

CHILD ABUSER EDUCATION RESTRICTIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Chris H. Wilson

Cosponsors: Jon Hawkins

Melissa G. Ballard

LONG TITLE

General Description:

This bill prohibits an individual who has committed child abuse from the exempting the individual's child from required school attendance.

Highlighted Provisions:

This bill:

- ▶ prohibits an individual who has committed child abuse from exempting the individual's child from required school attendance; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-6-204, as last amended by Laws of Utah 2021, Chapter 359

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

Section 1. Section **53G-6-204** is amended to read:

53G-6-204. School-age children exempt from school attendance.

29 (1) (a) A local school board or charter school governing board may excuse a school-age
30 child from attendance for any of the following reasons:

31 (i) a school-age child over age 16 may receive a partial release from school to enter
32 employment, or attend a trade school, if the school-age child has completed grade 8; or

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

35 (A) the school-age child has already completed the work required for graduation from
36 high school;

37 (B) the school-age child is in a physical or mental condition, certified by a competent
38 physician if required by the local school board or charter school governing board, which
39 renders attendance inexpedient and impracticable;

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

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

45 (b) A school-age child receiving a partial release from school under Subsection
46 (1)(a)(i) is required to attend:

47 (i) school part time as prescribed by the local school board or charter school governing
48 board; or

49 (ii) a home school part time.

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

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

55 (2) (a) (i) As used in this Subsection (2)(a), "child abuse" means a criminal felony or
56 attempted felony offense of which an individual is convicted, or to which an individual pleads

57 guilty or no contest, for conduct that constitutes any of the following:

58 (A) child abuse under Section 76-5-109;

59 (B) aggravated child abuse under Section 76-5-109.2;

60 (C) child abandonment under Section 76-5-109.3;

61 (D) commission of domestic violence in the presence of a child under Section
62 76-5-114;

63 (E) child abuse homicide under Section 76-5-208;

64 (F) child kidnapping under Section 76-5-301.1;

65 (G) human trafficking of a child under Section 76-5-308.5;

66 (H) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or in Title 76,
67 Chapter 5b, Part 2, Sexual Exploitation, if the victim is under 18 years old;

68 (I) sexual exploitation of a minor under Section 76-5b-201;

69 (J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or

70 (K) an offense in another state that, if committed in this state, would constitute an
71 offense described in this Subsection (2)(a)(i).

72 (ii) [A] Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a
73 school-age child from attendance, if the school-age child's parent or legal guardian files a
74 signed and notarized affidavit with the school-age child's school district of residence, as
75 defined in Section 53G-6-302, that:

76 [(i)] (A) the school-age child will attend a home school; and

77 [(ii)] (B) the parent or legal guardian assumes sole responsibility for the education of
78 the school-age child, except to the extent the school-age child is dual enrolled in a public
79 school as provided in Section 53G-6-702.

80 (iii) If a parent or legal guardian has been convicted of child abuse or if a court of
81 competent jurisdiction has made a substantiated finding of child abuse against the parent or
82 legal guardian:

83 (A) the parent or legal guardian may not assume responsibility for the education of a
84 school-age child under Subsection (2)(a)(ii); and

85 (B) the local school board may not accept the affidavit described in Subsection
86 (2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age child from
87 attendance under Subsection (2)(a)(ii) in relation to the parent's or legal guardian's intent to
88 home school the child.

89 (iv) Nothing in this Subsection (2)(a) affects the ability of another of a child's parents
90 or legal guardians who is not prohibited under Subsection (2)(a)(iii) to file the affidavit
91 described in Subsection (2)(a)(ii).

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

94 (i) the school-age child attends a home school; [~~and~~]

95 (ii) the school district where the affidavit was filed remains the school-age child's
96 district of residence[-]; and

97 (iii) the parent or legal guardian who filed the signed and notarized affidavit has not
98 been convicted of child abuse or been the subject of a substantiated finding of child abuse by a
99 court of competent jurisdiction.

100 (c) A parent or legal guardian of a school-age child who attends a home school is
101 solely responsible for:

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

103 (ii) the time, place, and method of instruction; and

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

105 (d) A local school board may not:

106 (i) require a parent or legal guardian of a school-age child who attends a home school
107 to maintain records of instruction or attendance;

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

109 (iii) inspect home school facilities; or

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

111 (e) Upon the request of a parent or legal guardian, a local school board shall identify
112 the knowledge, skills, and competencies a student is recommended to attain by grade level and

113 subject area to assist the parent or legal guardian in achieving college and career readiness
114 through home schooling.

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

118 (g) A local school board shall issue a certificate excusing a school-age child from
119 attendance:

120 (i) within 30 days after receipt of a signed and notarized affidavit filed by the
121 school-age child's parent [~~pursuant to~~] or legal guardian under this Subsection (2); and

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

123 (A) the school-age child enrolls in a school within the school district;

124 (B) the school-age child's parent or legal guardian notifies the school district that the
125 school-age child no longer attends a home school; or

126 (C) the school-age child's parent or legal guardian notifies the school district that the
127 school-age child's school district of residence has changed.

128 (3) A parent or legal guardian who is eligible to file and files a signed and notarized
129 affidavit [~~as provided in~~] under Subsection (2)(a) is exempt from the application of Subsections
130 [53G-6-202](#)(2), (5), and (6).

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

134 (b) The exemptions in this section apply regardless of whether:

135 (i) a parent or legal guardian provides education instruction to the parent's or legal
136 guardian's child alone or in cooperation with other parents or legal guardians similarly
137 exempted under this section; or

138 (ii) the parent or legal guardian makes payment for educational services the parent's or
139 legal guardian's child receives.