

**HOME SCHOOLING AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark B. Madsen**

House Sponsor: Carl Wimmer

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**LONG TITLE**

**General Description:**

This bill modifies procedures for exempting minors who are home schooled from attendance at a public or private school.

**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.

**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

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*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



28 education and a parent exempted from application of Subsections 53A-11-101.5(2), (5), and (6)  
29 for any of the following reasons:

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

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

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

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

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

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

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

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

47 (ii) a home school part-time.

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

50 (2) (a) On an annual basis, a school-age minor shall be excused from attendance by a  
51 local board of education and a parent exempted from application of Subsections  
52 53A-11-101.5(2), (5), and (6), if the minor's parent files a signed affidavit with the minor's  
53 school district of residence, as defined in Section 53A-2-201, that the minor will attend a home  
54 school and receive instruction as required by Subsection (2)(b).

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

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

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

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

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

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

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

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

65 (d) A local school board may not:

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

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

69 (iii) inspect home school facilities; or

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

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

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

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

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**Legislative Review Note**  
**as of 1-29-09 3:41 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 146 - Home Schooling Amendments**

**Fiscal Note**

2009 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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