

Utah Home School Statute

“A local school board shall excuse a school-age minor from attendance, if the school-age minor’s parent files a signed and notarized affidavit with the school-age minor’s school district of residence.” See Utah Code Ann. § 53A-11-102(2).

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| Notification: | Parents must submit “a signed and notarized affidavit” that includes the district of residence and states that “the school-age minor will attend a home school” and that “the parent assumes sole responsibility for the education of the school-age minor.” See <u>Utah Code Ann. §§ 53A-11-102(2)(a)</u> . This affidavit remains in affect for the duration of homeschooling, and parents need only file a new affidavit if the student moves to another school district. See <u>Utah Code Ann. §§ 53A-11-102(2)(a)</u> . Each year, the school district must issue “a certificate stating that the school-age minor is excused from attendance for the specified school year.” See <u>Utah Code Ann. §§ 53A-11-102(2)(f)</u> . |
| Qualifications: | None. |
| Days or hours: | None. Parents were previously required to provide instruction for the same length of time as the state’s public schools, but this requirement <u>was repealed</u> in 2014. |
| Subjects: | None. Parents were previously required to provide instruction in the same subjects required to be taught in the state’s public schools, but this requirement <u>was repealed</u> in 2014. |
| Bookkeeping: | None. |
| Assessment: | None. |
| Intervention: | (1) Students whose parents do not file the required affidavit will not be exempt from compulsory school attendance. (2) Failure to educate is included in the state’s definition of neglect, which states that “a child may not be considered to be educationally neglected . . . if the child’s parent or guardian establishes by a preponderance of evidence that . . . the child is being instructed at home in compliance with <u>Section 53A-11-102</u> [the section of the code that includes the homeschool statute].” See <u>Utah Code Ann. § 78A-6-319(2)(b)(ii)</u> . Unfortunately, as of April 2014, Section 53A-11-102 no longer requires homeschooling parents to provide instruction. Thus any child whose parents have turned in the required annual notice is de facto “being instructed at home in compliance with Section 53A-11-102. |
| Other: | (1) The homeschool statute states that parents are solely responsible for choosing the textbooks, method of instruction, and evaluation, and forbids school boards from requiring bookkeeping, parent credentials, home visits, or testing. See <u>Utah Code Ann. § 53A-11-102(2)(c-d)</u> . (2) “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 or guardian of a minor attending a home school.” See <u>Utah Code Ann. § 53A-11-102(4)</u> . |

Services Available to Homeschooled Students

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| Part-time enrollment: | Yes. Homeschooled students are eligible for dual enrollment in both public and charter schools. <u>Utah Code § 53A-11-102.5(3)</u> . |
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| Extracurriculars: | Yes. Homeschooled students have full access to participation in extracurricular activities. The parent must submit an affidavit indicating that the student has met academic eligibility requirements. If a question arises, the superintendent may create a panel to determine the student's academic eligibility. School districts may not impose requirements on homeschooled students that are not imposed on other students. <u>Utah Code § 53A-11-102.6</u> |
| Special needs: | Yes. All public schools must offer special needs testing to any students within their districts. Further, homeschooled students may be able to obtain special needs services through dual enrollment in their local public school. |
| Other: | "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." See <u>Utah Code Ann. § 53A-11-102(2)(e)</u> . |

Background:

Before SB 39 was signed by the governor on April 1, 2014, state law required homeschooling parents to provide instruction in the same subjects required to be taught in the state's public schools. This bill was ostensibly repealed to give parents more freedom to educate their children as they see fit, but in practice legalized educational neglect in the state.

Resources:

Utah Code Ann. § 53A-11-102(2)

Home School, Utah State Office of Education

Frequently Asked Questions about School District Responsibilities and Home Schools, Utah State Office of Education

Utah, International Center for Home Education Research