



28 **53G-6-202**, as last amended by Laws of Utah 2019, Chapter 293



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

31 Section 1. Section **53G-6-201** is amended to read:

32 **53G-6-201. Definitions.**

33 For purposes of this part:

34 (1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a  
35 school-age minor assigned to a class or class period to attend the entire class or class period.

36 (b) A school-age minor may not be considered absent under this part more than one  
37 time during one day.

38 (2) "Habitual truant" means a school-age minor who:

39 (a) is at least 12 years old;

40 (b) is subject to the requirements of Section 53G-6-202; and

41 (c) (i) is truant at least 10 times during one school year; or

42 (ii) fails to cooperate with efforts on the part of school authorities to resolve the  
43 minor's attendance problem as required under Section **53G-6-206**.

44 (3) "Minor" means a person under the age of 18 years.

45 (4) "Parent" includes:

46 (a) a custodial parent of the minor;

47 (b) a legally appointed guardian of a minor; or

48 (c) any other person purporting to exercise any authority over the minor which could be  
49 exercised by a person described in Subsection (4)(a) or (b).

50 [~~(5) "School-age minor" means a minor who:~~]

51 [~~(a) is at least six years old, but younger than 18 years old; and~~]

52 [~~(b) is not emancipated.~~]

53 [~~(6)~~] (5) "School year" means the period of time designated by a local school board or  
54 charter school governing board as the school year for the school where the school-age minor:

55 (a) is enrolled; or

56 (b) should be enrolled, if the school-age minor is not enrolled in school.

57 (6) "School-age minor" means a minor who:

58 (a) is at least five years old before September 2 of the relevant school year or otherwise

59 eligible to enroll in kindergarten, but younger than 18 years old; and

60 (b) is not emancipated.

61 (7) "Truant" means absent without a valid excuse.

62 (8) "Truant minor" means a school-age minor who:

63 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and

64 (b) is truant.

65 (9) "Valid excuse" means:

66 (a) an illness, which may be either mental or physical;

67 (b) a family death;

68 (c) an approved school activity;

69 (d) an absence permitted by a school-age minor's:

70 (i) individualized education program, developed pursuant to the Individuals with

71 Disabilities Education Improvement Act of 2004, as amended; or

72 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act

73 of 1973, as amended; or

74 (e) any other excuse established as valid by a local school board, charter school

75 governing board, or school district.

76 Section 2. Section 53G-6-204 is amended to read:

77 **53G-6-204. Minors exempt from school attendance.**

78 (1) (a) A local school board or charter school governing board may excuse a school-age

79 minor from attendance for any of the following reasons:

80 (i) a school-age minor over age 16 may receive a partial release from school to enter

81 employment, or attend a trade school, if the school-age minor has completed grade 8; or

82 (ii) on an annual basis, a school-age minor may receive a full release from attending a

83 public, regularly established private, or part-time school or class if:

84 (A) the school-age minor has already completed the work required for graduation from

85 high school, or has demonstrated mastery of required skills and competencies in accordance

86 with Subsection 53F-2-501(1);

87 (B) the school-age minor is in a physical or mental condition, certified by a competent

88 physician if required by the local school board or charter school governing board, which

89 renders attendance inexpedient and impracticable;

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

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

95 (b) A school-age minor receiving a partial release from school under Subsection  
96 (1)(a)(i) is required to attend:

97 (i) school part time as prescribed by the local school board or charter school governing  
98 board; or

99 (ii) a home school part time.

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

102 (d) A local school board or charter school governing board that excuses a school-age  
103 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor  
104 is excused from attendance during the time specified on the certificate.

105 (2) (a) A local school board shall excuse a school-age minor from attendance, if the  
106 school-age minor's parent files a signed and notarized affidavit with the school-age minor's  
107 school district of residence, as defined in Section [53G-6-302](#), that:

108 (i) the school-age minor will attend a home school; and

109 (ii) the parent assumes sole responsibility for the education of the school-age minor,  
110 except to the extent the school-age minor is dual enrolled in a public school as provided in  
111 Section [53G-6-702](#).

112 (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall  
113 remain in effect as long as:

114 (i) the school-age minor attends a home school; and

115 (ii) the school district where the affidavit was filed remains the school-age minor's  
116 district of residence.

117 (c) A parent of a school-age minor who attends a home school is solely responsible for:

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

119 (ii) the time, place, and method of instruction; and

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

- 121 (d) A local school board may not:
- 122 (i) require a parent of a school-age minor who attends a home school to maintain  
123 records of instruction or attendance;
- 124 (ii) require credentials for individuals providing home school instruction;
- 125 (iii) inspect home school facilities; or
- 126 (iv) require standardized or other testing of home school students.
- 127 (e) (i) [Upon] Except as provided in Subsection (2)(e)(ii), upon the request of a parent,  
128 a local school board shall identify the knowledge, skills, and competencies a student is  
129 recommended to attain by grade level and subject area to assist the parent in achieving college  
130 and career readiness through home schooling.
- 131 (ii) If the student who is excused to attend a home school under this Subsection (2) is  
132 excused from kindergarten, the local school board shall provide a kindergarten syllabus or  
133 otherwise identify the knowledge, skills, and competencies a student is recommended to attain  
134 before grade 1.
- 135 (f) A local school board that excuses a school-age minor from attendance as provided  
136 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is  
137 excused from attendance for the specified school year.
- 138 (g) A local school board shall issue a certificate excusing a school-age minor from  
139 attendance:
- 140 (i) within 30 days after receipt of a signed and notarized affidavit filed by the  
141 school-age minor's parent pursuant to this Subsection (2); and
- 142 (ii) on or before August 1 each year thereafter unless:
- 143 (A) the school-age minor enrolls in a school within the school district;
- 144 (B) the school-age minor's parent notifies the school district that the school-age minor  
145 no longer attends a home school; or
- 146 (C) the school-age minor's parent notifies the school district that the school-age minor's  
147 school district of residence has changed.
- 148 (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a)  
149 is exempt from the application of Subsections 53G-6-202(2), (5), and (6).
- 150 (4) Nothing in this section may be construed to prohibit or discourage voluntary  
151 cooperation, resource sharing, or testing opportunities between a school or school district and a

152 parent of a minor attending a home school.

153 Section 3. **Coordinating H.B. 241 with H.B. 14 -- Substantive and technical**  
154 **amendments.**

155 If this H.B. 241 and H.B. 14, School Absenteeism and Truancy Amendments, both pass  
156 and become law, it is the intent of the Legislature that:

157 (1) the amendments to Subsection 53G-6-201(6) in this bill supersede the amendments  
158 to Subsection 53G-6-201(5) in H.B. 14;

159 (2) Section 53G-6-202(3) shall be amended to read:

160 "(3) A school administrator, a designee of a school administrator, a law enforcement  
161 officer acting as a school resource officer, or a truancy specialist may only issue a notice of  
162 compulsory education violation to a parent of a school-age [~~child~~] minor if the school-age  
163 [~~child~~] minor is:

164 (a) in kindergarten through grade 6; and

165 (b) [~~absent without a valid excuse~~] truant at least five times during the school year.";

166 and

167 (3) the Office of Legislative Research and General Counsel prepare the Utah Code  
168 database for publication in accordance with Subsections (1) and (2) of this coordination clause.