a school district by submitting to the charter school:
 - (a) on or before June 30, a notice of intent to enroll the student in the student's school of residence for the following school year;
 - (b) after June 30, a letter of acceptance for enrollment in the student's school district of residence for the following year;
 - (c) a letter of acceptance for enrollment in the student's school district of residence in the current school year;
 - (d) a letter of acceptance for enrollment in a nonresident school district; or
 - (e) a letter of acceptance for enrollment in a charter school.
- (4)
 - (a) A charter school shall report to a school district, by the last business day of each month the aggregate number of new students, sorted by their school of residence and grade level, who have accepted enrollment in the charter school for the following school year.
 - (b) A school district shall report to a charter school, by the last business day of each month, the aggregate number of students enrolled in the charter school who have accepted enrollment in the school district in the following school year, sorted by grade level.
- (5) When a vacancy occurs because a student has withdrawn from a charter school, the charter school may immediately enroll a new student from its list of applicants.
- (6) Unless provisions have previously been made for enrollment in another school, a charter school releasing a student from enrollment during a school year shall immediately notify the school district of residence, which shall enroll the student in the school district of residence and take additional steps as may be necessary to ensure compliance with laws governing school attendance.
- (7)
 - (a) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in the student's school of residence in the following school year if an application of admission is submitted to the school district of residence by June 30.
 - (b) If the parent of a student enrolled in a charter school submits an application of admission to the student's school district of residence after June 30 for the student's enrollment in the school district of residence in the following school year, or an application of admission is submitted for enrollment during the current school year, the student may enroll in a school of the school district of residence that has adequate capacity in:
 - (i) the student's grade level, if the student is an elementary school student; or
 - (ii) the core classes that the student needs to take, if the student is a secondary school student.
 - (c) State board rules made under Subsection (2)(a) shall specify how adequate capacity in a grade level or core classes is determined for the purposes of Subsection (7)(b).
- (8) Notwithstanding Subsection (7), a school district may enroll a student at any time to protect the health and safety of the student.
- (9) A school district or charter school may charge secondary students a one-time \$5 processing fee, to be paid at the time of application.

Amended by Chapter 293, 2019 General Session

53G-6-504 Approval of increase in charter school enrollment capacity -- Expansion.

- (1) For the purposes of this section:

- (a) "High growth area" means an area of the state where school enrollment is significantly increasing or projected to significantly increase.
- (b) "Next school year" means the school year that begins on or after the July 1 immediately following the end of a general session of the Legislature.
- (2) The state board may approve an increase in charter school enrollment capacity subject to the Legislature:
 - (a) appropriating funds for an increase in charter school enrollment capacity in the next school year; or
 - (b) authorizing an increase in charter school enrollment capacity in the school year immediately following the next school year.
- (3) In appropriating funds for, or authorizing, an increase in charter school enrollment capacity, the Legislature shall provide a separate appropriation or authorization of enrollment capacity for a charter school proposed and approved in response to a request for applications issued under Section 53G-5-301.
- (4)
 - (a) A charter school may annually submit a request to the state board for an increase in enrollment capacity in the amount of .25 times the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program.
 - (b) A charter school shall submit a request for an increase in enrollment capacity pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase in enrollment capacity is requested.
 - (c) The state board shall approve a request for an increase in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient funds appropriated under Title 53F, Chapter 2, Part 7, Charter School Funding, to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.
 - (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a permanent increase in the charter school's enrollment capacity.
 - (e) For the 2021-2022 school year, the previous school year described in Subsection (4)(a) is the 2019-2020 school year.
- (5)
 - (a) On or before January 1, 2017, the state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from charter school authorizers, make rules establishing requirements, procedures, and deadlines for an expansion of a charter school.
 - (b) The rules described in Subsection (5)(a) shall include rules related to:
 - (i) an expansion of a charter school when another charter school issues a notice of closure; and
 - (ii) the establishment of a satellite campus.
- (6)
 - (a) If the Legislature does not appropriate funds for an increase in charter school enrollment capacity that is tentatively approved by the state board, the state board shall prioritize the tentatively approved schools and expansions based on approved funds.
 - (b) A charter school or expansion that is tentatively approved, but not funded, shall be considered to be tentatively approved for the next application year and receive priority status for available funding.
- (7)

- (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in charter school enrollment capacity for new charter schools and expanding charter schools, the state board shall give:
 - (i) high priority to approving a new charter school or a charter school expansion in a high growth area; and
 - (ii) low priority to approving a new charter school or a charter school expansion in an area where student enrollment is stable or declining.
- (b) An applicant seeking to establish a charter school in a high growth area may elect to not receive high priority status as provided in Subsection (7)(a)(i).
- (8) For fiscal year 2021, in addition to an appropriation described in Subsection 53F-2-704(2)(a), for the guarantee described in Section 53F-2-704, the state board may use up to \$8,000,000 from the following sources in priority order:
 - (a) funds from the federal Elementary and Secondary School Emergency Relief Fund described in the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136; and
 - (b) notwithstanding anything to the contrary in Subsection 53F-2-205(3)(b), nonlapsing Minimum School Program funds.

Amended by Chapter 9, 2020 Special Session 6

Part 6

Preventing Enrollment or Transfer of Missing Children

53G-6-601 Definitions.

As used in this part:

- (1) "Division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
- (2) "Missing child" has the same meaning as provided in Section 26B-8-130.
- (3) "State registrar" means the State Registrar of Vital Statistics within the Department of Health and Human Services.

Amended by Chapter 328, 2023 General Session

53G-6-602 Identifying records -- Reporting requirements.

- (1) Upon notification by the division of a missing child in accordance with Section 53-10-203, a school in which that child is currently or was previously enrolled shall flag the record of that child in a manner that whenever a copy of or information regarding the record is requested, the school is alerted to the fact that the record is that of a missing child.
- (2) The school shall immediately report any request concerning flagged records or knowledge as to the whereabouts of any missing child to the division.
- (3) Upon notification by the division that a missing child has been recovered, the school shall remove the flag from that child's record.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-6-603 Requirement of birth certificate for enrollment of students -- Procedures.

