



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** J - Students  
**POLICY TITLE:** Home School and Other Compulsory Education Exemptions  
**FILE No.:** JDK  
**DATED:** August 9, 2023

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### 1. PURPOSE AND PHILOSOPHY

- 1.1. The Board of Education of Nebo School District recognizes that while a student's parent is the primary person responsible for the student's education, under Utah's compulsory education laws parents are generally required to enroll their children in school unless an exemption is granted. The law outlines specific exemptions that may be granted by the Board, including for a student who will attend a home school.
- 1.2. This policy sets forth the requirements and procedures to be followed by students, parents, and the District in order for a compulsory education exemption to be granted.

### 2. DEFINITIONS

- 2.1. "**Home school**" means a school, other than a private school, comprised of one or more students officially excused from compulsory public school attendance under this policy and [UTAH CODE ANN., § 53G-6-204](#).
- 2.2. "**Parent**" means a custodial parent, legal guardian, or other person with the same authority as a custodial parent or legal guardian.
- 2.3. "**Private school**" means a school satisfying the following criteria:
  - 2.3.1. Maintained by a private individual or corporation;
  - 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 Commerce.
- 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

- 3.1. Except as otherwise provided in this policy, the parent of a minor student is required to enroll and send the student to a public or regularly established private school. [UTAH CODE ANN. § 53G-6-202](#). A public school may include a District school, a school in another district wherein the student may be legally enrolled, or a charter school. A student who is not attending a public school or a regularly established private school must obtain an exemption certificate as provided herein.
- 3.2. The District may issue a notice of compulsory education violation to a parent of a student in grade 1 through 6 in accordance with [Nebo School District Policy JDH, Student Attendance](#).
- 3.3. In accordance with [Nebo School District Policy JDH, Student Attendance](#), the District may issue a notice of truancy to a student who is in grade 7 or above and who is at least 12 years old and who is truant, as well as to the student's parent.
- 3.4. The District shall report compulsory education violations to the appropriate county or district attorney as required by law. [UTAH CODE ANN. § 53G-6-202](#).

### 4. EXEMPTIONS

#### 4.1. Board Release

- 4.1.1. 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 certificate stating that the student is excused from public school attendance during the time specified on the certificate.
  - 4.1.1.1. 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.
  - 4.1.1.2. 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:
    - 4.1.1.2.1. The minor student has already completed the work required for graduation from high school;
    - 4.1.1.2.2. The minor student is in a physical or mental condition, certified by a competent physician, which renders attendance inexpedient and impracticable;
    - 4.1.1.2.3. Proper influences and adequate opportunities for education are provided in connection with the minor student's employment;  
OR
    - 4.1.1.2.4. 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.

#### **4.2. Home School Exemption**

**4.2.1.** The Board will excuse a student from attendance if the student's parent files a signed and notarized Home School Affidavit with the District, as described in section 5, stating that:

**4.2.1.1.** the minor student will attend a home school; and

**4.2.1.2.** the parent assumes sole responsibility for the education of the student, except to the extent the student is dual enrolled as provided in section 8.

**4.2.2.** The parent of a minor student who attends a home school is solely responsible for:

**4.2.2.1.** The selection of instructional materials and textbooks;

**4.2.2.2.** The time, place, and method of instruction; AND

**4.2.2.3.** The evaluation of the home school instruction.

**4.2.3.** The Board may not:

**4.2.3.1.** Require a parent of a minor student who attends a home school to maintain records of instruction or attendance;

**4.2.3.2.** Require credentials for individuals providing home school instruction;

**4.2.3.3.** Inspect home school facilities; OR

**4.2.3.4.** 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 Coordinator of School and Student Services, or designee, a signed and notarized Home School Affidavit. 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 under section 8;

**5.1.4.** A statement that the student(s) will attend a home school;

**5.1.5.** A statement that the parent has not been convicted of child abuse or been the subject of a substantiated finding of child abuse by a court of competent jurisdiction in accordance with [UTAH CODE ANN. § 53G-6-204](#).

**5.2.** 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. A copy of the signed and notarized affidavit may be given to the parent and serves as the certificate described in subsection 6.2.

