

<b>DESCRIPTOR TERM:</b>  <b>Instructional Program</b>	<b>Millard District Policy</b> <b>File Code: 5100</b>  <b>Approved: 07-13-23</b>
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**COMPULSORY EDUCATION and DISTRICT  
RELATIONSHIPS WITH CHARTER, ONLINE, HOME, AND PRIVATE SCHOOLS**

**A. Purpose**

The purpose of this policy is to outline the relationship and obligation of the Millard School District to charter schools, home schools, and private schools that are located within the boundaries of the school district. It also details and clarifies our relationship with online providers.

**B. Definitions**

1. **Accreditation** – Official recognition of evaluation and approval under the standards of the Cognia National Accreditation Association or the accreditation standards of the Utah State Board of Education. An accredited school has met specific pre-identified standards considered essential for the operation of a quality school program.
2. **Activity Fee** – A fee that is: (1) approved by the local school board or public school; (2) charged to all students to participate in an activity sponsored by or through the public school; and (3) entitles a public school student to participate in a school activity, try out for an extracurricular or co-curricular school activity, receive transportation to an activity, and attend a regularly scheduled public school activity.
3. **Charter School** -- A term for a school that receives public funding, but operates independently of the established public school system. Charter schools often offer a form of alternative education.
4. **Co-curricular Activity** – A school district or school activity, course, or experience that includes a required regular school day component and an after school component; including special programs or activities such as a program for a gifted and talented student, a summer program, a science or history fair, etc.
5. **Credit Evaluation Committee** – A review committee, appointed by the Superintendent, consisting of the District Curriculum Director, a principal, a counselor and others as determined by the Superintendent.
6. **Extracurricular Activity** – An athletic program or activity sponsored by the public school and offered, competitively or otherwise, to a public school student outside of the regular school day or program.

7. **Dual Enrollment** – A situation where a student is enrolled simultaneously in a district school and in another type of school (charter, online, home or private school). Dual enrollment students may participate in any academic activity in the schools of the district, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity. Dual enrollment students may also be eligible for participation in extracurricular and co-curricular activities. Dual enrollment students are subject to the district school's tardy and truancy policies. 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.
8. **Home School** – A small, informal, nonpermanent school comprised of one or more students officially excused from compulsory public school attendance under [Utah Code Ann. §53G-6-204](#) & [Utah Admin Rules R277-438-2\(5\)](#). Home schools are not businesses, are not licensed, do not rely upon paid staff, do not advertise or recruit students, do not charge patrons tuition or fees, and are designed to serve a finite group of students, typically from a single family. Persons having control of minors between six (6) and eighteen (18) years of age agree to accept the responsibility for providing the education of such minors at home in accordance with the law.
9. **Online School** – A formally constituted public school that offers full-time education delivered primarily over the internet. Some online schools are affiliated with charter schools, others are not.
10. **Private School** – A school satisfying the following criteria: (1) maintained by private individuals or corporations; (2) maintained and operated not at public expense; (3) generally supported, in part at least, by tuition fees or charges; (4) operated as a substitute for, and giving the equivalent of, instruction required in public schools; (5) employing teachers able to provide the same quality of education as public school teachers; (6) established to operate indefinitely and independently, not dependent upon the age of the students or upon individual family situations; and (7) licensed as a business by the Utah Department of Business Regulations.
11. **Statewide Online Education Program (SOEP)** – An online program that can be offered through districts or charters, wherein students remain fully enrolled in the Millard School District for all credit hours taken, whether they are supplied directly by the district or through SOEP. SOEPs are not considered dual enrollment programs, even though a student may be receiving instruction from two or more different agencies.

### **C. Compulsory Education**

1. The parent or legal guardian of a student who is at least six (6) years of age and not more than eighteen (18) years of age shall enroll and send his or her

- school-age minor to a public or regularly established private school during the school year of the district in which the student resides, unless exempted as indicated below.
2. Attendance shall be in district schools or in some other district to which the student may legally be transferred, or in a regularly established private school.
  3. It is a class B misdemeanor for a parent or legal guardian, after being served with a notice of compulsory education violation, to fail to enroll a school-age minor in school, unless exempted as indicated herein.
  4. The district shall report violations of this policy to the appropriate city, county or district attorney.

[\*Utah Code § 53G-6-202 \(2019\)\*](#)

#### **D. Minors Exempt from Compulsory School Attendance**

Students who meet one or more of the following conditions to the satisfaction of the Millard School District Board of Education shall be exempt from compulsory attendance requirements and shall be given a certificate, issued by the Board, stating that the minor is excused from attendance:

1. A school-age minor over age sixteen (16) may receive a partial release from school to enter employment, or attend a trade school, if the minor has completed the eighth grade, or
2. On an annual basis, a school-age minor under eighteen (18) years of age may receive a full release from attending a public, regularly established private or part-time school or class if one of the following is established to the Board's satisfaction:
  - a. The minor has already completed the work required for graduation from high school, or has demonstrated mastery of skills and competencies required for graduation in accordance with ~~Utah Code § 53F-2-501(1)~~ [Utah Code § 53G-6-202](#) .
  - b. The minor is in a physical or mental condition, certified by a competent physician, which renders attendance inexpedient and impracticable.
  - c. Proper influences and adequate opportunities for education are provided in connection with the minor's employment.
  - d. The superintendent determines that the minor, 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.