- (1) As used in this section:

- (a) "Child trafficking" means human trafficking of a child in violation of Section 76-5-308.5.
 - (b) "Enroller" means an individual who enrolls a student in a public school.
 - (c) "Review team" means a team described in Subsection (4), assigned to determine a student's biological age as described in this section.
 - (d) "Social service provider" means the same as that term is defined in Section 53E-3-524.
- (2) Except as provided in Subsection (3), upon enrollment of a student for the first time in a particular school, that school shall notify the enroller in writing that within 30 days the enroller shall provide to the school either:
- (a) a certified copy of the student's birth certificate; or
 - (b)
 - (i) other reliable proof of the student's:
 - (A) identity;
 - (B) biological age; and
 - (C) relationship to the student's legally responsible individual; and
 - (ii) an affidavit explaining the enroller's inability to produce a copy of the student's birth certificate.
- (3)
- (a) If the documentation described in Subsection (2)(a) or (2)(b)(i) inaccurately reflects the student's biological age, the enroller shall provide to the school:
 - (i) an affidavit explaining the reasons for the inaccuracy described in Subsection (3)(a); and
 - (ii) except as provided in Subsection (4), supporting documentation that establishes the student's biological age.
 - (b) The supporting documentation described in Subsection (3)(a)(ii) may include:
 - (i) a religious, hospital, physician, or physician assistant certificate showing the student's date of birth;
 - (ii) an entry in a family religious text;
 - (iii) an adoption record;
 - (iv) previously verified school records;
 - (v) previously verified immunization records;
 - (vi) documentation from a social service provider; or
 - (vii) other legal documentation, including from a consulate, that reflects the student's biological age.
- (4)
- (a) If the supporting documentation described in Subsection (3)(b) is not available, the school shall assign a review team to work with the enroller to determine the student's biological age for an LEA to use for a student's enrollment and appropriate placement in a public school.
 - (b) The review team described in Subsection (4)(a):
 - (i) may include:
 - (A) an appropriate district administrator;
 - (B) the student's teacher or teachers;
 - (C) the school principal;
 - (D) a school counselor;
 - (E) a school social worker;
 - (F) a school psychologist;
 - (G) a culturally competent and trauma-informed community representative;
 - (H) a school nurse or other school health specialist;
 - (I) an interpreter, if necessary; or
 - (J) a relevant educational equity administrator; and

- (ii) shall include at least three members, at least one of which has completed the instruction described in Subsection 53G-9-207(3)(a), no more than two years prior to the member's appointment to the review team.
- (c) In addition to any duty to comply with the mandatory reporting requirements described in Section 53E-6-701, a school shall report to local law enforcement and to the division any sign of child trafficking that the review team identifies in carrying out the review team's duties described in Subsection (4)(a).

Amended by Chapter 113, 2024 General Session

Amended by Chapter 381, 2024 General Session

53G-6-604 Requirement of school record for transfer of student -- Procedures.

- (1) Except as provided in Section 53E-3-905, a school shall request a certified copy of a transfer student's record, directly from the transfer student's previous school, within 14 days after enrolling the transfer student.
- (2)
 - (a) Except as provided in Subsection (2)(b) and Section 53E-3-905, a school requested to forward a certified copy of a transferring student's record to the new school shall comply within 30 school days of the request.
 - (b) If the record has been flagged pursuant to Section 53G-6-602, a school may not forward the record to the new school and the requested school shall notify the division of the request.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 7
Other Public School Participation

53G-6-701 Definitions.

As used in this part, "fee" means the same as that term is defined in Section 53G-7-501.

Amended by Chapter 497, 2024 General Session

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 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 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 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.

Amended by Chapter 408, 2020 General Session

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) "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.
- (e) "Minor" means the same as that term is defined in Section 53G-6-201.
- (f) "Parent" means the same as that term is defined in Section 53G-6-201.
- (g) "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 9 or 10.
- (d) A school other than a school described in Subsection (2)(c)(i) may allow a private school student or a home school student to participate in an extracurricular activity that the public school sponsors and supports if:
 - (i) for an interscholastic competition of athletic teams, the private school student or the home school student meets the initial establishment of eligibility requirements;

- (ii) for an interscholastic contest or competition for music, drama, or forensic groups or teams, the private school student, subject to Subsection (2)(b), or the home school student meets the entry requirements for participation;
 - (iii) the private school student or the home school student meets the eligibility requirements under this section; and
 - (iv) the private school student or the home school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (3)
- (a) Except as provided in Subsections (4) through (13), a private school student or a home school student is eligible to participate in an extracurricular activity at a public school consistent with eligibility standards:
 - (i) applied to a fully enrolled public school student;
 - (ii) of the public school where the private school student or the home school student participates in an extracurricular activity; and
 - (iii) for the extracurricular activity in which the private school or the home school student participates.
 - (b) A school district or public school may not impose additional requirements on a private school student or a home school student to participate in an extracurricular activity that are not imposed on a fully enrolled public school student.
 - (c)
 - (i) A private school student or a home school student who participates in an extracurricular activity at a public school shall pay the same fees as required of a fully enrolled public school student to participate in an extracurricular activity.
 - (ii) If a local school board or a charter school governing board imposes a mandatory student activity fee for a student enrolled in a public school, the fee may be imposed on a private school student or a home school student who participates in an extracurricular activity at the public school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled public school 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.
- (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.

Amended by Chapter 340, 2023 General Session

53G-6-704 Charter school students' participation in extracurricular activities at other public schools.

