

**Representative Lawanna Shurtliff** proposes the following substitute bill:

**KINDERGARTEN ATTENDANCE AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lawanna Shurtliff**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the age at which school enrollment is required to include kindergarten-age children.

**Highlighted Provisions:**

This bill:

- ▶ defines terms to amend the age at which school enrollment is required to include kindergarten-age children;
- ▶ requires a local school board to provide certain information to the parent of a child excused from kindergarten attendance for home schooling; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a coordination clause.

**Utah Code Sections Affected:**

AMENDS:

**53G-6-201**, as last amended by Laws of Utah 2019, Chapter 293

**53G-6-204**, as last amended by Laws of Utah 2019, Chapter 293



26 Utah Code Sections Affected by Coordination Clause:

27 53G-6-201, as last amended by Laws of Utah 2019, Chapter 293

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 the office of Legislative Research and  
157 General Counsel shall prepare the Utah Code database for publication as follows:

158 (1) except as provided in Subsection (2), the amendments to Section 53G-6-201 in  
159 H.B. 14 supersede the amendments to Section 53G-6-201 in this bill;

160 (2) Subsection 53G-6-201(6) regarding the definition of "school-age child" is amended  
161 to read:

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

163 (a) is at least five years old before September 2 of the relevant school year or otherwise  
164 eligible to enroll in kindergarten, but younger than 18 years old; and

165 (b) is not emancipated.";

166 (3) Subsection 53G-6-202(3) shall be amended to read:

167 "(3) A school administrator, a designee of a school administrator, a law enforcement  
168 officer acting as a school resource officer, or a truancy specialist may only issue a notice of  
169 compulsory education violation to a parent of a school-age child if the school-age child is:

170 (a) in kindergarten through grade 6; and

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

173 (4) Subsection 53G-6-202(6) shall be amended to read:

174 "(6) It is a class B misdemeanor for a parent of a school-age child who is in  
175 kindergarten through grade 6 to, after being served with a notice of compulsory education  
176 violation [~~in accordance with Subsections (3) and (4)~~], intentionally or [~~recklessly~~] without  
177 good cause:

178 (a) fail to meet with the school authorities designated in the notice of compulsory  
179 education violation to discuss the school-age child's school attendance problems; or

180 (b) fail to prevent the school-age child from being [~~absent without a valid excuse~~]

181 truant five or more times during the remainder of the school year.";