

Representative Ben C. Ferry proposes the following substitute bill:

HOME SCHOOL AND EXTRACURRICULAR

ACTIVITY AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires a local school board to issue a certificate excusing a minor from attendance within 30 days of receipt of a signed affidavit stating that the minor will attend a home school;

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

- ▶ provides that, with certain exceptions, a private school or a home school student may only participate in extracurricular activities at the public school within whose boundaries the student's custodial parent or legal guardian resides or a public school from which the student withdrew; and

- ▶ provides that, with certain exceptions, private school students and home school students shall be eligible for extracurricular activities at a public school consistent



26 with eligibility standards for fully enrolled public school students.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

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

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53A-11-102**, as last amended by Chapter 253, Laws of Utah 2005

35 **53A-11-102.5**, as last amended by Chapter 221, Laws of Utah 2003



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

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

39 **53A-11-102. Minors exempt from school attendance.**

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

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

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

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

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

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

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

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

- 59 (i) school part-time as prescribed by the local school board; or
- 60 (ii) a home school part-time.

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

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

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

- 69 (i) in the subjects the State Board of Education requires to be taught in public schools
70 in accordance with the law; and
- 71 (ii) for the same length of time as minors are required by law to receive instruction in
72 public schools, as provided by rules of the State Board of Education.

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

- 75 (i) the selection of instructional materials and textbooks;
- 76 (ii) the time, place, and method of instruction, and
- 77 (iii) the evaluation of the home school instruction.

78 (d) A local school board may not:

- 79 (i) require a parent of a minor who attends a home school to maintain records of
80 instruction or attendance;
- 81 (ii) require credentials for individuals providing home school instruction;
- 82 (iii) inspect home school facilities; or
- 83 (iv) require standardized or other testing of home school students.

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

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

88 within 30 days after receipt of a signed affidavit filed by the minor's parent pursuant to
89 Subsection (2).

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

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

94 **53A-11-102.5. Dual enrollment.**

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

98 ~~[(1)]~~ (2) A person having control of a minor under this part who is enrolled in a
99 regularly established private school or a home school may also enroll the minor in a public
100 school for dual enrollment purposes.

101 ~~[(2)]~~ (3) The minor may participate in any academic activity in the public school
102 available to students in the minor's grade or age group, subject to compliance with the same
103 rules and requirements that apply to a full-time student's participation in the activity.

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

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

107 ~~[(4)]~~ (5) (a) A student enrolled in a dual enrollment program in a district school is
108 considered a student of the district in which the ~~[public]~~ district school of attendance is located
109 for purposes of state funding to the extent of the student's participation in the ~~[public]~~ district
110 school programs.

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

114 ~~[(5)]~~ (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
115 Act, the State Board of Education shall make rules for purposes of dual enrollment to govern
116 and regulate the transferability of credits toward graduation that are earned in a private or home
117 school.

118 ~~[(6) The State Board of Education shall determine the policies and procedures~~

119 necessary to permit students enrolled under Subsection (1) to participate in public school
120 extracurricular activities.]

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

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

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

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

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

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

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

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

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

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

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

146 (g) To demonstrate a home school student's compliance with scholastic eligibility
147 requirements, the individual providing the primary instruction of a home school student shall
148 submit an affidavit that indicates:

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

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

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

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

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

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

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

161 **Section 3. Coordinating S.B. 81 with H.B. 207 -- Substantively superseding**
162 **amendments.**

163 If this S.B. 81 and H.B. 207, School Truancy and Compulsory Education Amendments,
164 both pass, it is the intent of the Legislature that when the Office of Legislative Research and
165 General Counsel prepares the Utah Code database for publication, the amendments to
166 Subsection 53A-11-102.5(4) in this bill supercede the amendments to Subsection
167 53A-11-102.5(3) in H.B. 207.

Fiscal Note**S.B. 81 3rd Sub. (Ivory) - Home School and Extracurricular Activity
Amendments**

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 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.