- (1) As used in this section:
- (a) "Association" means the same as that term is defined in Section 53G-7-1101.
 - (b) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (c) "Initial establishment of eligibility requirements" means the same as that term is defined in Section 53G-6-703.
- (2) A charter school student is eligible to participate in an extracurricular activity not offered by the student's charter school at:
- (a) the school with attendance boundaries within which the student's custodial parent resides, if, for an interscholastic competition of athletic teams, the student did not initially establish the student's eligibility at another public school in grade 9 or 10;
 - (b) the public school from which the student withdrew for the purpose of attending a charter school; or
 - (c) a public school that is not a charter school if the student's charter school is located on the campus of the public school or has local school board approval to locate on the campus of the public school.

- (3) In addition to the public schools listed in Subsection (2), the state board may establish rules to allow a charter school student to participate in an extracurricular activity at a public school other than a public school listed in Subsection (2).
- (4) A school other than a school described in Subsection (2) may allow a charter school student to participate in an extracurricular activity a public school sponsors and supports if:
 - (a) for interschool competitions of athletic teams, the charter school student meets the initial establishment of eligibility requirements;
 - (b) for interschool contests or competitions for music, drama, or forensic groups or teams, the charter school student meets the entry requirements for participation;
 - (c) the charter school student meets the eligibility requirements under this section; and
 - (d) the charter school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (5) A charter school student is eligible for an extracurricular activity at a public school consistent with eligibility standards as applied to full-time students of the public school.
- (6) A school district or a public school may not impose additional requirements on a charter school student to participate in an extracurricular activity that are not imposed on full-time students of the public school.
- (7)
 - (a) The state board shall make rules establishing fees for charter school students' participation in an extracurricular activity at school district schools.
 - (b) The rules shall provide that:
 - (i) charter school students pay the same fees as other students to participate in an extracurricular activity;
 - (ii) charter school students are eligible for fee waivers pursuant to Section 53G-7-504;
 - (iii) for each charter school student who participates in an extracurricular activity at a school district school, the charter school shall pay a share of the school district's costs for the extracurricular activity; and
 - (iv) a charter school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or a school divided by total student enrollment of the school district or the school.
 - (c) In determining a charter school's share of the costs of an extracurricular activity under Subsections (7)(b)(iii) and (iv), the state board may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.
- (8) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a charter school student is eligible to try out for and participate in the activity as provided in this section.

Amended by Chapter 340, 2023 General Session

53G-6-705 Online students' participation in extracurricular activities.

- (1) As used in this section:
 - (a) "Association" means the same as that term is defined in Section 53G-7-1101.
 - (b) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (c) "Initial establishment of eligibility requirements" means the same as that term is defined in Section 53G-6-703.
 - (d) "Online education" means the use of information and communication technologies to deliver educational opportunities to a student in a location other than a school.

- (e) "Online student" means a student who:
 - (i) participates in an online education program sponsored or supported by the state board, a school district, or a charter school; and
 - (ii) generates funding for the school district or the school pursuant to Subsection 53F-2-102(4) and rules of the state board.
- (2) An online student is eligible to participate in an extracurricular activity at:
 - (a) the school with attendance boundaries within which the student's custodial parent resides, if, for an interscholastic competition of athletic teams, the student did not initially establish the student's eligibility at another public school in grade 9 or 10; or
 - (b) the public school from which the student withdrew for the purpose of participating in an online education program.
- (3) A public school other than a school described in Subsection (2) may allow an online student to participate in an extracurricular activity that the public school sponsors and supports if:
 - (a) for interschool competitions of athletic teams sponsored and supported by a public school, the online school student meets the initial establishment of eligibility requirements;
 - (b) for interschool contests or competitions for music, drama, or forensic groups or teams sponsored and supported by a public school, the online school student meets the entry requirements for participation;
 - (c) the online school student meets the eligibility requirements under this section; and
 - (d) the online school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (4) An online student is eligible to participate in an extracurricular activity at a public school consistent with eligibility standards as applied to full-time students of the public school.
- (5) A school district or public school may not impose additional requirements on an online school student to participate in an extracurricular activity that are not imposed on full-time students of the public school.
- (6)
 - (a) The state board shall make rules establishing fees for an online school student's participation in an extracurricular activity at school district schools.
 - (b) The rules shall provide that:
 - (i) online school students pay the same fees as other students to participate in an extracurricular activity;
 - (ii) online school students are eligible for fee waivers pursuant to Section 53G-7-504;
 - (iii) for each online school student who participates in an extracurricular activity at a school district school, the online school shall pay a share of the school district's costs for the extracurricular activity; and
 - (iv) an online school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or school divided by total student enrollment of the school district or school.
 - (c) In determining an online school's share of the costs of an extracurricular activity under Subsections (6)(b)(iii) and (iv), the state board may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.
- (7) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, an online student is eligible to try out for and participate in the activity as provided in this section.

Amended by Chapter 340, 2023 General Session

53G-6-706 Placement of a student of a home school, micro-education entity, or home-based microschoo

- (1) For the purposes of this section, "parent" means the same as that term is defined in Section 53G-6-201.
- (2) When a home school student, a home-based microschoo student, or a micro-education entity student transfers from a home school, a home-based microschoo, 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 microschoo; or
 - (c) micro-education entity.

Amended by Chapter 464, 2024 General Session

53G-6-707 Interstate compact students -- Inclusion in attendance count -- Foreign exchange students -- Annual report -- Requirements for exchange student agencies.

