

1 **HOME SCHOOL STUDENT TRANSFER TO PUBLIC SCHOOL**

2 **AMENDMENTS**

3 2024 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul A. Cutler**

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

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**LONG TITLE**

8 **General Description:**

9 This bill addresses what a local education agency is required to do when a home school  
10 student transfers to a public school within the local education agency.  
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12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires each local education agency to create a policy regarding the transfer of a
- 15 home school student to a school within the local education agency; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53G-6-204**, as last amended by Laws of Utah 2023, Chapter 162

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

25 Section 1. Section **53G-6-204** is amended to read:

26 **53G-6-204. School-age children exempt from school attendance.**  
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28 (1) (a) A local school board or charter school governing board may excuse a school-age  
29 child from attendance for any of the following reasons:

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

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

34 (A) the school-age child has already completed the work required for graduation from  
35 high school;

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

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

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

44 (b) A school-age child receiving a partial release from school under Subsection  
45 (1)(a)(i) is required to attend:

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

48 (ii) a home school part time.

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

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

54 (2) (a) (i) As used in this Subsection (2)(a), "child abuse" means a criminal felony or  
55 attempted felony offense of which an individual is convicted, or to which an individual pleads  
56 guilty or no contest, for conduct that constitutes any of the following:

57 (A) child abuse under Section [76-5-109](#);

58 (B) aggravated child abuse under Section [76-5-109.2](#);

- 59 (C) child abandonment under Section 76-5-109.3;
- 60 (D) commission of domestic violence in the presence of a child under Section  
61 76-5-114;
- 62 (E) child abuse homicide under Section 76-5-208;
- 63 (F) child kidnapping under Section 76-5-301.1;
- 64 (G) human trafficking of a child under Section 76-5-308.5;
- 65 (H) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or in Title 76,  
66 Chapter 5b, Part 2, Sexual Exploitation, if the victim is under 18 years old;
- 67 (I) sexual exploitation of a minor under Section 76-5b-201;
- 68 (J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or
- 69 (K) an offense in another state that, if committed in this state, would constitute an  
70 offense described in this Subsection (2)(a)(i).
- 71 (ii) Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a  
72 school-age child from attendance, if the school-age child's parent or legal guardian files a  
73 signed and notarized affidavit with the school-age child's school district of residence, as  
74 defined in Section 53G-6-302, that:
- 75 (A) the school-age child will attend a home school; and
- 76 (B) the parent or legal guardian assumes sole responsibility for the education of the  
77 school-age child, except to the extent the school-age child is dual enrolled in a public school as  
78 provided in Section 53G-6-702.
- 79 (iii) If a parent or legal guardian has been convicted of child abuse or if a court of  
80 competent jurisdiction has made a substantiated finding of child abuse against the parent or  
81 legal guardian:
- 82 (A) the parent or legal guardian may not assume responsibility for the education of a  
83 school-age child under Subsection (2)(a)(ii); and
- 84 (B) the local school board may not accept the affidavit described in Subsection  
85 (2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age child from  
86 attendance under Subsection (2)(a)(ii) in relation to the parent's or legal guardian's intent to  
87 home school the child.
- 88 (iv) Nothing in this Subsection (2)(a) affects the ability of another of a child's parents  
89 or legal guardians who is not prohibited under Subsection (2)(a)(iii) to file the affidavit

90 described in Subsection (2)(a)(ii).

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

93 (i) the school-age child attends a home school;

94 (ii) the school district where the affidavit was filed remains the school-age child's  
95 district of residence; and

96 (iii) the parent or legal guardian who filed the signed and notarized affidavit has not  
97 been convicted of child abuse or been the subject of a substantiated finding of child abuse by a  
98 court of competent jurisdiction.

99 (c) A parent or legal guardian of a school-age child who attends a home school is  
100 solely responsible for:

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

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

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

104 (d) A local school board may not:

105 (i) require a parent or legal guardian of a school-age child who attends a home school  
106 to maintain records of instruction or attendance;

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

108 (iii) inspect home school facilities; or

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

110 (e) Upon the request of a parent or legal guardian, a local school board shall identify  
111 the knowledge, skills, and competencies a student is recommended to attain by grade level and  
112 subject area to assist the parent or legal guardian in achieving college and career readiness  
113 through home schooling.

114 (f) A local school board that excuses a school-age child from attendance under this  
115 Subsection (2) shall annually issue a certificate stating that the school-age child is excused  
116 from attendance for the specified school year.

117 (g) A local school board shall issue a certificate excusing a school-age child from  
118 attendance:

119 (i) within 30 days after receipt of a signed and notarized affidavit filed by the  
120 school-age child's parent or legal guardian under this Subsection (2); and

- 121 (ii) on or before August 1 each year thereafter unless:
- 122 (A) the school-age child enrolls in a school within the school district;
- 123 (B) the school-age child's parent or legal guardian notifies the school district that the
- 124 school-age child no longer attends a home school; or
- 125 (C) the school-age child's parent or legal guardian notifies the school district that the
- 126 school-age child's school district of residence has changed.

127 (3) A parent or legal guardian who is eligible to file and files a signed and notarized  
 128 affidavit under Subsection (2)(a) is exempt from the application of Subsections 53G-6-202(2),  
 129 (5), and (6).

130 (4) (a) An LEA shall adopt a policy for accepting a transfer of credits for different  
 131 subject areas for a school-age child who has been attending home school in accordance with  
 132 Subsection (2)(a)(ii) and is seeking to enroll in a school within an LEA.

133 (b) The policy described in Subsection (4)(a) shall require a demonstration of  
 134 competency by a school-age child that is:

135 (i) relevant to the subject area for which the school-age child is seeking to transfer  
 136 credits; and

137 (ii) is based on:

138 (A) a review of a portfolio created by the school-age child;

139 (B) testing; or

140 (C) other reasonable means as determined by the LEA.

141 ~~[(4)]~~ (5) (a) [Nothing in this section may be construed to] This section does not  
 142 prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between  
 143 a school or school district and a parent or legal guardian of a child attending a home school.

144 (b) The exemptions in this section apply regardless of whether:

145 (i) a parent or legal guardian provides education instruction to the parent's or legal  
 146 guardian's child alone or in cooperation with other parents or legal guardians similarly  
 147 exempted under this section; or

148 (ii) the parent or legal guardian makes payment for educational services the parent's or  
 149 legal guardian's child receives.

150 Section 2. **Effective date.**

151 This bill takes effect on May 1, 2024.