



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** J - Students  
**POLICY TITLE:** Compulsory Education / Home School  
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### **1. PURPOSE AND PHILOSOPHY**

It is the intent of the Board of Education of Nebo School District to fully comply with the compulsory education requirements of Utah state law. The Board recognizes the rights of parents/legal guardians to enroll their children in educational programs other than public schools, so long as those alternative educational programs meet the requirements of applicable state law.

### **2. DEFINITIONS**

- 2.1. **"Home School"** means a school comprised of one or more students officially excused from compulsory public school attendance under this policy and Utah Code Ann., §53A-11-102 (Utah Administrative Code, R277-438-1).
- 2.2. **"Parent"** or **"Parents"** means a natural or adoptive parent(s) and legal guardian(s).
- 2.3. **"Private School"** means a school satisfying the following criteria (Utah Administrative Code, R277-438-1):
  - 2.3.1. Maintained by private individuals or entities;
  - 2.3.2. Maintained and operated not at public expense;
  - 2.3.3. Generally supported, in part at least, by tuition or fee charges;
  - 2.3.4. Operated as a substitute for, and giving the equivalent of, instruction required in public schools;
  - 2.3.5. Employing teachers able to provide the same quality of education as public school teachers;

- 2.3.6. Established to operate indefinitely and independently, not dependent upon the age of the students available or upon individual family situations; AND
- 2.3.7. Licensed as a business by the Utah Department of Business Regulations.

2.4. "Minor Student" or "Student" means a person who is at least six years old, but younger than 18 years old, and is not emancipated according to Utah law.

### 3. COMPULSORY EDUCATION

Custodial parents, legal guardians, or other persons having control of a school- aged minor student between six (6) and eighteen (18) years of age are responsible for enrolling and sending the minor student to school. Resident students who are at least six (6) years of age and not more than eighteen (18) years of age shall either attend a District school, a school in another district wherein the student may be legally transferred, a charter school, a regularly established private school, or obtain a Compulsory Attendance Exemption Certificate as provided herein. The District shall report violations of this policy to the appropriate city, county, or district attorney (Utah Code Ann., §53A-11-101).

### 4. EXEMPTIONS

Students who meet one or more of the following conditions to the satisfaction of the Board shall be exempt from the compulsory education requirements and shall be given a Compulsory Attendance Exemption Certificate stating that the minor is excused from public school attendance during the time specified on the Certificate (Utah Code Ann., §53A-11-102.5):

- 4.1. A student over age sixteen (16) may receive a partial release from school to enter employment, or attend a trade school, if the student has completed the eighth (8th) grade. Minor students receiving this exemption must still attend school or home school part-time as required by the Board.
- 4.2. On an annual basis, a minor student may receive a full release from attending a public, regularly established private, or part-time school or class if any one of the following is established to the Board's satisfaction:
  - 4.2.1. The minor student has already completed the work required for graduation from high school, or has demonstrated mastery of the skills and competencies required for graduation from high school;
  - 4.2.2. The minor student is in a physical or mental condition, certified by a competent physician, which renders attendance inexpedient and impracticable;
  - 4.2.3. Proper influences and adequate opportunities for education are provided in connection with the minor student's employment;
  - 4.2.4. The Superintendent determines that the minor student, if over the age of sixteen (16), is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline; OR
  - 4.2.5. The parent of the minor student files with the District an appropriately executed Home School Affidavit stating that the minor student will attend a home school.
    - 4.2.5.1 A parent of a minor student who attends a home school is solely responsible for:
      - 4.2.5.1.1 The selection of instructional materials and textbooks;
      - 4.2.5.1.2 The time, place, and method of instruction; AND
      - 4.2.5.1.3 The evaluation of the home school instruction.

**4.2.5.2** The Board may not:

- 4.2.5.2.1** Require a parent of a minor student who attends a home school to maintain records of instruction or attendance;
- 4.2.5.2.2** Require credentials for individuals providing home school instruction;
- 4.2.5.2.3** Inspect home school facilities; OR
- 4.2.5.2.4** Require standardized or other testing of home school students.