- (1) A school district or charter school may include the following students in the district's or school's membership and attendance count for the purpose of apportionment of state money:
 - (a) a student enrolled under an interstate compact, established between the state board and the state education authority of another state, under which a student from one compact state would be permitted to enroll in a public school in the other compact state on the same basis as a resident student of the receiving state; or
 - (b) a student receiving services under Title 80, Chapter 2, Part 9, Interstate Compact on Placement of Children.
- (2) A school district or charter school may:
 - (a) enroll foreign exchange students that do not qualify for state money; and

- (b) pay for the costs of those students with other funds available to the school district or charter school.
- (3) Due to the benefits to all students of having the opportunity to become familiar with individuals from diverse backgrounds and cultures, school districts are encouraged to enroll foreign exchange students, as provided in Subsection (2), particularly in schools with declining or stable enrollments where the incremental cost of enrolling the foreign exchange student may be minimal.
- (4)
 - (a) A local school board or charter school governing board shall require each approved exchange student agency to provide it with a sworn affidavit of compliance prior to the beginning of each school year.
 - (b) The affidavit shall include the following assurances:
 - (i) that the agency has complied with all applicable policies of the state board;
 - (ii) that a household study, including a background check of all adult residents, has been made of each household where an exchange student is to reside, and that the study was of sufficient scope to provide reasonable assurance that the exchange student will receive proper care and supervision in a safe environment;
 - (iii) that host parents have received training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(2)(j) for persons who are in a position of special trust;
 - (iv) that a representative of the exchange student agency shall visit each student's place of residence at least once each month during the student's stay in Utah;
 - (v) that the agency will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;
 - (vi) that each exchange student will be given in the exchange student's native language names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs; and
 - (vii) that alternate placements are readily available so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.
- (5)
 - (a) A local school board or charter school governing board shall provide each approved exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.
 - (b) The agency shall make a copy of the list available to each of its exchange students in the exchange student's native language.
- (6) Notwithstanding Subsection 53F-2-303(3)(a), a school district or charter school shall enroll a foreign exchange student if the foreign exchange student:
 - (a) is sponsored by an agency approved by the state board;
 - (b) attends the same school during the same time period that another student from the school is:
 - (i) sponsored by the same agency; and
 - (ii) enrolled in a school in a foreign country; and
 - (c) is enrolled in the school for one year or less.

Amended by Chapter 335, 2022 General Session

53G-6-708 Career and technical education program alternatives.

- (1) A secondary student may attend a technical college described in Section 53B-2a-105 if the secondary student's career and technical education goals are better achieved by attending a technical college as determined by:
 - (a) the secondary student; and
 - (b) if the secondary student is a minor, the secondary student's parent.
- (2) A secondary student served under this section by a technical college described in Section 53B-2a-105 shall be counted in the average daily membership of the sending school district or charter school.

Amended by Chapter 293, 2019 General Session

53G-6-709 Participation of students with a disability in extracurricular activities.

- (1) A student with a disability may not be denied the opportunity of participating in a public school program or extracurricular activity solely because of the student's age or disability, unless the participation threatens the health or safety of the student.
- (2) The school district or charter school, in cooperation with the Utah Department of Health shall establish criteria used to determine the health and safety factor.
- (3) Subsection (1) applies to a student who:
 - (a) has not graduated from high school with a regular diploma; and
 - (b) is under the age of 22, if participation is recommended by the student's individualized education program team.

Renumbered and Amended by Chapter 187, 2019 General Session

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 during part of the school day; and
 - (ii) attend in-person instruction for the remainder of the school day.
 - (b) "Local education agency" or "LEA" means a school district or charter school.
 - (c) "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.

Enacted by Chapter 60, 2023 General Session

Part 8 Parental Rights

53G-6-801 Definitions.

As used in this part:

- (1) "Federal law" means:
 - (a) a statute passed by the Congress of the United States; or
 - (b) a final regulation:
 - (i) adopted by an administrative agency of the United States government; and
 - (ii) published in the code of federal regulations or the federal register.
- (2) "Reasonably accommodate" means an LEA shall make its best effort to enable a parent to exercise a parental right specified in Section 53G-6-803:
 - (a) without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises and for school activities, and the efficient allocation of expenditures; and
 - (b) while balancing:
 - (i) the parental rights of parents;
 - (ii) the educational needs of other students;
 - (iii) the academic and behavioral impacts to a classroom;
 - (iv) a teacher's workload; and
 - (v) the assurance of the safe and efficient operation of a school.

Amended by Chapter 293, 2019 General Session

53G-6-802 Annual notice of parental rights.

- (1) An LEA shall annually notify a parent of a student enrolled in the LEA of:
 - (a) the parent's rights as specified in this part; and
 - (b) the constitutional protections as described in Section 53G-10-205.
- (2) An LEA satisfies the notification requirement described in Subsection (1) by posting the information on the LEA's website or through other means of electronic communication.

Amended by Chapter 20, 2024 General Session

53G-6-803 Parental right to academic accommodations.

- (1)

- (a) A student's parent is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent. As such, a student's parent has the right to reasonable academic accommodations from the student's LEA as specified in this section.
- (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.
- (c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent as a user of the public education system.
- (d) An accommodation under this section may only be provided if the accommodation is:
 - (i) consistent with federal law; and
 - (ii) consistent with a student's IEP if the student already has an IEP.
- (2) An LEA shall reasonably accommodate a parent's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.
- (3) An LEA shall reasonably accommodate a parent's initial selection of a teacher or request for a change of teacher.
- (4) An LEA shall reasonably accommodate the request of a student's parent to visit and observe any class the student attends.
- (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:
 - (a) the parent submits a written statement at least one school day before the scheduled absence; and
 - (b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.
- (6)
 - (a) An LEA shall reasonably accommodate a parent's written request to place a student in a specialized class, a specialized program, or an advanced course.
 - (b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).
- (7) Consistent with Section 53E-4-204, which requires the state board to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit toward high school graduation without completing a course in school by:
 - (a) testing out of the course; or
 - (b) demonstrating competency in course standards.
- (8) An LEA shall reasonably accommodate a parent's request to meet with a teacher at a mutually agreeable time if the parent is unable to attend a regularly scheduled parent teacher conference.
- (9)
 - (a) At the request of a student's parent, an LEA shall excuse a student from taking an assessment that:
 - (i) is federally mandated;
 - (ii) is mandated by the state under this public education code; or
 - (iii) requires the use of:
 - (A) a state assessment system; or
 - (B) software that is provided or paid for by the state.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:

