

**78A-6-320 Proceedings arising from failure to attend public school.**

- (1) When a proceeding arises from a child's failure to attend public school based upon the assertion of a constitutional or statutory right or duty, raised either by the child or by the child's custodial parent, guardian, or custodian, the court shall hear the petition and resolve the issues associated with the asserted constitutional or statutory claims within 15 days after the petition is filed. The parties may waive the time limitation described in this subsection.
- (2) Absent an emergency situation or other exigent circumstances, the court may not enter any order changing the educational status of the child that existed at the time the petition was filed, until the hearing described in Subsection (1) is concluded.
- (3) Parties proceeding under this section shall, insofar as it is possible, provide the 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 3, 2008 General Session