53G-6-204. School-age children exempt from school attendance. Effective 7/1/2020

(1) 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 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;
      (B) the school-age child is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;
      (C) proper influences and adequate opportunities for education are provided in connection with the school-age child's employment; or
      (D) the district superintendent or charter school governing board has determined that a school-age child over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

(b) A school-age child receiving a partial release from school under Subsection (1)(a)(i) is required to attend:
   (i) school part time as prescribed by the local school board or charter school governing board; or
   (ii) a home school part time.

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

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

(2) A local school board shall excuse a school-age child from attendance, if the school-age child's parent files a signed and notarized affidavit with the school-age child's school district of residence, as defined in Section 53G-6-302, that:
   (i) the school-age child will attend a home school; and
   (ii) the parent assumes sole responsibility for the education of the school-age child, except to the extent the school-age child is dual enrolled in a public school as provided in Section 53G-6-702.

(b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall remain in effect as long as:
   (i) the school-age child attends a home school; and
   (ii) the school district where the affidavit was filed remains the school-age child's district of residence.

(c) A parent of a school-age child who attends a home school is solely responsible for:
   (i) the selection of instructional materials and textbooks;
   (ii) the time, place, and method of instruction; and
   (iii) the evaluation of the home school instruction.

(d) A local school board may not:
   (i) require a parent of a school-age child who attends a home school to maintain records of instruction or attendance;
   (ii) require credentials for individuals providing home school instruction;
   (iii) inspect home school facilities; or
   (iv) require standardized or other testing of home school students.

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

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

(g) A local school board shall issue a certificate excusing a school-age child from attendance:
   (i) within 30 days after receipt of a signed and notarized affidavit filed by the school-age child's parent pursuant to this Subsection (2); and
   (ii) on or before August 1 each year thereafter unless:
      (A) the school-age child enrolls in a school within the school district;
      (B) the school-age child's parent notifies the school district that the school-age child no longer attends a home school; or
      (C) the school-age child's parent notifies the school district that the school-age child's school district of residence has changed.

(3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a) is exempt from the application of Subsections 53G-6-202(2), (5), and (6).

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

Amended by Chapter 14, 2020 Special Session 5