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**HOME SCHOOL AMENDMENTS**  
2024 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Keith Grover**  
House Sponsor: Jon Hawkins

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**LONG TITLE**

**General Description:**

This bill removes the notary requirement on a home school affidavit.

**Highlighted Provisions:**

This bill:

- removes the notary requirement on a home school affidavit.

**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

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

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

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

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

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

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

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

- 29 (B) the school-age child is in a physical or mental condition, certified by a  
 30 competent physician if required by the local school board or charter school  
 31 governing board, which renders attendance inexpedient and impracticable;  
 32 (C) proper influences and adequate opportunities for education are provided in  
 33 connection with the school-age child's employment; or  
 34 (D) the district superintendent or charter school governing board has determined  
 35 that a school-age child over [~~the age of~~] 16 years old is unable to profit from  
 36 attendance at school because of inability or a continuing negative attitude  
 37 toward school regulations and discipline.
- 38 (b) A school-age child receiving a partial release from school under Subsection (1)(a)(i)  
 39 is required to attend:
- 40 (i) school part time as prescribed by the local school board or charter school  
 41 governing board; or  
 42 (ii) a home school part time.
- 43 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)  
 44 must be sufficient to satisfy the local school board or charter school governing board.
- 45 (d) A local school board or charter school governing board that excuses a school-age  
 46 child from attendance as provided by this Subsection (1) shall issue a certificate that  
 47 the child is excused from attendance during the time specified on the certificate.
- 48 (2) (a) (i) As used in this Subsection (2)(a), "child abuse" means a criminal felony or  
 49 attempted felony offense of which an individual is convicted, or to which an  
 50 individual pleads guilty or no contest, for conduct that constitutes any of the  
 51 following:
- 52 (A) child abuse under Section 76-5-109;  
 53 (B) aggravated child abuse under Section 76-5-109.2;  
 54 (C) child abandonment under Section 76-5-109.3;  
 55 (D) commission of domestic violence in the presence of a child under Section  
 56 76-5-114;  
 57 (E) child abuse homicide under Section 76-5-208;  
 58 (F) child kidnapping under Section 76-5-301.1;  
 59 (G) human trafficking of a child under Section 76-5-308.5;  
 60 (H) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or in Title  
 61 76, Chapter 5b, Part 2, Sexual Exploitation, if the victim is under 18 years old;  
 62 (I) sexual exploitation of a minor under Section 76-5b-201;

- 63 (J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or  
64 (K) an offense in another state that, if committed in this state, would constitute an  
65 offense described in this Subsection (2)(a)(i).
- 66 (ii) Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a  
67 school-age child from attendance, if the school-age child's parent or legal guardian  
68 files a signed [~~and notarized~~]affidavit with the school-age child's school district of  
69 residence, as defined in Section 53G-6-302, that:
- 70 (A) the school-age child will attend a home school; and  
71 (B) the parent or legal guardian assumes sole responsibility for the education of  
72 the school-age child, except to the extent the school-age child is dual enrolled  
73 in a public school as provided in Section 53G-6-702.
- 74 (iii) If a parent or legal guardian has been convicted of child abuse or if a court of  
75 competent jurisdiction has made a substantiated finding of child abuse against the  
76 parent or legal guardian:
- 77 (A) the parent or legal guardian may not assume responsibility for the education  
78 of a school-age child under Subsection (2)(a)(ii); and  
79 (B) the local school board may not accept the affidavit described in Subsection  
80 (2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age  
81 child from attendance under Subsection (2)(a)(ii) in relation to the parent's or  
82 legal guardian's intent to home school the child.
- 83 (iv) Nothing in this Subsection (2)(a) affects the ability of another of a child's parents  
84 or legal guardians who is not prohibited under Subsection (2)(a)(iii) to file the  
85 affidavit described in Subsection (2)(a)(ii).
- 86 (b) A signed [~~and notarized~~]affidavit filed in accordance with Subsection (2)(a) shall  
87 remain in effect as long as:
- 88 (i) the school-age child attends a home school;  
89 (ii) the school district where the affidavit was filed remains the school-age child's  
90 district of residence; and  
91 (iii) the parent or legal guardian who filed the signed [~~and notarized~~]affidavit has not  
92 been convicted of child abuse or been the subject of a substantiated finding of  
93 child abuse by a court of competent jurisdiction.
- 94 (c) A parent or legal guardian of a school-age child who attends a home school is solely  
95 responsible for:
- 96 (i) the selection of instructional materials and textbooks;

- 97 (ii) the time, place, and method of instruction; and  
98 (iii) the evaluation of the home school instruction.
- 99 (d) A local school board may not:
- 100 (i) require a parent or legal guardian of a school-age child who attends a home school  
101 to maintain records of instruction or attendance;
- 102 (ii) require credentials for individuals providing home school instruction;
- 103 (iii) inspect home school facilities; or
- 104 (iv) require standardized or other testing of home school students.
- 105 (e) Upon the request of a parent or legal guardian, a local school board shall identify the  
106 knowledge, skills, and competencies a student is recommended to attain by grade  
107 level and subject area to assist the parent or legal guardian in achieving college and  
108 career readiness through home schooling.
- 109 (f) A local school board that excuses a school-age child from attendance under this  
110 Subsection (2) shall annually issue a certificate stating that the school-age child is  
111 excused from attendance for the specified school year.
- 112 (g) A local school board shall issue a certificate excusing a school-age child from  
113 attendance:
- 114 (i) within 30 days after receipt of a signed [~~and notarized~~]affidavit filed by the  
115 school-age child's parent or legal guardian under this Subsection (2); and
- 116 (ii) on or before August 1 each year thereafter unless:
- 117 (A) the school-age child enrolls in a school within the school district;
- 118 (B) the school-age child's parent or legal guardian notifies the school district that  
119 the school-age child no longer attends a home school; or
- 120 (C) the school-age child's parent or legal guardian notifies the school district that  
121 the school-age child's school district of residence has changed.
- 122 (3) A parent or legal guardian who is eligible to file and files a signed [~~and notarized~~]  
123 affidavit under Subsection (2)(a) is exempt from the application of Subsections  
124 53G-6-202(2), (5), and (6).
- 125 (4) (a) Nothing in this section may be construed to prohibit or discourage voluntary  
126 cooperation, resource sharing, or testing opportunities between a school or school  
127 district and a parent or legal guardian of a child attending a home school.
- 128 (b) The exemptions in this section apply regardless of whether:
- 129 (i) a parent or legal guardian provides education instruction to the parent's or legal  
130 guardian's child alone or in cooperation with other parents or legal guardians

131                    similarly exempted under this section; or  
132                    (ii) the parent or legal guardian makes payment for educational services the parent's  
133                    or legal guardian's child receives.

134                    Section 2. **Effective date.**

135                    This bill takes effect on May 1, 2024.