

**Representative Ben C. Ferry** proposes the following substitute bill:

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: Ben C. Ferry

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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 addresses charter school, private school,  
12 and home school students' eligibility to participate in extracurricular activities.

13                                  **Highlighted Provisions:**

14                                  This bill:

- 15                                  ▶ addresses eligibility for participation in extracurricular activities of students who  
16 transfer to a charter school;
- 17                                  ▶ requires a local school board to issue a certificate excusing a minor from attendance  
18 within 30 days of receipt of a signed affidavit stating that the minor will attend a  
19 home school;
- 20                                  ▶ provides that a minor who is enrolled in a private school or a home school shall be  
21 eligible to participate in extracurricular activities at a public school;
- 22                                  ▶ provides that, with certain exceptions, a private school or a home school student  
23 may only participate in extracurricular activities at the public school within whose  
24 boundaries the student's custodial parent or legal guardian resides or a public school  
25 from which the student withdrew; and



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

29 **Monies Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           This bill coordinates with H.B. 207 by providing that certain amendments in this bill  
33 supersede the amendments in H.B. 207.

34 **Utah Code Sections Affected:**

35 AMENDS:

36           **53A-11-102**, as last amended by Chapter 253, Laws of Utah 2005

37           **53A-11-102.5**, as last amended by Chapter 221, Laws of Utah 2003

38 ENACTS:

39           **53A-1a-511.5**, Utah Code Annotated 1953



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

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

43           **53A-1a-511.5. Eligibility for participating in interschool contests or competitions.**

44           (1) A student who transfers to a charter school may participate in interschool contests  
45 or competitions if the student meets eligibility requirements.

46           (2) If a challenge is made to a student's transfer eligibility, the student shall remain  
47 eligible to participate in extracurricular activities until the challenge and appeals are finally  
48 resolved.

49           (3) The use of undue influence by a non-parent or non-custodial person, connected or  
50 not connected with a Utah High School Activities Association member school, to secure the  
51 transfer of the student to a Utah High School Activities Association member school for the sole  
52 purpose of participation in athletic activities shall cause the student to lose eligibility for a  
53 period of one year.

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

55           **53A-11-102. Minors exempt from school attendance.**

56           (1) (a) A school-age minor may be excused from attendance by the local board of

57 education and a parent exempted from application of Subsections 53A-11-101(2) and (3) for  
58 any of the following reasons:

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

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

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

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

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

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

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

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

76 (ii) a home school part-time.

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

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

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

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

87 (ii) for the same length of time as minors are required by law to receive instruction in

88 public schools, as provided by rules of the State Board of Education.

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

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

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

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

94 (d) A local school board may not:

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

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

98 (iii) inspect home school facilities; or

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

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

103 (b) A local school board shall issue a certificate excusing a minor from attendance  
104 within 30 days after receipt of a signed affidavit filed by the minor's parent pursuant to  
105 Subsection (2).

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

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

110 **53A-11-102.5. Dual enrollment.**

111 (1) "District school" means a public school under the control of a local board of  
112 education elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and  
113 Local School Boards.

114 [~~1~~] (2) A person having control of a minor under this part who is enrolled in a  
115 regularly established private school or a home school may also enroll the minor in a public  
116 school for dual enrollment purposes.

117 [~~2~~] (3) The minor may participate in any academic activity in the public school  
118 available to students in the minor's grade or age group, subject to compliance with the same

119 rules and requirements that apply to a full-time student's participation in the activity.

120 ~~[(3) Except as otherwise provided in Sections 53A-11-101 and 53A-11-102, a]~~

121 (4) A student enrolled in a public school may also be enrolled in a private school or a  
122 home school for dual enrollment purposes.

123 ~~[(4)]~~ (5) (a) A student enrolled in a dual enrollment program in a district school is  
124 considered a student of the district in which the [public] district school of attendance is located  
125 for purposes of state funding to the extent of the student's participation in the [public] district  
126 school programs.

127 (b) A student enrolled in a dual enrollment program in a charter school is considered a  
128 student of the charter school for purposes of state funding to the extent of the student's  
129 participation in the charter school programs.

130 ~~[(5)]~~ (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking  
131 Act, the State Board of Education shall make rules for purposes of dual enrollment to govern  
132 and regulate the transferability of credits toward graduation that are earned in a private or home  
133 school.

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

137 (7) (a) A minor who is enrolled in a private school or a home school shall be eligible to  
138 participate in extracurricular activities at a public school as provided in this Subsection (7).

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

141 (c) Except as provided in Subsection (7)(d), a private school student or a home school  
142 student may only participate in extracurricular activities at:

143 (i) the school within whose attendance boundaries the student's custodial parent or  
144 legal guardian resides; or

145 (ii) the school from which the student withdrew for the purpose of attending a private  
146 or home school.

147 (d) A school other than a school described in Subsection (7)(c)(i) or (ii) may allow a  
148 private school student or a home school student to participate in extracurricular activities other  
149 than:

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

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

154 (e) (i) Private school students and home school students shall be eligible for  
155 extracurricular activities at a public school consistent with eligibility standards as applied to  
156 fully enrolled public school students, except as provided in Subsections (7)(f) through (h); and

157 (ii) a school district or public school may not impose additional requirements on  
158 private school students or home school students to participate in extracurricular activities that  
159 are not imposed on fully enrolled public school students.

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

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

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

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

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

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

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

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

174 (i) When selection to participate in an extracurricular activity at a public school is  
175 made on a competitive basis, a private school student and a home school student shall be  
176 eligible to try out for and participate in the activity as provided in this Subsection (7).

177 **Section 4. Coordinating S.B. 81 with H.B. 207 -- Substantively superseding**  
178 **amendments.**

179 If this S.B. 81 and H.B. 207, School Truancy and Compulsory Education Amendments,  
180 both pass, it is the intent of the Legislature that when the Office of Legislative Research and

181 General Counsel prepares the Utah Code database for publication, the amendments to  
182 Subsection 53A-11-102.5(4) in this bill supercede the amendments to Subsection  
183 53A-11-102.5(3) in H.B. 207.