**5.3.** 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. ISSUANCE OF EXEMPTION CERTIFICATES**

- 6.1.** For a board release under subsection 4.1, a certificate may be issued according to the following procedures.
  - 6.1.1.** The Coordinator of School and Student Services will evaluate each proposed compulsory attendance exemption submitted under subsection 4.1 and make a recommendation to the Superintendent regarding whether to issue an 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 subsection 4.1, the Board shall cause a 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. § 53G-6-204](#). For all Board approved exemptions under subsection 4.1, the Superintendent or designee shall sign the Certificate.
- 6.2.** For a Home School Exemption under subsection 4.2, the following procedures apply.
  - 6.2.1.** Within 30 days after receipt of the signed and notarized affidavit described in section 5, the Board shall approve the exemption.
  - 6.2.2.** A copy of the affidavit serves as a certificate exempting the student from attendance.
  - 6.2.3.** A student may be withdrawn from school as soon as the completed affidavit is submitted to the District in accordance with section 5.

## **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.

- 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. DISTRICT PARTICIPATION

- 8.1. Dual Enrollment. Minor students who are enrolled in regularly established private schools or home schools may also enroll in District schools for dual enrollment purposes as provided in [UTAH CODE ANN. § 53G-6-702](#) and [UTAH ADMIN. CODE R277-438](#). 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 District school.
- 8.2. Extracurricular Activities. Students exempt from compulsory education requirements may be eligible for participation in extracurricular public school activities. Such participation is governed and more fully described by [UTAH CODE ANN. § 53G-6-703](#), [UTAH ADMIN. CODE R277-494](#), [Nebo School District Policy JECBA](#), [Student Eligibility for Participation in Extracurricular Activities and Athletic Transfers](#), and District administrative directives .
- 8.3. Fees. Students exempt from compulsory education requirements who also participate in extracurricular activities or dual enrollment in the District are responsible for school fees in the same manner as full-time District students as set forth in [Nebo School District Policy JN, Student Fees](#). School fees may be waived in accordance with applicable law.

## 9. TRANSFER TO PUBLIC SCHOOLS

- 9.1. 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 School Transfer](#) and subject to all eligibility requirements imposed by District policy and state and federal laws and regulations.
- 9.2. 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. § 53G-6-706](#).
- 9.2.1. 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.
- 9.2.2. 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.
- 9.2.3. 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:
- 9.2.3.1. 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

- 9.2.3.2.** Having a private entity or individual administer assessments of subject matter mastery to the student at the parent's or guardian's expense.
- 9.2.4.** After an evaluation of a student's subject matter mastery under subsection 9.2.3, the school may change a student's placement in a grade level, class, or course.
- 9.2.5.** The Student Services Department will be responsible for coordination of student academic assessments.
- 9.3.** This section does not apply to a student who is dual enrolled under [UTAH CODE ANN. § 53G-6-702](#).
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**EXHIBITS**

None

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**REFERENCES**

[UTAH CODE ANN. § 53G-6-201, et seq.](#)

[UTAH CODE ANN. § 53G-6-701, et seq.](#)

[UTAH ADMIN. CODE, R277-407](#)

[UTAH ADMIN. CODE, R277-438](#)

[UTAH ADMIN. CODE, R277-494](#)

[UTAH ADMIN. CODE, R277-700](#)

[Nebo School District Policy JDH, \*Secondary Attendance\*](#)

[Nebo School District Policy JDI, \*Elementary Attendance\*](#)

[Nebo School District Policy JECB, \*Student Enrollment and School Transfer\*](#)

[Nebo School District Policy JECBA, \*Student Eligibility for Participation in Extracurricular Activities and Athletic Transfers\*](#)

[Nebo School District Policy JN, \*Student Fees\*](#)

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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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**HISTORY**

Revised: 9 August 2023 – added requirement to affidavit that parent not be convicted of child abuse per HB 305 (2023).

Revised: 14 July 2021 – simplified process for filing homeschool affidavit and obtaining exemption certificate.

Revised: 9 September 2020 – clarified process for exemption certificates and participation in District programs and activities; made technical changes.

Revised: 12 November 2014 – clarified dual enrollment provisions.

Repeal: 10 September 2014 – Policy JECE, Compulsory Education Requirements, 14 September 1994, repealed in light of adoption of LD and JDK in 2007 and 2008.

Revised: 13 August 2014 – updated per S.B. 39 (2014).

Revised: 9 July 2008 –reformatted and renumbered from LB to JDK.

Revised: 10 January 2007.

Adopted or revised: 14 September 1994.

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