

Representative Paul A. Cutler proposes the following substitute bill:

STUDENT TRANSFER AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul A. Cutler

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses what a local education agency is required to do when a home school student transfers to a public school within the local education agency.

Highlighted Provisions:

This bill:

▸ requires each local education agency to create:

• a policy regarding the transfer of a home school student to a school within the local education agency; and

• a procedure that ensures that, if a school rejects a nonresident student entry, the parent of the student is given an explanation in writing for the denial; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



26 **53G-6-402**, as last amended by Laws of Utah 2023, Chapter 44

27

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

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

30 **53G-6-204. School-age children exempt from school attendance.**

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

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

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

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

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

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

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

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

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

51 (ii) a home school part time.

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

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

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

- 60 (A) child abuse under Section 76-5-109;
- 61 (B) aggravated child abuse under Section 76-5-109.2;
- 62 (C) child abandonment under Section 76-5-109.3;
- 63 (D) commission of domestic violence in the presence of a child under Section
64 76-5-114;
- 65 (E) child abuse homicide under Section 76-5-208;
- 66 (F) child kidnapping under Section 76-5-301.1;
- 67 (G) human trafficking of a child under Section 76-5-308.5;
- 68 (H) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or in Title 76,
69 Chapter 5b, Part 2, Sexual Exploitation, if the victim is under 18 years old;
- 70 (I) sexual exploitation of a minor under Section 76-5b-201;
- 71 (J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or
- 72 (K) an offense in another state that, if committed in this state, would constitute an
73 offense described in this Subsection (2)(a)(i).

74 (ii) Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a
75 school-age child from attendance, if the school-age child's parent or legal guardian files a
76 signed and notarized affidavit with the school-age child's school district of residence, as
77 defined in Section 53G-6-302, that:

- 78 (A) the school-age child will attend a home school; and
- 79 (B) the parent or legal guardian assumes sole responsibility for the education of the
80 school-age child, except to the extent the school-age child is dual enrolled in a public school as
81 provided in Section 53G-6-702.

82 (iii) If a parent or legal guardian has been convicted of child abuse or if a court of
83 competent jurisdiction has made a substantiated finding of child abuse against the parent or
84 legal guardian:

- 85 (A) the parent or legal guardian may not assume responsibility for the education of a
86 school-age child under Subsection (2)(a)(ii); and
- 87 (B) the local school board may not accept the affidavit described in Subsection

88 (2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age child from
89 attendance under Subsection (2)(a)(ii) in relation to the parent's or legal guardian's intent to
90 home school the child.

91 (iv) Nothing in this Subsection (2)(a) affects the ability of another of a child's parents
92 or legal guardians who is not prohibited under Subsection (2)(a)(iii) to file the affidavit
93 described in Subsection (2)(a)(ii).

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

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

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

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

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

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

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

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

107 (d) A local school board may not:

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

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

111 (iii) inspect home school facilities; or

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

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

117 (f) A local school board that excuses a school-age child from attendance under this
118 Subsection (2) shall annually issue a certificate stating that the school-age child is excused

119 from attendance for the specified school year.

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

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

124 (ii) on or before August 1 each year thereafter unless:

125 (A) the school-age child enrolls in a school within the school district;

126 (B) the school-age child's parent or legal guardian notifies the school district that the
127 school-age child no longer attends a home school; or

128 (C) the school-age child's parent or legal guardian notifies the school district that the
129 school-age child's school district of residence has changed.

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

133 (4) (a) An LEA that issues credit toward high school graduation shall adopt a policy for
134 accepting a transfer of credits for different subject areas for a school-age child who has been
135 attending home school in accordance with Subsection (2)(a)(ii) and is seeking to enroll in a
136 school within an LEA.

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

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

141 (ii) is based on:

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

143 (B) testing; or

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

145 (c) If a school denies a transfer of credits under the policy created under Subsection
146 (4)(a), the school shall provide, in writing, a detailed explanation for the denial to the parent of
147 the school-age child seeking to enroll in the school.

148 ~~[(4)]~~ (5) (a) ~~[Nothing in this section may be construed to]~~ This section does not
149 prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between

150 a school or school district and a parent or legal guardian of a child attending a home school.

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

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

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

157 Section 2. Section **53G-6-402** is amended to read:

158 **53G-6-402. Open enrollment options -- Procedures -- Processing fee -- Continuing**
159 **enrollment.**

160 (1) Each local school board is responsible for providing educational services consistent
161 with Utah state law and rules of the state board for each student who resides in the district and,
162 as provided in this section through Section [53G-6-407](#) and to the extent reasonably feasible, for
163 any student who resides in another district in the state and desires to attend a school in the
164 district, giving priority to a child of a military service member, as that term is defined in
165 [53B-8-102](#).

166 (2) (a) A school is open for enrollment of nonresident students if the enrollment level
167 is at or below the open enrollment threshold.

168 (b) If a school's enrollment falls below the open enrollment threshold, the local school
169 board shall allow a nonresident student to enroll in the school.

170 (3) A local school board may allow enrollment of nonresident students in a school that
171 is operating above the open enrollment threshold.