- (i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:
 - (A) does not place an undue burden on a parent; and
 - (B) may be completed online; and
 - (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school accountability or employee evaluations due to a student not taking an assessment under Subsection (9)(a).
 - (c) An LEA:
 - (i) shall follow the procedures outlined in rules made by the state board under Subsection (9)(b) to excuse a student under Subsection (9)(a);
 - (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the state board under Subsection (9)(b); and
 - (iii) may not provide a nonacademic reward to a student for taking an assessment described in Subsection (9)(a).
 - (d) The state board shall:
 - (i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and
 - (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
- (10)
- (a) An LEA shall provide for:
 - (i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53G-8-204; and
 - (ii) a parent's signature acknowledging receipt of the school's discipline and conduct policy.
 - (b) An LEA shall notify a parent of a student's violation of a school's discipline and conduct policy and allow a parent to respond to the notice in accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.

Amended by Chapter 408, 2020 General Session

53G-6-804 Parent access to learning management system for online courses -- Training.

- (1) As used in this section:
 - (a) "Learning management system" means a software application for the administration, documentation, tracking, reporting, automation, or delivery of an online course.
 - (b) "Online course" means a course that an LEA provides to a student over the Internet.
- (2) An LEA that uses a learning management system for an online course shall provide:
 - (a) to the parent of a student enrolled in the online course, access to the learning management system, including, at a minimum:
 - (i) the curriculum used for the course; and
 - (ii) information about the progress and learning of the parent's student, including assessment results; and
 - (b) to a student enrolled in the course and the student's parent, training or orientation to help the student and student's parent understand how to access:
 - (i) the learning management system;
 - (ii) the online course; and
 - (iii) any online tools used to deliver the online course or instruction.

Enacted by Chapter 324, 2021 General Session

53G-6-805 Parental right to school comparison.

- (1) Parents have the right to compare public school performance in a given area.
- (2) The state board shall provide an online tool that allows parents to:
 - (a) search for public schools within a given radius of a specific location or within the boundaries of a public school district; and
 - (b) view a side-by-side comparison of data related to the public schools in the area described in Subsection (2)(a), including the indicators required in Subsection 53E-5-211(1).
- (3) The state board shall include the information provided under this section in the parent portal required under Section 53G-6-806.

Amended by Chapter 70, 2023 General Session

53G-6-806 Parent portal.

- (1) As used in this section:
 - (a) "Parent portal" means the posting the state board is required to provide under this section.
 - (b) "School" means a public elementary or secondary school, including a charter school.
- (2)
 - (a) The state board shall post information that allows a parent of a student enrolled in a school to:
 - (i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;
 - (ii) be informed of resources and steps to follow when a student has been the subject, perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or abusive conduct such as:
 - (A) resources for the student, including short-term mental health services;
 - (B) options for the student to make changes to the student's educational environment;
 - (C) options for alternative school enrollment;
 - (D) options for differentiated start or stop times;
 - (E) options for differentiated exit and entrance locations; and
 - (F) the designated employee for an LEA who addresses incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
 - (iii) be informed of the steps and resources for filing a grievance with a school or LEA regarding bullying, cyber-bullying, hazing, or retaliation;
 - (iv) be informed of the steps and resources for seeking accommodations under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;
 - (v) be informed of the steps and resources for seeking accommodations under state or federal law regarding religious accommodations;
 - (vi) be informed of the steps and resources for filing a grievance for an alleged violation of state or federal law, including:
 - (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;
 - (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;
 - (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and
 - (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131-12165;
 - (vii) receive information about constitutional rights and freedoms afforded to families in public education;
 - (viii) be informed of how to access an internal audit hotline if established by the state board; and
 - (ix) be informed of services for military families.
 - (b) In addition to the information required under Subsection (2)(a), the state board:
 - (i) shall include in the parent portal:
 - (A) the comparison tool created under Section 53G-6-805;

- (B) school level safety data, including data points described in Section 53E-3-516; and
 - (C) a link to the public safety portal described in Section 63A-16-1002; and
 - (ii) may include in the parent portal other information that the state board determines is helpful to parents.
- (3)
- (a) The state board shall post the parent portal at a location that is easily located by a parent.
 - (b) The state board shall update the parent portal at least annually.
 - (c) In accordance with state and federal law, the state board may collaborate with a third-party to provide safety data visualization in comparison to other states' data.
- (4) An LEA shall annually notify each of the following of how to access the parent portal:
- (a) a parent of a student; and
 - (b) a teacher, principal, or other professional staff within the LEA.

Amended by Chapter 21, 2024 General Session

53G-6-807 Parent engagement specialist.

- (1)
- (a) The state superintendent shall appoint an individual as a parent engagement specialist after:
 - (i) posting the position publicly; and
 - (ii) reviewing and consulting with the state board leadership about the appointment.
 - (b) The individual appointed under this section shall preferably have experience:
 - (i) working to constructively engage parents in guiding the parents' student's education;
 - (ii) understanding research on education outcomes; and
 - (iii) understanding laws pertaining to parental rights in education.
- (2) The parent engagement specialist shall respond to parent communications directed to the state board by:
- (a) maintaining and revising on behalf of the state board the parent portal required by Section 53G-6-806;
 - (b) responding to questions and complaints to the state board regarding parent rights and opportunities within the state's education system; and
 - (c) helping parents to navigate available complaint processes provided through the state board, at the LEA level, or at the public school level.
- (3) The parent engagement specialist shall provide guidance and outreach to LEAs and public schools across the state by:
- (a) providing training and materials to LEAs and public schools regarding successful parent engagement strategies; and
 - (b) sharing research on parent engagement practices shown to contribute to student attendance and success.
- (4) In performing the parent engagement specialist's activities, the parent engagement specialist shall comply with Section 53E-2-201.

