

1                                   **HOME SCHOOL AND DUAL ENROLLMENT**

2   **AMENDMENTS**

3   2006 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Mark B. Madsen**

6   House Sponsor: \_\_\_\_\_

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies procedures for exempting minors who are home schooled from  
11 attendance at a public or private school and provides that private or home school  
12 students shall be eligible to participate in extracurricular activities at a public school.

13                   **Highlighted Provisions:**

14                   This bill:

15                   ▶ provides that a minor shall be excused from attendance at a public or private school  
16 if the minor's parent files a form signed by the parent with the local board of  
17 education stating that the minor will attend a home school;

18                   ▶ provides that a minor who is enrolled in a regularly established private school or a  
19 home school shall be eligible to participate in extracurricular activities at a public  
20 school;

21                   ▶ provides that a private or home school student may only participate in  
22 extracurricular activities at the public school within whose boundaries the student's  
23 custodial parent or legal guardian resides; and

24                   ▶ provides that private and home school students shall be eligible for extracurricular  
25 activities at a public school consistent with eligibility standards for fully enrolled  
26 public school students.

27                   **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-11-102**, as last amended by Chapter 253, Laws of Utah 2005

34 **53A-11-102.5**, as last amended by Chapter 221, Laws of Utah 2003



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

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

38 **53A-11-102. Minors exempt from school attendance.**

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

42 (i) a minor over age 16 may receive a partial release from school to enter employment  
43 if the minor has completed the eighth grade; or

44 (ii) on an annual basis, a minor may receive a full release from attending a public,  
45 regularly established private, or part-time school or class if:

46 (A) the minor has already completed the work required for graduation from high  
47 school, or has demonstrated mastery of required skills and competencies in accordance with  
48 Subsection 53A-15-102(1);

49 (B) the minor is in a physical or mental condition, certified by a competent physician if  
50 required by the district board, which renders attendance inexpedient and impracticable;

51 (C) proper influences and adequate opportunities for education are provided in  
52 connection with the minor's employment; or

53 (D) the district superintendent has determined that a minor over the age of 16 is unable  
54 to profit from attendance at school because of inability or a continuing negative attitude toward  
55 school regulations and discipline.

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

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

59 (ii) a home school part-time.

60 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)  
61 must be sufficient to satisfy the local board.

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

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

68 (i) in the subjects the State Board of Education requires to be taught in public schools  
69 in accordance with the law; and

70 (ii) for the same length of time as minors are required by law to receive instruction in  
71 public schools, as provided by rules of the State Board of Education.

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

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

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

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

77 (d) A local school board may not:

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

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

81 (iii) inspect home school facilities; or

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

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

86 (4) Nothing in this section may be construed to prohibit or discourage voluntary  
87 cooperation, resource sharing, or testing opportunities between a school or school district and a  
88 parent or guardian of a minor attending a home school.

89 Section 2. Section **53A-11-102.5** is amended to read:

90 **53A-11-102.5. Dual enrollment.**

91 (1) A person having control of a minor under this part who is enrolled in a regularly  
92 established private school or a home school may also enroll the minor in a public school for  
93 dual enrollment purposes.

94 (2) The minor may participate in any academic activity in the public school available to  
95 students in the minor's grade or age group, subject to compliance with the same rules and  
96 requirements that apply to a full-time student's participation in the activity.

97 (3) Except as otherwise provided in Sections 53A-11-101 and 53A-11-102, a student  
98 enrolled in a public school may also be enrolled in a private school or a home school for dual  
99 enrollment purposes.

100 (4) A student enrolled in a dual enrollment program is considered a student of the  
101 district in which the public school of attendance is located for purposes of state funding to the  
102 extent of the student's participation in the public school programs.

103 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
104 State Board of Education shall make rules for purposes of dual enrollment to govern and  
105 regulate the transferability of credits toward graduation that are earned in a private or home  
106 school.

107 ~~[(6) The State Board of Education shall determine the policies and procedures  
108 necessary to permit students enrolled under Subsection (1) to participate in public school  
109 extracurricular activities.]~~

110 (6) (a) A minor who is enrolled in a regularly established private school or in a home  
111 school shall be eligible to participate in extracurricular activities at a public school as provided  
112 in this Subsection (6).

113 (b) A private or home school student may only participate in extracurricular activities  
114 at the public school within whose boundaries the student's custodial parent or legal guardian  
115 resides.

116 (c) A school district or public school may not impose additional requirements on  
117 private or home school students to participate in extracurricular activities that are not imposed  
118 on fully enrolled public school students.

119 (d) Eligibility requirements based on school attendance are not applicable to home  
120 school students.

121 (e) When selection to participate in an extracurricular activity is made on a competitive  
122 basis, the private or home school student shall be eligible to try out for the activity.

123 (f) To demonstrate a home school student's compliance with scholastic eligibility  
124 requirements, the individual providing the primary instruction of a home school student shall  
125 submit written verification that indicates:

126 (i) whether the student is mastering the material in each course or subject being taught;  
127 and

128 (ii) whether the student is maintaining satisfactory progress towards advancement or  
129 promotion.

130 (g) Private and home school students shall be eligible for extracurricular activities at a  
131 public school consistent with other eligibility standards as applied to fully enrolled public  
132 school students not exempted in Subsection (6)(d) or (f).

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**Legislative Review Note**

**as of 1-18-06 4:17 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 SB0072**

**Home School and Dual Enrollment Amendments**

*25-Jan-06*

*9:47 AM*

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**State Impact**

No fiscal impact

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**Individual and Business Impact**

No fiscal impact

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**Office of the Legislative Fiscal Analyst**