**5. HOME SCHOOL AFFIDAVIT**

**5.1** As required by law, parents who wish to home school their minor child or children are required to notify the District by properly completing, executing, and filing with the District a signed and notarized Home School Affidavit (Utah Code Ann., §53A-11-102). The Home School Affidavit shall contain the following information:

- 5.1.1** The parent's name, address, and telephone number;
- 5.1.2** The student name(s), birth date(s), and grade level(s);
- 5.1.3** Assurance that the parent assumes sole responsibility for the education of the minor student, except to the extent the minor student is dual enrolled as provided in Utah Code Ann., §53A-11-102.5.
- 5.1.4** A signed and notarized affidavit shall remain in effect as long as the minor student attends a home school and remains a resident of the District.

**5.2** Parents who wish to home school their minor child but also enroll the child in one or more District activities, subjects, courses, or classes under the dual enrollment program outlined in Section 8 below must indicate on the Affidavit the specific courses or activities for which enrollment is sought. The Affidavit must state names of activities or courses rather than days of the week or times of day.

**6. COMPULSORY ATTENDANCE EXEMPTION CERTIFICATE**

**6.1** The District, through its Student Services Department, is charged with the following responsibilities:

- 6.1.1** The Student Services Department, after evaluating each proposed compulsory attendance exemption, will make a recommendation to the Superintendent regarding whether to issue a Compulsory Attendance Exemption Certificate to the parents.
- 6.1.2** The Superintendent will then present the matter to the Board, who will ultimately decide whether to excuse the school-age minor from public school attendance under this policy.
- 6.1.3** When the Board excuses a minor student from public school attendance pursuant to an exemption provided in this policy, the Board shall cause a Compulsory Attendance Exemption Certificate to be issued by the District excusing the minor student from attendance during the time specified on the Certificate, pursuant to Utah Code Ann., §53A-11-102. For all Board approved exemptions, the Superintendent or designee shall sign the Certificate.
- 6.1.4** When the Board excuses a minor student from attendance based on a properly completed and filed Home School Affidavit as provided in Section 5 above, the Student Services Department shall:

- 6.1.4.1** Within 30 days after receipt of the signed and notarized affidavit filed by the minor student's parents, issue to the parents a Compulsory Attendance Exemption Certificate signed by the Superintendent or designee stating that the minor student is excused from attendance for the specified school year.
- 6.1.4.2** On or before August 1 each year thereafter, issue a new Compulsory Attendance Exemption Certificate to the parents for the specified school year, unless one of the following occurs:
  - 6.1.4.2.1** The minor student enrolls in a school within the school district.
  - 6.1.4.2.2** The minor student's parent or guardian notifies the District that the school-age minor's school district of residence has changed.
  - 6.1.4.2.3** The minor student's parent or guardian notifies the school district that the minor student no longer attends home school.
- 6.1.5** Before a minor student can be withdrawn from public school, a Compulsory Attendance Exemption Certificate must be signed by the superintendent or designee and issued to the parents.

## **7. DISTRICT SERVICES**

- 7.1** Nebo School District will appropriately cooperate and assist parents who teach their children at home to help them succeed.
- 7.2** The School District recognizes that parents are ultimately responsible for their children's educational program. To help parents with their home school efforts, the District offers the following services upon request:
  - 7.2.1** Home school students may be assigned to the public school they could attend, and parents may be provided, upon request and availability, with textbooks and other materials similar to what other students receive. There may be fees required for some of these textbooks and materials.
  - 7.2.2** Home school parents have the opportunity to consult with principals and teachers, in a reasonable and appropriate manner, to help in the education of their children.
  - 7.2.3** Home school students with disabilities may be eligible for Special Education services, such as psychological evaluations, speech and hearing services, and other related services available under applicable federal and state laws and regulations.
  - 7.2.4** High school credit (maximum of two (2) credits) may be granted for preapproved and evaluated home school programs. All credit arrangements must be worked out in advance with the school principal and counselors. Some classes such as band, choir, shop, labs, etc., would require regular attendance and participation to earn credit in those subjects.
  - 7.2.5** At the request of a parent to the school principal, home school students may be allowed to participate in normally administered school assessments. (i.e., U-PASS, CRT, UBSC, Iowa Test, Special Education Assessment, etc.).

- 7.2.6 Upon the request of a parent, the District 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.

## 8. DUAL ENROLLMENT

Minor students who are enrolled in regularly established private schools or home schools may also enroll in the District schools for dual enrollment purposes. A minor student may participate in any academic activity in the District schools available to students in the minor student's grade or age group, and subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity, including attendance for the full duration of the course, class period, or activity in which the minor student is enrolled. Dual enrollment is based on courses or activities rather than days of the week or times of day. A student enrolled in a dual enrollment program is considered a student of the District for purposes of state funding to the extent of the student's participation in the District school's programs. A student attending activities or a portion of the school day under the dual enrollment program shall be subject to the same behavior and discipline rights and requirements of a full-time student, and shall be subject to administrative scheduling and teacher discretion of the traditional school (Utah Code Ann., §53A-11-102.5 & Utah Administrative Code, R277-438-1, et seq.).