172 (4) (a) A local school board shall adopt policies describing procedures for nonresident
173 students to follow in applying for entry into the district's schools.

174 (b) Those procedures shall provide, as a minimum, for:

175 (i) distribution to interested parties of information about the school or school district
176 and how to apply for admission;

177 (ii) use of standard application forms prescribed by the state board;

178 (iii) (A) submission of applications from November 15 through the first Friday in
179 February by those seeking admission during the early enrollment period for the following year;
180 or

181 (B) submission of applications from August 1 through November 1 by those seeking
182 admission during the early enrollment period for the following year in a school district
183 described in Subsection 53G-6-401(1)(b);

184 (iv) submission of applications by those seeking admission during the late enrollment
185 period;

186 (v) written notification to the student's parent of acceptance or rejection of an
187 application:

188 (A) within six weeks after receipt of the application by the district or by March 31,
189 whichever is later, for applications submitted during the early enrollment period;

190 (B) within two weeks after receipt of the application by the district or by the Friday
191 before the new school year begins, whichever is later, for applications submitted during the late
192 enrollment period for admission in the next school year; and

193 (C) within two weeks after receipt of the application by the district, for applications
194 submitted during the late enrollment period for admission in the current year;

195 (vi) written notification to the resident school for intradistrict transfers or the resident
196 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; ~~and~~

197 (vii) written notification to the parents of each student that resides within the school
198 district and other interested parties of the revised early enrollment period described in
199 Subsection 53G-6-401(1)(b) if:

200 (A) the school district is doing a district wide grade reconfiguration of its elementary,
201 middle, junior, and senior high schools; and

202 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be
203 implemented in the next school year[-]; and

204 (viii) a nonresident student that is rejected entry into the school, a written notification
205 detailing the explanation for the rejection to the parent of the nonresident student.

206 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting
207 applications and notifying parents of acceptance or rejection of an application, a local school
208 board may delay the dates if a local school board is not able to make a reasonably accurate
209 projection of the early enrollment school capacity or late enrollment school capacity of a school
210 due to:

211 (A) school construction or remodeling;

212 (B) drawing or revision of school boundaries; or
213 (C) other circumstances beyond the control of the local school board.

214 (ii) The delay may extend no later than four weeks beyond the date the local school
215 board is able to make a reasonably accurate projection of the early enrollment school capacity
216 or late enrollment school capacity of a school.

217 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
218 application.

219 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
220 subject to the same rules and standards as resident students, without renewed applications in
221 subsequent years unless one of the following occurs:

- 222 (a) the student graduates;
- 223 (b) the student is no longer a Utah resident;
- 224 (c) the student is suspended or expelled from school; or
- 225 (d) except for a student described in Subsection (6)(e), the district determines that
226 enrollment within the school will exceed the school's open enrollment threshold; or

227 (e) for a child of a military service member, as that term is defined in Section
228 [53B-8-102](#), who moves from temporary to permanent housing outside of the relevant school
229 district boundaries following a permanent change of station:

- 230 (i) in kindergarten through grade 10, the student completes the current school year; or
- 231 (ii) in grades 11 and 12, the student graduates.

232 (7) (a) Determination of which nonresident students will be excluded from continued
233 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in
234 the school, with those most recently enrolled being excluded first and the use of a lottery
235 system when multiple nonresident students have the same number of school days in the school.

236 (b) Nonresident students who will not be permitted to continue their enrollment shall
237 be notified no later than March 15 of the current school year.

238 (8) The parent of a student enrolled in a school that is not the student's school of
239 residence may withdraw the student from that school for enrollment in another public school by
240 submitting notice of intent to enroll the student in:

- 241 (a) the district of residence; or
- 242 (b) another nonresident district.

243 (9) Unless provisions have previously been made for enrollment in another school, a
244 nonresident district releasing a student from enrollment shall immediately notify the district of
245 residence, which shall enroll the student in the resident district and take such additional steps
246 as may be necessary to ensure compliance with laws governing school attendance.

247 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between
248 schools, whether effective on the first day of the school year or after the school year has begun,
249 by exercising an open enrollment option under this section may not transfer to a different
250 school during the same school year by exercising an open enrollment option under this section.

251 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
252 student transfer made for health or safety reasons.

253 (c) A local school board may adopt a policy allowing a student to exercise an open
254 enrollment option more than once in a school year.

255 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school
256 that is not the student's school of residence, because school bus service is not provided between
257 the student's neighborhood and school of residence for safety reasons:

258 (a) shall be allowed to continue to attend the school until the student finishes the
259 highest grade level offered; and

260 (b) shall be allowed to attend the middle school, junior high school, or high school into
261 which the school's students feed until the student graduates from high school.

262 (12) Notwithstanding any other provision of this part or Part 3, School District
263 Residency, a student shall be allowed to enroll in any charter school or other public school in
264 any district, including a district where the student does not reside, if the enrollment is
265 necessary, as determined by the Division of Child and Family Services, to comply with the
266 provisions of 42 U.S.C. [~~Section~~] Sec. 675.

267 Section 3. **Effective date.**

268 This bill takes effect on May 1, 2024.