

1 **HOME SCHOOL AND EXTRACURRICULAR**

2 **ACTIVITY AMENDMENTS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mark B. Madsen**

6 House Sponsor: _____

7

LONG TITLE

8 **General Description:**

9
10 This bill modifies procedures for exempting minors who are home schooled from
11 attendance at a public or private school and addresses charter school, private school,
12 and home school students' eligibility to participate in extracurricular activities.

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 signed notice with the local board of education stating
17 that the minor will attend a home school;

18 ▶ provides that any rule, bylaw, or policy that denies eligibility to participate in
19 interschool contests or competitions based on a student's transferring from one high
20 school to another does not apply to a student transferring to a charter school in the
21 first three years of the charter school's existence;

22 ▶ provides that a minor who is enrolled in a private school or a home school shall be
23 eligible to participate in extracurricular activities at a public school;

24 ▶ provides that, with certain exceptions, a private school or a home school student
25 may only participate in extracurricular activities at the public school within whose
26 boundaries the student's custodial parent or legal guardian resides or a public school
27 within the student's school district of residence that is open for enrollment of



28 nonresident students; and

29 ▶ provides that, with certain exceptions, private school students and home school
30 students shall be eligible for extracurricular activities at a public school consistent
31 with eligibility standards for fully enrolled public school students.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53A-11-102**, as last amended by Chapter 253, Laws of Utah 2005

39 **53A-11-102.5**, as last amended by Chapter 221, Laws of Utah 2003

40 ENACTS:

41 **53A-1a-511.5**, Utah Code Annotated 1953



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

44 Section 1. Section **53A-1a-511.5** is enacted to read:

45 **53A-1a-511.5. Eligibility for participating in interschool contests or competitions.**

46 Any rule, bylaw, or policy governing students' eligibility to participate in interschool
47 contests or competitions that denies eligibility to participate in interschool contests or
48 competitions based on a student's transferring from one high school to another does not apply
49 to students transferring to a charter school in the first three years of the charter school's
50 existence. A student who transfers to a charter school in the first three years of the charter
51 school's existence shall remain eligible for participation in interschool contests or competitions
52 if the student meets all other eligibility criteria.

53 Section 2. Section **53A-11-102** is amended to read:

54 **53A-11-102. Minors exempt from school attendance.**

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

58 (i) a minor over age 16 may receive a partial release from school to enter employment

59 if the minor has completed the eighth grade; or

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

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

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

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

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

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

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

75 (ii) a home school part-time.

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

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

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

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

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

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

- 90 (i) the selection of instructional materials and textbooks;
- 91 (ii) the time, place, and method of instruction, and
- 92 (iii) the evaluation of the home school instruction.
- 93 (d) A local school board may not:
- 94 (i) require a parent of a minor who attends a home school to maintain records of
- 95 instruction or attendance;
- 96 (ii) require credentials for individuals providing home school instruction;
- 97 (iii) inspect home school facilities; or
- 98 (iv) require standardized or other testing of home school students.
- 99 (3) (a) Boards excusing minors from attendance as provided by Subsections (1) and (2)
- 100 shall issue a certificate stating that the minor is excused from attendance during the time
- 101 specified on the certificate.

102 (b) A local school board shall issue a certificate excusing a minor from attendance

103 within 30 days after receipt of a notice filed by the minor's parent pursuant to Subsection (2).

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

107 Section 3. Section **53A-11-102.5** is amended to read:

108 **53A-11-102.5. Dual enrollment.**

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

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

- 115 (3) [~~Except as otherwise provided in Sections 53A-11-101 and 53A-11-102, a~~] A
- 116 student enrolled in a public school may also be enrolled in a private school or a home school
- 117 for dual enrollment purposes.

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

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

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

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

130 (b) A private school student may only participate in extracurricular activities at a public
131 school that are not offered by the student's private school.

132 (c) Except as provided in Subsection (6)(d), a private school student or a home school
133 student may only participate in extracurricular activities at:

134 (i) the public school within whose boundaries the student's custodial parent or legal
135 guardian resides; or

136 (ii) a public school:

137 (A) within the student's school district of residence; and

138 (B) that is open for enrollment of nonresident students pursuant to Section 53A-2-207
139 or 53A-2-213.

140 (d) A school district may allow a private school student or a home school student who
141 does not reside within the district's boundaries to participate in extracurricular activities other
142 than:

143 (i) interschool competitions of athletic teams sponsored and supported by a public
144 school; or

145 (ii) interschool contests or competitions for music, drama, or forensic groups or teams
146 sponsored and supported by a public school.

147 (e) (i) Private school students and home school students shall be eligible for
148 extracurricular activities at a public school consistent with eligibility standards as applied to
149 fully enrolled public school students, except as provided in Subsections (6)(f) through (h); and

150 (ii) a school district or public school may not impose additional requirements on
151 private school students or home school students to participate in extracurricular activities that

152 are not imposed on fully enrolled public school students.

153 (f) Eligibility requirements based on school attendance are not applicable to home
154 school students.

155 (g) To demonstrate a home school student's compliance with scholastic eligibility
156 requirements, the individual providing the primary instruction of a home school student shall
157 submit a written statement that indicates:

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

159 (ii) the student is maintaining satisfactory progress towards advancement or promotion.

160 (h) A public school student who has been declared to be academically ineligible to
161 participate in an extracurricular activity and who subsequently enrolls in a home school shall
162 lose eligibility for participation in the extracurricular activity until the student:

163 (i) demonstrates academic eligibility by providing test results or a portfolio of the
164 student's work;

165 (ii) returns to public school and reestablishes academic eligibility; or

166 (iii) enrolls in a private school and establishes academic eligibility.

167 (i) When selection to participate in an extracurricular activity at a public school is
168 made on a competitive basis, a private school student and a home school student shall be
169 eligible to try out for and participate in the activity as provided in this Subsection (6).

Legislative Review Note
as of 12-6-06 10:06 AM

Office of Legislative Research and General Counsel

S.B. 81 - Home School and Extracurricular Activity Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations. However, the overall cost of the Minimum School Program may increase over time due to the school districts including non-district students in enrollment count for extracurricular activities as provided in board rule.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/30/2007, 11:13:50 AM, Lead Analyst: Schoenfeld, J.D.

Office of the Legislative Fiscal Analyst