

Senator Aaron Osmond proposes the following substitute bill:

HOME SCHOOL AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Osmond

House Sponsor: John Knotwell

Cosponsor: Mark B. Madsen

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;
- ▶ specifies procedures for the placement of a home school student who transfers to a public school; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



25 AMENDS:

26 **53A-11-102**, as last amended by Laws of Utah 2009, Chapter 335

27 ENACTS:

28 **53A-11-102.7**, Utah Code Annotated 1953

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

31 Section 1. Section **53A-11-102** is amended to read:

32 **53A-11-102. Minors exempt from school attendance.**

33 (1) (a) A [~~school-age minor may be excused~~] local school board or charter school
34 governing board may excuse a school-age minor from attendance [~~by the local board of~~
35 ~~education and a parent exempted from application of Subsections 53A-11-101.5(2), (5), and~~
36 ~~(6)~~] for any of the following reasons:

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

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

42 (A) the school-age minor has already completed the work required for graduation from
43 high school, or has demonstrated mastery of required skills and competencies in accordance
44 with Subsection **53A-15-102(1)**;

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

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

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

53 (b) [~~Minors~~] A school-age minor receiving a partial release from school under
54 Subsection (1)(a)(i) [~~are~~] is required to attend:

55 (i) school [~~part-time~~] part time as prescribed by the local school board or charter school

56 governing board; or

57 (ii) a home school [~~part-time~~] part time.

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

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

63 (2) (a) [~~On an annual basis;~~] A local school board shall excuse a school-age minor
64 [~~shall be excused~~] from attendance [~~by a local board of education and a parent exempted from~~
65 ~~application of Subsections 53A-11-101.5(2), (5), and (6)],~~ if the school-age minor's parent files
66 a signed and notarized affidavit with the school-age minor's school district of residence, as
67 defined in Section 53A-2-201, that:

68 (i) the school-age minor will attend a home school [~~and receive instruction as required~~
69 ~~by Subsection (2)(b).]; and~~

70 [~~(b) Each minor who attends a home school shall receive instruction;~~

71 [~~(i) in the subjects the State Board of Education requires to be taught in public schools~~
72 ~~in accordance with the law; and]~~

73 [~~(ii) for the same length of time as minors are required by law to receive instruction in~~
74 ~~public schools, as provided by rules of the State Board of Education.]~~

75 (ii) the parent assumes sole responsibility for the education of the school-age minor,
76 except to the extent the school-age minor is dual enrolled in a public school as provided in
77 Section 53A-11-102.5.

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

80 (i) the school-age minor attends a home school; and

81 (ii) the school district where the affidavit was filed remains the school-age minor's
82 district of residence.

83 (c) [~~Subject to the requirements of Subsection (2)(b), a~~] A parent of a school-age minor
84 who attends a home school is solely responsible for:

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

86 (ii) the time, place, and method of instruction[;]; and

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

88 (d) A local school board may not:

89 (i) require a parent of a school-age minor who attends a home school to maintain
90 records of instruction or attendance;

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

92 (iii) inspect home school facilities; or

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

94 [~~(3)(a) Boards excusing minors~~]

95 (e) Upon the request of a parent, a local school board shall identify the knowledge,
96 skills, and competencies a student is recommended to attain by grade level and subject area to
97 assist the parent in achieving college and career readiness through home schooling.

98 (f) A local school board that excuses a school-age minor from attendance as provided
99 by [Subsections (1) and (2) shall] this Subsection (2) shall annually issue a certificate stating
100 that the school-age minor is excused from attendance [during the time specified on the
101 certificate] for the specified school year.

102 [~~(b)~~] (g) A local school board shall issue a certificate excusing a school-age minor from
103 attendance:

104 (i) within 30 days after receipt of a signed and notarized affidavit filed by the
105 school-age minor's parent pursuant to Subsection (2)[-]; and

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

107 (A) the school-age minor enrolls in a school within the school district;

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

110 (C) the school-age minor's parent or guardian notifies the school district that the
111 school-age minor's school district of residence has changed.

112 (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a)
113 is exempt from the application of Subsections 53A-11-101.5(2), (5), and (6).

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

117 Section 2. Section **53A-11-102.7** is enacted to read:

118 53A-11-102.7. Placement of a home school student who transfers to a public
 119 school.

120 (1) For the purposes of this section, "home school student" means a student who
 121 attends a home school pursuant to Section [53A-11-102](#).

122 (2) When a home school student transfers from a home school to a public school, the
 123 public school shall place the student in the grade levels, classes, or courses that the student's
 124 parent or guardian ~~H~~→ **[determines] and in consultation with the school administrator**
 124a **determine** ←~~H~~ are appropriate based on the parent's or guardian's assessment of
 125 the student's academic performance.

126 (3) (a) Within 30 days of a home school student's placement in a public school grade
 127 level, class, or course, either the student's teacher or the student's parent or guardian may
 128 request a conference to consider changing the student's placement.

129 (b) If the student's teacher and the student's parent or guardian agree on a placement
 130 change, the public school shall place the student in the agreed upon grade level, class, or
 131 course.

132 (c) If the student's teacher and the student's parent or guardian do not agree on a
 133 placement change, the public school shall evaluate the student's subject matter mastery in
 134 accordance with Subsection (3)(d).

135 (d) The student's parent or guardian has the option of:

136 (i) allowing the public school to administer, to the student, assessments that are:

137 (A) regularly administered to public school students; and

138 (B) used to measure public school students' subject matter mastery and determine
 139 placement; or

140 (ii) having a private entity or individual administer assessments of subject matter
 141 mastery to the student at the parent's or guardian's expense.

142 (e) After an evaluation of a student's subject matter mastery, a public school may
 143 change a student's placement in a grade level, class, or course.

144 (4) This section does not apply to a student who is dual enrolled in a public school and
 145 a home school pursuant to Section [53A-11-102.5](#).