

1 **HOME SCHOOL AND EXTRA CURRICULAR**

2 **ACTIVITIES AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

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

6 House Sponsor: Carl Wimmer

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**LONG TITLE**

8 **Committee Note:**

9 The Education Interim Committee recommended this bill.

10 **General Description:**

11 This bill modifies procedures for exempting minors who are home schooled from  
12 attendance at a public or private school and addresses private school and home school  
13 students' eligibility to participate in extracurricular activities.  
14

15 **Highlighted Provisions:**

16 This bill:

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 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53A-11-102**, as last amended by Laws of Utah 2007, Chapter 81

36 **53A-11-102.5**, as last amended by Laws of Utah 2007, Chapter 81



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

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

40 **53A-11-102. Minors exempt from school attendance.**

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

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

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

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

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

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

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

58 (b) Minors receiving a partial release from school under Subsection (1)(a)(i) are

59 required to attend:

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

61 (ii) a home school part-time.

62 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)

63 must be sufficient to satisfy the local board.

64 (2) (a) On an annual basis, a school-age minor shall be excused from attendance by a  
65 local board of education and a parent exempted from application of Subsections

66 53A-11-101.5(2), (5), and (6), if the minor's parent files a signed affidavit with the minor's

67 school district of residence, as defined in Section 53A-2-201, stating that the minor will attend

68 a home school and receive instruction as required by Subsection (2)(b).

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

70 (i) in the subjects the State Board of Education requires to be taught in public schools

71 in accordance with the law; and

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

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

74 (c) Subject to the requirements of Subsection (2)(b), a parent of a minor who attends a

75 home school is solely responsible for:

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

77 (ii) the time, place, and method of instruction[?]; and

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

79 (d) A local school board may not:

80 (i) require a parent of a minor who attends a home school to maintain records of

81 instruction or attendance;

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

83 (iii) inspect home school facilities; or

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

85 (3) (a) Boards excusing minors from attendance as provided by Subsections (1) and (2)

86 shall issue a certificate stating that the minor is excused from attendance during the time

87 specified on the certificate.

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

89 within 30 days after receipt of a signed affidavit filed by the minor's parent pursuant to

90 Subsection (2).

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

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

95 **53A-11-102.5. Dual enrollment.**

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

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

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

105 [~~3~~] ~~Except as otherwise provided in Sections 53A-11-101.5 and 53A-11-102, a]~~

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

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

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

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

119 [~~6~~] ~~The State Board of Education shall determine the policies and procedures~~  
120 ~~necessary to permit students enrolled under Subsection (1) to participate in public school~~

121 extracurricular activities:]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Legislative Review Note**  
**as of 11-16-07 10:02 AM**

**Office of Legislative Research and General Counsel**

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**S.B. 37 - Home School and Extra Curricular Activities Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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