

1 **HOME SCHOOL AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Mark B. Madsen**

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**LONG TITLE**

6 **General Description:**

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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;  
77 and

78           (ii) for the same length of time as minors are required to receive instruction 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.

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**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**

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**Fiscal Note**  
**Bill Number SB0059**

**Home School Amendments**

*03-Feb-05*

*4:39 PM*

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**State Impact**

No fiscal Impact.

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**Individual and Business Impact**

None

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**Office of the Legislative Fiscal Analyst**