Enacted by Chapter 70, 2023 General Session

Part 9 Participation in Female Sports

53G-6-901 Definitions.

As used in this part:

- (1) "Coed" or "mixed" means that a team is composed of members of both sexes who traditionally compete together.
- (2) "Interscholastic athletic activity" means that a student represents the student's school or LEA in competition against another school or LEA in an athletic or sporting activity.
- (3) "Sex" means the biological, physical condition of being male or female, determined by an individual's genetics and anatomy at birth.

Enacted by Chapter 478, 2022 General Session

53G-6-902 Participation in school athletic activities.

- (1) Notwithstanding any state board rule:
 - (a) a public school or LEA, or a private school that competes against a public school or LEA, shall expressly designate school athletic activities and teams as one of the following, based on sex:
 - (i) designated for students of the male sex;
 - (ii) designated for students of the female sex; or
 - (iii) "coed" or "mixed";
 - (b) a student of the male sex may not compete, and a public school or LEA may not allow a student of the male sex to compete, with a team designated for students of the female sex in an interscholastic athletic activity; and
 - (c) a government entity or licensing or accrediting organization may not entertain a complaint, open an investigation, or take any other adverse action against a school or LEA described in Subsection (1)(a) for maintaining separate school athletic activities for students of the female sex.
- (2) Nothing in this section prohibits an LEA or school from allowing a student of either gender from participating with a team designated for students of the female sex, consistent with school policy, outside of competition in an interscholastic athletic activity, in accordance with Subsection (1)(b).

Enacted by Chapter 478, 2022 General Session

53G-6-903 Severability.

- (1) If any provision of this part or the application of any provision of this part to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this part shall be given effect without the invalidated provision or application.
- (2) The provisions of this part are severable.

Enacted by Chapter 478, 2022 General Session

53G-6-904 Indemnification -- Enforcement.

- (1) The attorney general shall defend and the state shall indemnify and hold harmless a person acting under color of state law to enforce this part for any claims or damages, including court costs and attorney fees, that:
 - (a) arise as a result of this part; and
 - (b) are not covered by the person's insurance policies or by any coverage agreement issued by the State Risk Management Fund.

- (2) An LEA or school within the public education system with a team that competes in an interscholastic athletic activity is responsible for the enforcement of this part in relation to the LEA's or school's teams.

Amended by Chapter 46, 2024 General Session

Part 10

Student Eligibility in Interscholastic Activities

53G-6-1001 Definitions.

As used in this part:

- (1) "Athletic association" means an association, as that term is defined in Section 53G-7-1101.
- (2) "Birth certificate" means an official record of an individual's date of birth, place of birth, sex, and parentage, including a supplementary certificate of birth or birth certificate amendment and amendment history as provided in Sections 26B-8-110 and 26B-8-111.
- (3) "Commission" means the School Activity Eligibility Commission created in Section 53G-6-1003.
- (4) "Does not correspond with the sex designation" means that a student's sex designation for an interscholastic activity in which a student seeks participation does not correspond with the sex designation on the student's birth certificate or an amendment, including the amendment history, to the student's birth certificate that the Division of Vital Records and Statistics provides.
- (5) "Female-designated" means that an interscholastic activity is designated specifically for female students.
- (6) "Gender-designated" means that an interscholastic activity or facility is designated specifically for female or male students.
- (7) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- (8) "Interscholastic activity" means an activity in which a student represents the student's school in the activity in competition against another school.
- (9) "Male-designated" means that an interscholastic activity is designated specifically for male students.
- (10) "Student" means a student who is enrolled in a public school that participates in interscholastic activities.
- (11) "Unamended birth certificate" means a birth certificate:
 - (a) with no amendment history; or
 - (b) with an amendment history that:
 - (i) does not include gender-related amendments; or
 - (ii) includes gender-related amendments that only:
 - (A) correct an error or omission resulting from a scrivener's error under Subsection 26B-8-107(2); or
 - (B) correct a misidentification of birth sex for an intersex individual under Subsection 26B-8-107(2).

Amended by Chapter 408, 2025 General Session

53G-6-1002 Effect contingent on court ruling.

This part becomes effective if a court of competent jurisdiction invalidates or enjoins Title 53G, Chapter 6, Part 9, Participation in Female Sports.

Enacted by Chapter 478, 2022 General Session

53G-6-1003 School Activity Eligibility Commission -- Baseline range.

- (1) There is created the School Activity Eligibility Commission.
- (2)
 - (a) The commission shall consist of the following members:
 - (i) the following two members whom the president of the Senate appoints:
 - (A) a mental health professional; and
 - (B) a statistician with expertise in the analysis of medical data;
 - (ii) the following two members whom the speaker of the House of Representatives appoints:
 - (A) a physician with expertise in gender identity healthcare, including an endocrinologist, a family medicine physician, or a pediatrician; and
 - (B) a sports physiologist, an exercise physiologist, a sports medicine physician, a pediatrician with experience in youth sports, or an orthopedist or orthopedic surgeon;
 - (iii) the following two members whom the governor appoints:
 - (A) a representative of an athletic association; and
 - (B) an athletic trainer who serves student athletes on the collegiate level; and
 - (iv) one ad hoc member, serving on a case-by-case basis, who is:
 - (A) appointed by the athletic association in which the relevant student's school competes; and
 - (B) a certified high school coach or official who coaches or officiates in a separate region or classification from the relevant student's school and in the sport in which the relevant student seeks eligibility.
 - (b) An athletic association may prepare and communicate the association's sport-specific appointments described in Subsection (2)(a)(iv) in preparation for student requests in a given sport.
- (3)
 - (a) A member of the commission described in Subsections (2)(a)(i) through (iii) shall serve an initial term of one year, subject to reappointment for subsequent terms of two years.
 - (b) If a vacancy occurs in the membership of the commission, the individual responsible for the appointment of the vacant seat as described in Subsection (2) shall fill the vacancy in the same manner as the original appointment.
- (4)
 - (a)
 - (i) Except as provided in Subsection (4)(a)(ii):
 - (A) all members of the commission constitute a quorum of the commission for a meeting to determine the eligibility of a student; and
 - (B) all members of the commission described in Subsections (2)(a)(i) through (iii) constitute a quorum for any meeting other than the meeting described in Subsection (4)(a)(i).
 - (ii) The commission satisfies the quorum requirements described in Subsection (4)(a)(i) if no more than one of the commission positions described in Subsections (2)(a)(i) through (iii) is vacant.
 - (b) An action of a majority of a quorum constitutes an action of the commission.
- (5) A majority of the commission members described in Subsections (2)(a)(i) through (iii) shall elect a chair from among the members described in Subsections (2)(a)(i) through (iii) to:
 - (a) schedule meetings of the commission;

