HOME SCHOOL AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Osmond

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions pertaining to home school students.

Highlighted Provisions:

This bill:

- modifies procedures for excusing from public school attendance a school-age minor who attends a home school;
- eliminates instructional requirements for a school-age minor who attends a home school;
- requires a school district or charter school to:
  - assess the academic knowledge and skills of a home school student who enrolls full-time in a public school; and
  - give primary consideration to the student's academic knowledge and skills in assigning the student's grade level; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

S.B. 39

28 53A-11-102, as last amended by Laws of Utah 2009, Chapter 335
29 ENACTS:
30 53A-11-102.7, Utah Code Annotated 1953
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32 *Be it enacted by the Legislature of the state of Utah:*
33 Section 1. Section **53A-11-102** is amended to read:
34 **53A-11-102. Minors exempt from school attendance.**
35 (1) (a) A [~~school-age minor may be excused~~] local school board or charter school
36 governing board may excuse a school-age minor from attendance [~~by the local board of~~
37 ~~education and a parent exempted from application of Subsections 53A-11-101.5(2), (5), and~~
38 ~~(6)~~] for any of the following reasons:
39 (i) a school-age minor over age 16 may receive a partial release from school to enter
40 employment, or attend a trade school, if the school-age minor has completed the eighth grade;
41 or
42 (ii) on an annual basis, a school-age minor may receive a full release from attending a
43 public, regularly established private, or part-time school or class if:
44 (A) the school-age minor has already completed the work required for graduation from
45 high school, or has demonstrated mastery of required skills and competencies in accordance
46 with Subsection 53A-15-102(1);
47 (B) the school-age minor is in a physical or mental condition, certified by a competent
48 physician if required by the [~~district board~~] local school board or charter school governing
49 board, which renders attendance inexpedient and impracticable;
50 (C) proper influences and adequate opportunities for education are provided in
51 connection with the school-age minor's employment; or
52 (D) the district superintendent or charter school governing board has determined that a
53 school-age minor over the age of 16 is unable to profit from attendance at school because of
54 inability or a continuing negative attitude toward school regulations and discipline.
55 (b) [~~Minors~~] A school-age minor receiving a partial release from school under
56 Subsection (1)(a)(i) [~~are~~] is required to attend:
57 (i) school part-time as prescribed by the local school board or charter school governing
58 board; or

59 (ii) a home school part-time.
60 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)
61 must be sufficient to satisfy the local school board or charter school governing board.
62 (d) A local school board or charter school governing board that excuses a school-age
63 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor
64 is excused from attendance during the time specified on the certificate.
65 (2) (a) [~~On an annual basis,~~] A local school board shall excuse a school-age minor
66 [~~shall be excused~~] from attendance [~~by a local board of education and a parent exempted from~~
67 ~~application of Subsections 53A-11-101.5(2), (5), and (6)~~], if the school-age minor's parent files
68 a signed and notarized affidavit with the school-age minor's school district of residence, as
69 defined in Section 53A-2-201, that:
70 (i) the school-age minor will attend a home school [~~and receive instruction as required~~
71 ~~by Subsection (2)(b).~~]; and
72 [~~(b) Each minor who attends a home school shall receive instruction:~~]
73 [~~(i) in the subjects the State Board of Education requires to be taught in public schools~~
74 ~~in accordance with the law; and~~]
75 [~~(ii) for the same length of time as minors are required by law to receive instruction in~~
76 ~~public schools, as provided by rules of the State Board of Education.~~]
77 (ii) the parent assumes sole responsibility for the education of the school-age minor,
78 except to the extent the school-age minor is dually enrolled in a public school as provided in
79 Section 53A-11-102.5.
80 (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall
81 remain in effect as long as:
82 (i) the school-age minor attends a home school; and
83 (ii) the school district where the affidavit was filed remains the school-age minor's
84 district of residence.
85 (c) [~~Subject to the requirements of Subsection (2)(b), a~~] A parent of a school-age minor
86 who attends a home school is solely responsible for:
87 (i) the selection of instructional materials and textbooks;
88 (ii) the time, place, and method of instruction, and
89 (iii) the evaluation of the home school instruction.

90 (d) A local school board may not:
91 (i) require a parent of a school-age minor who attends a home school to maintain
92 records of instruction or attendance;
93 (ii) require credentials for individuals providing home school instruction;
94 (iii) inspect home school facilities; or
95 (iv) require standardized or other testing of home school students.
96 [~~(3) (a) Boards excusing minors~~]
97 (e) Upon the request of a parent, a local school board shall identify the knowledge,
98 skills, and competencies a student is recommended to attain by grade level and subject area to
99 assist the parent in achieving college and career readiness through home schooling.
100 (f) A local school board that excuses a school-age minor from attendance as provided
101 by [~~Subsections (1) and~~] this Subsection (2) shall issue a certificate stating that the school-age
102 minor is excused from attendance [~~during the time specified on the certificate.~~] as long as:
103 (i) the school-age minor attends a home school; and
104 (ii) the school district where the affidavit was filed remains the school-age minor's
105 district of residence.
106 [~~(b)~~] (g) A local school board shall issue a certificate excusing a school-age minor from
107 attendance within [~~30~~] 60 days after receipt of a signed and notarized affidavit filed by the
108 school-age minor's parent pursuant to Subsection (2).
109 (3) The parent of a school-age minor is exempt from the application of Subsections
110 53A-11-101.5(2), (5), and (6), if a school district or charter school excuses the school-age
111 minor from attendance as provided in Subsection (1) or (2).
112 (4) Nothing in this section may be construed to prohibit or discourage voluntary
113 cooperation, resource sharing, or testing opportunities between a school or school district and a
114 parent or guardian of a minor attending a home school.
115 Section 2. Section **53A-11-102.7** is enacted to read:
116 **53A-11-102.7. Assessment of a home school student who enrolls full time in a**
117 **public school.**
118 (1) For the purposes of this section, "home school student" means a student who
119 attends a home school pursuant to Section 53A-11-102.
120 (2) A school district or charter school shall assess the academic knowledge and skills

121 of a home school student who enrolls full time in a public school.
122 (3) In assigning a grade level to a home school student who enrolls full time in a public
123 school, a school district or charter school shall give primary consideration to the student's
124 academic knowledge and skills.
125 (4) (a) A parent may request a subsequent assessment of a student's academic
126 knowledge and skills if a school district or charter school assigns the student to a grade or class
127 level that is below the student's age level based on the student's performance on an initial
128 assessment.
129 (b) A school district or charter school may require a parent to pay a fee for a
130 subsequent assessment administered pursuant to Subsection (4)(a).

Legislative Review Note
as of 1-6-14 1:05 PM

Office of Legislative Research and General Counsel