

HOME SCHOOL AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies the conditions to have a minor excused from school attendance.

Highlighted Provisions:

This bill:

- ▶ extends the effective date of a parental signed affidavit excusing a minor from school attendance; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-102, as last amended by Laws of Utah 2007, Chapter 81

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

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

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

(1) (a) A school-age minor may be excused from attendance by the local board of education and a parent exempted from application of Subsections 53A-11-101.5(2), (5), and (6)



for any of the following reasons:

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

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

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

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

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

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

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

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

(ii) a home school part-time.

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

(2) (a) ~~[On an annual basis]~~ In accordance with the time described under Subsection (2)(b), a school-age minor shall be excused from attendance by a local board of education and a parent exempted from application of Subsections 53A-11-101.5(2), (5), and (6), if the minor's parent files a signed affidavit with the minor's school district of residence, as defined in Section 53A-2-201, that the minor will attend a home school and receive instruction as required by Subsection (2)(b).

(b) (i) Except as provided in Subsection (2)(b)(ii), an affidavit filed in accordance with the provisions of this Subsection (2) shall remain in effect for five years.

(ii) A new affidavit shall be filed if:

(A) the previous affidavit is revoked by the minor's parent; or

59 (B) the minor changes residence to another school district.

60 ~~[(b)]~~ (c) ~~[Each]~~ A minor who attends a home school shall receive instruction:

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

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

65 ~~[(c)]~~ (d) Subject to the requirements of Subsection (2)~~[(b)]~~(c), a parent of a minor who
66 attends a home school is solely responsible for:

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

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

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

70 ~~[(d)]~~ (e) A local school board may not:

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

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

74 (iii) inspect home school facilities; or

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

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

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

Legislative Review Note
as of 1-28-08 1:47 PM

Office of Legislative Research and General Counsel

H.B. 350 - Home School Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