## 9. EXTRA-CURRICULAR ACTIVITIES

- 9.1 Consistent with Utah Code Ann., §53A-11-102.6, Students who are exempted from compulsory public school education by the Board for instruction in a private or home school may be eligible for participation in extracurricular public school activities provided they are taking courses comparable to traditional school courses or earning credit under options outlined in the Utah Administrative Code, R277-700-6 in at least as many of the designated courses required by the Board of students for participation in that activity.
- 9.2 Dual enrollment students shall be eligible for extracurricular activities consistent with eligibility standards for fully enrolled students, including but not limited to, the by-laws of the Utah High School Activities Association. The private or home school student may only participate in extracurricular or school day activities at the public school within which boundaries the student's custodial parent(s) or legal guardian(s) reside(s) (Utah Administrative Code, R277-438-4).

## 10. FEES

Private and home school students participating in extracurricular activities or dual enrollment are responsible for school fees in the same manner as full-time public school students. School fees for private or home school students shall be waived by the school or District if required under Utah Code Ann., §53A-11-103 and Utah Administrative Code, R277-407 (Utah Administrative Code, R277-438-5).

## 11. TRANSFER TO PUBLIC SCHOOLS

- 11.1 Students who have attended a home school pursuant to Section 5 above may enroll in the District's schools consistent with Nebo School District Policy #JECB – Student Enrollment and subject to all eligibility requirements imposed by District policy and state and federal laws and regulations.
- 11.2 When a home school student transfers from a home school to a school within the District, the District will place the student in the grade levels, classes, or courses that the student's parent or guardian, in consultation with the school administrator, determine are appropriate based on the parent's or guardian's assessment of the student's academic performance. Utah Code Ann., §53A-11-102.7.

- 11.2.1 Within 30 days of a home school student's placement in a school grade level, class, or course, either the student's teacher or the student's parent or guardian may request a conference to consider changing the student's placement.
  - 11.2.2 If the student's teacher and the student's parent or guardian agree on a placement change, the school will place the student in the agreed upon grade level, class, or course.
  - 11.2.3 If the student's teacher and the student's parents or guardian do not agree on a placement change, the school will evaluate the student's subject mastery in accordance with the parent or guardian's choice between the following options:
    - 11.2.3.1 Allowing the school to administer to the student assessments that are regularly administered to students and used to measure students' subject matter mastery and determine placement; or
    - 11.2.3.2 Having a private entity or individual administer assessments of subject matter mastery to the student at the parent's or guardian's expense.
  - 11.2.4 After an evaluation of a student's subject matter mastery under Section 11.2.3, the school may change a student's placement in a grade level, class, or course.
  - 11.2.5 The Student Services Department will be responsible for coordination of student academic assessments.
- 11.3 This section does not apply to a student who is dual enrolled under Utah Code Ann., Section 53A-11-102.5.

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**EXHIBITS**

None

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**REFERENCES**

Utah Code Ann., Section 53A-11-101 - Responsibility for Minor Required to Attend School -Penalty for Violation.  
Utah Code Ann., Section 53 A-11-102 - Minors Exempt from School Attendance.  
Utah Code Ann., Section 53A-11-102.5 - Dual Enrollment.  
Utah Code Ann., Section 53A-11-102.7 – Placement of a home school student who transfers to a public school  
Utah Code Ann., Section 53A-11-103 - Duties of Boards of Education in Resolving Child's Attendance Problems, etc.  
Utah Administrative Code, R277-407-1, et seq. - School Fees.  
Utah Administrative Code, R277-438-1, et seq. - Dual Enrollment.  
Utah Administrative Code, R277-700-1, et seq. - The Elementary and Secondary School Core Curriculum.  
Utah Administrative Code, R277-700-6, et seq. - High School Requirements (Effective for Students Graduating Through the 2009-2010 School Year).  
Nebo School District Policy #JECB – Student Enrollment

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**FORMS**

Nebo School District - Affidavit and Compulsory Attendance Exemption Certificate for Home Instruction  
Superintendent Letter to Home Educator

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