

## HB0241S02 compared with HB0241S01

~~text~~ shows text that was in HB0241S01 but was deleted in HB0241S02.

text shows text that was not in HB0241S01 but was inserted into HB0241S02.

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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

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### 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~~

### ~~}~~Utah Code Sections Affected by Coordination Clause:

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

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

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

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

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

For purposes of this part:

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

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

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

(a) is at least 12 years old;

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

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

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

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

(4) "Parent" includes:

(a) a custodial parent of the minor;

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

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

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

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

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

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

(a) is enrolled; or

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

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

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

(b) is not emancipated.

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

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

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

(b) is truant.

(9) "Valid excuse" means:

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

(b) a family death;

(c) an approved school activity;

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

(i) individualized education program, developed pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as amended; or

(ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act of 1973, as amended; or

(e) any other excuse established as valid by a local school board, charter school governing board, or school district.

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

~~53G-6-204. Minors exempt from school attendance.~~

~~(1) (a) A local school board or charter school governing board may excuse a school-age minor from attendance for any of the following reasons:~~

~~(i) a school-age minor over age 16 may receive a partial release from school to enter employment, or attend a trade school, if the school-age minor has completed grade 8; or~~

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

~~—— (A) the school-age 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 53F-2-501(1);~~

~~—— (B) the school-age minor is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;~~

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

~~—— (D) the district superintendent or charter school governing board has determined that a school-age 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) A school-age minor receiving a partial release from school under Subsection (1)(a)(i) is required to attend:~~

~~—— (i) school part time as prescribed by the local school board or charter school governing 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 school board or charter school governing board.~~

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

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

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

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

~~—— (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall~~

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~~remain in effect as long as:~~

- ~~—— (i) the school-age minor attends a home school; and~~
- ~~—— (ii) the school district where the affidavit was filed remains the school-age minor's district of residence.~~
- ~~—— (c) A parent of a school-age minor who attends a home school is solely responsible for:~~
  - ~~—— (i) the selection of instructional materials and textbooks;~~
  - ~~—— (ii) the time, place, and method of instruction; and~~
  - ~~—— (iii) the evaluation of the home school instruction.~~
- ~~—— (d) A local school board may not:~~
  - ~~—— (i) require a parent of a school-age minor who attends a home school to maintain records of instruction or attendance;~~
  - ~~—— (ii) require credentials for individuals providing home school instruction;~~
  - ~~—— (iii) inspect home school facilities; or~~
  - ~~—— (iv) require standardized or other testing of home school students.~~
- ~~—— (e) (i) [Upon] Except as provided in Subsection (2)(c)(ii), upon the request of a parent, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.~~
  - ~~—— (ii) If the student who is excused to attend a home school under this Subsection (2) is excused from kindergarten, the local school board shall provide a kindergarten syllabus or otherwise identify the knowledge, skills, and competencies a student is recommended to attain before grade 1.~~
- ~~—— (f) A local school board that excuses a school-age minor from attendance as provided by this Subsection (2) shall annually issue a certificate stating that the school-age minor is excused from attendance for the specified school year.~~
- ~~—— (g) A local school board shall issue a certificate excusing a school-age minor from attendance:~~
  - ~~—— (i) within 30 days after receipt of a signed and notarized affidavit filed by the school-age minor's parent pursuant to this Subsection (2); and~~
  - ~~—— (ii) on or before August 1 each year thereafter unless:~~
    - ~~—— (A) the school-age minor enrolls in a school within the school district;~~

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~~—— (B) the school-age minor's parent notifies the school district that the school-age minor no longer attends a home school; or~~

~~—— (C) the school-age minor's parent notifies the school district that the school-age minor's school district of residence has changed.~~

~~—— (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a) is exempt from the application of Subsections 53G-6-202(2), (5), and (6).~~

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

‡ Section ~~{3}~~2. **Coordinating H.B. 241 with H.B. 14 -- Substantive and technical amendments.**

If this H.B. 241 and H.B. 14, School Absenteeism and Truancy Amendments, both pass and become law, it is the intent of the Legislature that the office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

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

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

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

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

(b) is not emancipated.";

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

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

(a) in kindergarten through grade 6; and

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

and

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

"(6) It is a class B misdemeanor for a parent of a school-age child who is in

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kindergarten through grade 6 to, after being served with a notice of compulsory education violation [~~in accordance with Subsections (3) and (4)~~], intentionally or [~~recklessly~~] without good cause:

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

(b) fail to prevent the school-age child from being [~~absent without a valid excuse~~] truant five or more times during the remainder of the school year.".