- (b) set the agenda of commission meetings; and
 - (c) facilitate discussion among the commission's members.
- (6) A commission member:
- (a) may not receive compensation or benefits for the member's service on the commission; and
 - (b) may receive per diem and reimbursement for travel expenses that the commission member incurs as a commission member at the rates that the Division of Finance establishes under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.
- (7) The Department of Government Operations shall provide administrative staff support to the commission.
- (8)
- (a) The commission shall, to the extent possible based on the available evidence, establish a baseline range of physical characteristics for students participating in a specific gender-designated activity at a specific age to provide the context for the evaluation of an individual student's eligibility for a given gender-designated interscholastic activity under Section 53G-6-1004.
 - (b) In creating the baseline ranges described in Subsection (8)(a), the commission shall include the physical characteristics for the age and gender group in a given gender-designated interscholastic activity that are relevant to the specific interscholastic activity.
 - (c) The physical characteristics described in Subsection (8)(b) may include height, weight, physical characteristics relevant to the application of the standard described in Subsection 53G-6-1004(3), or the extent of physical characteristics affected by puberty, giving consideration to the practicability of considering the physical characteristic when making an assessment of an individual student's eligibility under Section 53G-6-1004.
- (9) The following records that relate to the application or analysis of or determination under this part regarding the eligibility of a specific student shall be classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act:
- (a) any record of the commission, including any communication between an athletic association and the commission; and
 - (b) any record that a school or LEA possesses.
- (10) Members of the commission are immune from suit with respect to all acts done and actions taken in good faith in carrying out the purposes of this part.
- (11) The commission has no authority in relation to eligibility questions other than participation in a gender-designated interscholastic activity under this part.

Amended by Chapter 408, 2025 General Session

53G-6-1004 Eligibility for interscholastic activities.

- (1)
- (a) Notwithstanding any state board rule or policy of an athletic association, and except as provided in Subsections (1)(b) and (c):
 - (i) once a student has obtained the eligibility approval of the commission under Subsection (2), unless otherwise prohibited by federal law or a policy of an LEA, school, or athletic association that governs the relevant interscholastic athletic activity, the student is eligible under this part to participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's unamended birth certificate for the given school year; and

- (ii) if a student does not obtain the eligibility approval of the commission under Subsection (2), the student may not participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's unamended birth certificate.
 - (b) A student may only participate in a gender-designated interscholastic activity that does not correspond with the student's sex, as defined in Section 68-3-12.5, if the student obtains the eligibility approval of the commission under Subsection (2).
 - (c) Nothing in this part prohibits a student from participating in a gender-designated interscholastic activity in accordance with 34 C.F.R. Sec. 106.41(b).
- (2)
- (a) When a student registers with an athletic association to participate in a gender-designated interscholastic activity:
 - (i) a student who has undergone or is undergoing a gender transition shall notify the athletic association of the student's transition and the need for the commission's eligibility approval as described in Subsection (1)(b);
 - (ii) the athletic association shall notify the commission of:
 - (A) a student for whom an eligibility determination of the commission is required due to the sex designation on the student's unamended birth certificate not corresponding with the gender designation of the gender-designated interscholastic activity in which the student seeks to participate or the student's notice of a gender transition under Subsection (1)(b); and
 - (B) the association's ad hoc appointment to the commission described in Subsection 53G-6-1003(2)(a)(iv); and
 - (iii) the athletic association shall notify the student described in this Subsection (2)(a) regarding the process for determining the student's eligibility for the activity under this section.
 - (b) The commission shall:
 - (i)
 - (A) schedule at least three non-public meetings throughout the school year to consider any student eligibility notifications described in Subsection (2)(a) the commission has received at least 14 days before the date of each meeting; and
 - (B) give notice of each scheduled meeting and the associated 14-day deadline to the relevant athletic association; and
 - (ii)
 - (A) if the commission receives a notification described in Subsection (2)(a) after the 14-day deadline described in Subsection (2)(b)(i), schedule an ad hoc non-public meeting to consider the given student's eligibility, occurring within 60 days after the day on which the commission receives the notification; and
 - (B) give notice of the ad hoc meeting to the relevant athletic association and the parents of each student seeking an eligibility determination.
 - (c) Before the meeting described in Subsection (2)(b):
 - (i) the student for whom the commission has scheduled the meeting or the student's parent or guardian is not required but may submit to the commission any information the student wishes to disclose to the commission that may be relevant to the commission's eligibility determination, including information regarding:
 - (A) the gender-designated interscholastic activities for which the student seeks eligibility;
 - (B) the gender-designated interscholastic activities in which the student has previously participated; and
 - (C) the student's physical characteristics or medical treatments that support the student's eligibility for the specific gender-designated interscholastic activity;

