

## FREQUENTLY ASKED QUESTIONS ABOUT HOME SCHOOLS AND SCHOOL DISTRICT/CHARTER SCHOOL RESPONSIBILITIES

**1. What may a school district require of a parent who wishes to exempt a school age child from school attendance?**

Parents shall submit a signed affidavit<sup>1</sup> available at the resident school district or charter school to the school age child's school district of residence stating that the child will attend full time home school and that the parent assumes full responsibility for the child's education. The affidavit and exemption will remain in effect as long as the student(s) attends a home school and the school district/charter school where the affidavit was filed remains the student's district of residence.

**2. May the school district impose additional requirements on parents who wish to exempt a school age child from school attendance?**

A school district may request reasonable information from a parent for purposes of exemption for home schooling. The requested information should be adequate to verify the identity of the student and may include such information as parent(s)' names, phone numbers, street address, children's date of birth, verified by a birth certificate, and other reasonable information that allows the school/school district to confirm the student's identity and eligibility for public school attendance.

**3. When a parent has submitted the signed affidavit as provided for in the statute, is a school district required to provide a certificate excusing a school age child from school attendance?**

Yes. Boards excusing minors from attendance as provided by the statute shall issue a certificate stating that the minor is excused from attendance during the time specified on the certificate. Once the affidavit has been submitted with all required information, the certificate must be provided to parent(s) within 30 days. This certificate must be provided to parents for children excused for home schooling **annually** unless and until the local board knows the child is no longer in home schooling.

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<sup>1</sup> "Affidavit" means "a written/printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oaths or affirmations [such as a notary public]." ([Model Affidavit and Exemption Certificate for Home Instruction](#))

**4. Can a charter school excuse a student from compulsory school attendance?**

Yes. A charter school can excuse a student fully or partially from school.

- The student may be fully released if:
  - the student has completed the work for graduation or has demonstrated mastery of required skills and competencies;
  - a student's physical or medical conditions, renders attendance "inexpedient and impracticable." This must be certified by a competent physician only if required by the school board/charter school governing board;
  - proper and adequate opportunities exist for the student to be educated in connection with his employment; or
  - a student who is at least 16, is unable to profit from school attendance because of "inability or a continuing negative attitude toward school regulations and discipline," as determined by the local school board/local charter.
- A student can receive a partial release from school, if the student is at least 16 and has completed the eighth grade and:
  - the local board or charter governing board determines that student should attend school part time; or
  - attend home school part time.

**5. What is the responsibility of the school district for curriculum, assessment, selection of materials, evaluation of home school instruction, or designating the time and place of instruction?**

The district has no authority or responsibility relative to any of the above. In fact, the curriculum, assessment, selection of home school instruction, and the time and place of instruction are all the parent's sole responsibility.

**6. May the school or district make textbooks, assessments, resource materials available to home school parents?**

Yes, at the school's/district's discretion.

**7. My home schooled daughter who is in 5th grade wants to attend the local school Valentines party. How should I make arrangements for her attendance?**

Contact your daughter's boundary school. You can find the boundary school by calling the local school district. Most school districts have websites that provide school names and contact information. Contact a 5<sup>th</sup> grade teacher at the school (if you know one) or contact the school principal. Explain your request. Schools should be accommodating.

**8. My home schooled son wants to participate in the third grade reading program. How can I arrange this?**

If an (elementary) home schooled student wants to participate in “an academic activity” for a portion of the school day or on a regular basis, parent should contact the school and arrange for the student’s attendance. The parent would understand and accept that the school may set administrative parameters for the student’s participation. For the child’s safety and for the school’s accountability, school may request parent contact information and emergency contact information prior to the child’s participation. If the academic program or activity includes field trips, parent(s) may be asked to accompany the student, at the school’s discretion.

**9. If my 3rd grade home schooled child wants to be dually enrolled (enrollment in public school for part of the school day or for a specific school activity to participate in a part of the curriculum such as language arts), what can I expect from the school?**

The school can require that the parent has filed the Affidavit described under Question #1, above. The school should explain that reading is generally scheduled from 10-11 a.m. on Tuesday and Thursday and that the child is welcome to attend, but that the schedule may change from time to time without advance notice to parents. It is more difficult—sometimes impossible—for a parent to expect that a child can participate in “language arts” every day at exactly the same time. Both parents and teachers should be flexible and cooperative.

**10. My high-school age home schooled son wants to participate in high school athletics or extracurricular activities. What rules apply?**

Home schooled or private school students may participate consistent with Utah Code Section 53A-11-102.5 and 102.6 and R277-438. Student should not be required to enroll in public school courses in addition to any classes required for participation in the activity (e.g. participation in a chorus class may require child to be enrolled in 6<sup>th</sup> period Concert Choir; varsity wrestling may require a 1<sup>st</sup> period weight training class). But student should not be required to enroll in a specific number of classes (in addition to the class connected to the desired activity) in order to participate in the selected extracurricular activity.

**11. I home school my 9th grade daughter. She takes two courses through Washington K-12, an online public school program. I would like her to take a music class and a debate class at the local high school. How can I arrange this?**

Washington K-12 can claim daughter for 2/7 of the state funding amount (this is called a WPU or weighted pupil unit). Local high school can claim daughter for 2/7 of the WPU. The state pupil accounting system allows each school to claim its part of the WPU but does not allow one student to be funded for more than 7/7 of a WPU. All of this sharing of the WPU is *discretionary* with all public school parties.

**12. How does SB 39 (2014 Legislative Session, now found in Sections 53A-11-102 and 53A-11-102.7), change a school district or charter school's interaction with home school parents and children?**

- Charter schools can now release a student for any of the reasons listed in #4, above. Previously all students had to be released for home schooling by their resident district.
- Schools can no longer require that home schooled students receive instruction (from parents) consistent with the standards and time periods determined by the State Board.
- Charter schools may release students, but it is the resident district's responsibility to send the Certificate annually to parents/students who continue in home schooling.
- How a student is placed by a district/charter school when the student comes from home schooling is different. The school "shall place the student" in the "grade levels, classes, or courses" that the student's parent determines—in consultation with the school administrator—are appropriate based on the "student's academic performance."
- After 30 days, either the parent or the school can request a conference to consider changing the student's placement.
  - If they agree, the student changes placement.
  - If they do not agree, the school evaluates the student's "subject matter mastery."
  - Parent can allow this assessment or have a private assessment at the parent's expense.
  - Following this assessment, the school may change a student's placement in a grade level, class or course.

**13. Does this law affect a student's placement following an evaluation or assessment under IDEA?**

The law does not specifically answer this question, but USOE specialists believe that federal IDEA should be followed to determine the placement of a student who qualifies for services under IDEA.

**14. How does this law affect a student's placement or participation in courses or classes that have eligibility criteria including elementary gifted and talented programs, secondary music or chorus programs, concurrent enrollment under Section 53A-15-102, secondary honors and AP programs and other special programs.**

Again, the law does not specifically answer this question. USOE specialists believe that school districts and charter schools can rely on objective eligibility criteria for programs and courses for which students and parents have received adequate notice when the standards and criteria are fairly applied.

## LINKS OF INTEREST

Minors Exempt from School Attendance Law - [53A-11-102](#)

Dual Enrollment Law - [53A-11-102.5](#)

Dual Enrollment Rule - [R277-438](#)

Private School and Home School Students' Participation in Extracurricular Activities in a Public School Law - [53A-11-102.6](#)

Pupil Accounting Rule - [R277-419](#)

Private School, Home School, Electronic High School (EHS), and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests Rule - [R277-604](#)

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