

1 **HOME SCHOOL AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Mark B. Madsen**

5

LONG TITLE

6 **General Description:**

7
8 This bill modifies procedures for exempting minors who are home schooled from
9 attendance at a public or regularly established private school.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires a local board of education, on an annual basis, to excuse a school-age
13 minor from school attendance if the minor's parent files a signed affidavit that the
14 minor will attend a home school and receive instruction:
- 15 • in the subjects the State Board of Education requires to be taught in public
16 schools; and
 - 17 • for the same length of time as minors are required to receive instruction in
18 public schools;
- 19 ▶ provides that, subject to the instructional requirements for home schooled minors in
20 state law, the parent of a minor attending a home school is solely responsible for:
- 21 • the selection of instructional materials and textbooks;
 - 22 • the time, place, and method of instruction; and
 - 23 • the evaluation of the home school instruction; and
- 24 ▶ prohibits a local school board from:
- 25 • requiring a parent of a minor who attends a home school to maintain records of
26 instruction or attendance;
 - 27 • requiring credentials for individuals providing home school instruction;



- 28 • inspecting home school facilities; or
- 29 • requiring standardized or other testing of home school students.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53A-11-102**, as last amended by Chapter 99, Laws of Utah 1999



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

39 Section 1. Section **53A-11-102** is amended to read:

40 **53A-11-102. Minors exempt from school attendance.**

41 (1) (a) A school-age minor may be excused from attendance by the local board of
42 education and a parent exempted from application of Subsections 53A-11-101(2) and (3) for
43 any of the following reasons:

44 ~~[(a)]~~ (i) a minor over age 16 may receive a partial release from school to enter
45 employment if the minor has completed the eighth grade~~[- Minors excused under this~~
46 ~~subsection are required to attend part-time schooling or home schooling as prescribed by the~~
47 ~~board]; or~~

48 ~~[(b)]~~ (ii) on an annual basis, a minor may receive a full release from attending a public,
49 regularly established private, or part-time school or class if:

50 ~~[(i)]~~ (A) the minor has already completed the work required for graduation from high
51 school, or has demonstrated mastery of required skills and competencies in accordance with
52 Subsection 53A-15-102(1);

53 ~~[(ii)]~~ the minor is taught at home in the subjects prescribed by the State Board of
54 Education in accordance with the law for the same length of time as minors are required by law
55 to be taught in the district schools;]

56 ~~[(iii)]~~ (B) the minor is in a physical or mental condition, certified by a competent
57 physician if required by the district board, which renders attendance inexpedient and
58 impracticable;

59 ~~[(iv)]~~ (C) proper influences and adequate opportunities for education are provided in
 60 connection with the minor's employment; or

61 ~~[(v)]~~ (D) the district superintendent has determined that a minor over the age of 16 is
 62 unable to profit from attendance at school because of inability or a continuing negative attitude
 63 toward school regulations and discipline.

64 (b) Minors receiving a partial release from school under Subsection (1)(a)(i) are
 65 required to attend:

66 (i) school part-time as prescribed by the local school board; or

67 (ii) a home school part-time.

68 ~~[(2)]~~ (c) In each case, evidence of reasons for granting an exemption under Subsection
 69 (1) must be sufficient to satisfy the local board.

70 (2) (a) On an annual basis, a school-age minor shall be excused from attendance by a
 71 local board of education and a parent exempted from application of Subsections 53A-11-101(2)
 72 and (3), if the minor's parent files a signed affidavit with the minor's school district of
 73 residence, as defined in Section 53A-2-201, that the minor will attend a home school and
 74 receive instruction as required by Subsection (2)(b).

75 (b) Each minor who attends a home school shall receive instruction:

76 (i) in the subjects the State Board of Education requires to be taught in public schools ~~§~~ → in
 76a accordance with the law ~~←~~ § :
 77 and

78 (ii) for the same length of time as minors are required ~~§~~ → by law ~~←~~ § to receive instruction
 78a in public
 79 schools, as provided by rules of the State Board of Education.

80 (c) Subject to the requirements of Subsection (2)(b), a parent of a minor who attends a
 81 home school is solely responsible for:

82 (i) the selection of instructional materials and textbooks;

83 (ii) the time, place, and method of instruction, and

84 (iii) the evaluation of the home school instruction.

85 (d) A local school board may not:

86 (i) require a parent of a minor who attends a home school to maintain records of
 87 instruction or attendance;

88 (ii) require credentials for individuals providing home school instruction;

89 (iii) inspect home school facilities; or

90 (iv) require standardized or other testing of home school students.

91 (3) Boards excusing minors from attendance as provided by Subsections (1) and (2)
92 shall issue a certificate stating that the minor is excused from attendance during the time
93 specified on the certificate.

93a **§→ (4) Nothing in this section may be construed to prohibit or discourage voluntary**
93b **cooperation, resource sharing, or testing opportunities between a school or school district and**
93c **a parent or guardian of a minor attending a home school. ←§**

Legislative Review Note
as of 1-6-05 1:54 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0059

Home School Amendments

03-Feb-05

4:39 PM

State Impact

No fiscal Impact.

Individual and Business Impact

None

Office of the Legislative Fiscal Analyst