- (ii) the commission may request additional evidence from the student that is:
 - (A) limited to the extent possible to protect the student's privacy; and
 - (B) only directly relevant to the commission's eligibility determination; and
 - (iii) the commission may offer the student a voucher to cover the cost of a diagnostic assessment if the commission makes a request for medical information under Subsection (2)(c)(ii) for which the student's insurance does not provide coverage or reimbursement for the diagnostic that:
 - (A) would provide the requested information; and
 - (B) is not free or otherwise readily available to the student.
 - (d) During the meeting described in Subsection (2)(b):
 - (i) only the following individuals may be present or participate electronically:
 - (A) the student for whom the commission is meeting to make an eligibility determination;
 - (B) the student's parents or guardians;
 - (C) the members and necessary staff of the commission; and
 - (D) any medical professionals or other witnesses the student chooses to include to support the student's eligibility;
 - (ii) attendees may participate in person or electronically; and
 - (iii) the commission shall:
 - (A) hear the information that supports the student's eligibility;
 - (B) deliberate the facts relevant to the student's physical characteristics and eligibility in camera or otherwise after temporarily excusing from the meeting the student, the student's parents or legal guardians, and any medical professionals or other witnesses whom the student includes; and
 - (C) render the commission's eligibility determination in accordance with Subsection (3) or request additional information and schedule an additional commission meeting to be held within 30 days of the meeting and in accordance with this Subsection (2)(d) to discuss the additional information and render the commission's eligibility determination.
 - (e) The commission may not address the commission's application or analysis of or determination under this part regarding the eligibility of a specific student in a public meeting or public communication.
- (3)
- (a) In making an eligibility determination, the commission, after considering whether the student's assertion of a gender identity is consistent with the statutory definition of gender identity as that term is defined in Section 34A-5-102, including the implications for the student's mental health of participating in the gender-designated interscholastic activity, shall:
 - (i) make a determination based on a preponderance of the evidence regarding whether, when measured against the relevant baseline range described in Subsection 53G-6-1003(8), granting the student's eligibility would:
 - (A) present a substantial safety risk to the student or others that is significantly greater than the inherent risks of the given activity; or
 - (B) likely give the student a material competitive advantage, as the commission defines, when compared to students of the same age competing in the relevant gender-designated activity, including consideration of the student's previous history of participation in gender-designated interscholastic activities; and
 - (ii) record the commission's decision and rationale in writing and provide the written decision to the athletic association within 30 days after the day on which the commission renders an eligibility decision under this Subsection (3)(a) in a meeting described in Subsection (2)(b).

- (b) Upon receipt of the commission's determination and rationale under Subsection (3)(a), the athletic association shall notify the student and the relevant school or LEA of the commission's determination and rationale.
 - (c) A school or LEA shall comply with the commission's determination under this Subsection (3).
 - (d) An eligibility determination of the commission only applies for the relevant school year.
- (4)
- (a) Notwithstanding any other provision of law and except as provided in Subsections (3)(b) and (4)(b), the commission may not disclose:
 - (i) the name of a student whose eligibility the commission will consider, is considering, or has considered; or
 - (ii) the commission's determination regarding a student's eligibility.
 - (b) The commission shall disclose the commission's determination of a student's eligibility for a given gender-designated interscholastic activity to the relevant athletic association, only for the purpose of confirming whether the student is eligible for the interscholastic activity.
 - (c)
 - (i) Notwithstanding any other provision of law, an athletic association may not disclose the information described in Subsections (4)(a)(i) and (ii).
 - (ii) Nothing in this Subsection (4) prohibits an athletic association from affirming that a student is eligible if the eligibility of a student is questioned.

Amended by Chapter 277, 2025 General Session

Amended by Chapter 408, 2025 General Session

53G-6-1005 Reasonable accommodations.

Nothing in this part prohibits an athletic association, LEA, or school from adopting reasonable safety and privacy rules and policies that designate facilities, including restrooms, shower facilities, and dressing facilities if the rules and policies described in this section afford reasonable accommodations based on gender identity to all students in compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex.

Amended by Chapter 11, 2025 General Session

53G-6-1006 Severability.

- (1) If any provision of this part or the application of any provision of this part to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this part shall be given effect without the invalidated provision or application.
- (2) The provisions of this part are severable.

Enacted by Chapter 478, 2022 General Session

53G-6-1007 Indemnification -- Enforcement.

- (1) The attorney general shall defend and the state shall indemnify and hold harmless a person acting under color of state law to enforce this part for any claims or damages, including court costs and attorney fees, that:
 - (a) arise as a result of this part; and
 - (b) are not covered by the person's insurance policies or by any coverage agreement issued by the State Risk Management Fund.

- (2) An LEA or school within the public education system with a team that competes in an interscholastic athletic activity is responsible for the enforcement of this part in relation to the LEA's or school's teams.

Amended by Chapter 524, 2024 General Session

Part 11

Title IX Athletics Reporting

53G-6-1101 Report -- Action plan.

- (1) As used in this section:
- (a) "Gender-designated interscholastic sport" means a sport that is specifically designated for female or male students.
 - (b) "Interscholastic sport" means an activity in which a student represents the student's school in the sport in competition against another school.
 - (c) "School" means a public school that sponsors or offers an interscholastic sport in which students enrolled at the school may participate.
 - (d) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.
- (2) Before the beginning of each academic year, the athletic director or another administrator of each school shall report to the school's local governing board regarding:
- (a) the number and type of interscholastic sports available at the school, categorized by gender designation;
 - (b) the number of students competing in a gender-designated interscholastic sport at the school, categorized by gender;
 - (c) the amount of spending that the school devotes to each gender-designated sport, reported in total amount and on a per-student basis;
 - (d) a comparison and evaluation of designated practice and game locations in gender-designated interscholastic sports;
 - (e) any information regarding the school's efforts in compliance with Title 63G, Chapter 31, Part 2, Distinctions on the Basis of Sex, and Title IX; and
 - (f) if there is a discrepancy between male-designated and female-designated sports of 10% or greater, an action plan that the school develops to address the discrepancy.
- (3) An LEA governing board that receives the report described in Subsection (2) shall review the report in a public board meeting.

Amended by Chapter 2, 2024 General Session