- e. The minor's parent files a signed and notarized affidavit with the school district that the minor will attend a home school and that the parent assumes sole responsibility for the education of the school-age minor except to the extent that the minor is dual-enrolled in a public school. A copy of the "*Millard School District Affidavit for Home School Instruction*" is attached to this policy.
- (1) The parent of a minor who attends a home school is solely responsible for:
    - (a) the selection of instructional materials and textbooks;
    - (b) the time, place, and method of instruction; and
    - (c) the evaluation of the home school instruction.
  - (2) The Millard School District Board of Education may not:
    - (a) require a parent of a minor who attends a home school to maintain records of instruction or attendance;
    - (b) require credentials for individuals providing home school instruction;
    - (c) inspect home school facilities; or
    - (d) require standardized or other testing of home school students.
  - (3) Upon request of a parent, the district shall identify the knowledge, skills, and competencies a student is recommended to achieve by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.
- [Utah Code § 53G-6-204 \(2019\)](#)
- f. A minor receiving a partial release in order to enter employment under item (1) above may be excused from attending required part-time school to attend home school part time.
3. When the Board of Education excuses a minor from public school attendance pursuant to an exemption other than home school, the board shall issue a certificate stating that the minor is excused from attendance during the time specified on the certificate.
  4. When the Board of Education excuses a minor from attendance under the home school exemption, the board shall annually issue a certificate excusing the minor from attendance for the specified school year. The certificate shall be issued within thirty (30) days after the initial receipt of the parent or

guardian's signed and notarized affidavit filed by the minor's parents. The board shall issue additional certificates on or before August 1 of each year thereafter unless:

- a. the minor enrolls in a district school; (If in subsequent years, the minor desires to home school again, a new affidavit will need to be submitted for board approval.)
- b. the parent or guardian notifies the district that the minor no longer attends a home school; or
- c. the parent or guardian notifies the district that the minor's district of residence has changed.

[Utah Code § 53G-6-204 \(2019\)](#)

**E. Transfer from a Charter, Online, Home or Private School to the Millard School District**

In the interest of determining an appropriate placement and curriculum, students previously enrolled in charter, online, home, or private schools who choose to enter the public schools of Millard County will be admitted according to the procedures outlined herein.

1. Charter and online students transferring to the Millard School District from another Utah school will be assigned to the grade level or subject matter in which they were enrolled in the prior school.
2. Students transferring to the district from another state will have their transcripts reviewed to determine proper grade level or subject matter placement. In instances where it is difficult to determine placement, students may be subject to the procedures outlined for private school students (3 below).
3. Private school students will be assigned a grade level as follows:
  - a. If the private school is an accredited school, the student will be placed in the same grade level or subject matter that he was enrolled in in the private school.
  - b. If the private school is not an accredited school, placement will be determined by the principal after consultation with the parents and the student.
    - (1) At the principal's discretion, he/she may use placement tests, parent consultation and other evidence of student progress to assist in proper grade level placement and/or placement in specialized programs.

- (2) The instruments of evaluation must approximate the same difficulty as those required of a regular public school student of the same age.
4. When a home school student transfers to a public school, the public school shall 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.
  - a. Within thirty (30) days of a home school student's placement in a public 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.
  - b. If the student's teacher and the student's parent or guardian agree on a placement change, the public school shall place the student in the agreed upon grade level, class, or course.
  - c. If the student's teacher and the student's parent or guardian do not agree on a placement change, the public school shall evaluate the student's subject matter mastery. The student's parent or guardian has the option of:
    - (1) allowing the public school to administer, to the student, assessments that are regularly administered to public school students, and used to measure public school students' subject matter mastery and determine placement; or
    - (2) having a private entity or individual administer assessments of subject matter mastery to the student at the parent's or guardian's expense.
    - (3) After an evaluation of a student's subject matter mastery, a public school may change a student's placement in a grade level, class, or course.
5. Credit requests for any type of instruction outside of the school district will be evaluated under the provisions provided in Section F of this policy.

#### **F. Credit/Eligibility Evaluation Procedures**

To insure equity and fairness to all students when evaluating credit earned at institutions or places not falling under the direct supervision of the Millard School District, the procedures outlined below will be followed:

1. Students may transfer credit from a charter, online, home, or private school to a public school to meet graduation requirements if the school is accredited by the Northwest Association of Schools and Colleges, or other comparable nationally recognized accrediting association. Certification must accompany the credit transcript identifying the accrediting association and the expiration date of the current accreditation.
2. Credit requests from a non-accredited school will be referred to the Credit Evaluation Committee for credit determination. Committee members will be appointed by the superintendent. Committee findings will be based on the following forms of evidence:
  - a. Course title and description;
  - b. List of instructional materials used;
  - c. Performance appraisal (must present evidence of overall achievement, including but not limited to: testing, alternative assessments/accountability measures, etc.);
  - d. Correlation of course objectives with the Utah State Core Curriculum standards and objectives;
  - e. Course length and student attendance (must present evidence of the number of days the class met, the normal class length, and the number of classes attended by the student);
  - f. Grading criteria used;
  - g. Teacher name, qualifications, licensures, endorsements, etc.;
  - h. Course requirements for credit (must present evidence of homework, portfolio, project, representative sample of student work, etc.);
  - i. Copy of student records.

(Section D-2-e-(2) [a-d]) indicates that the district cannot require documentation of coursework and records as outlined above for enrollment in public school. However, if the home school parent wants credit for homeschool coursework recorded on the transcript, such documentation is required and must be provided.)

3. In addition to the lines of evidence listed under F2, students seeking credit may be required to demonstrate competency through end-of-level testing approved by the Millard School District in areas where competency tests are available.

4. Committee procedure will provide for input from the local public school principal, as well as representatives from the school whose credit is being reviewed.
5. Costs associated with the determination of credit, including competency level testing, will be borne by the parent/guardian of the student requesting credit consideration, as determined by the District.
6. Approved credit from non-accredited institutions will be recorded on the student transcript. Grades will not be recorded, nor will they be considered in the student GPA (grade point average). A “pass” or “no pass” grade will be indicated on the transcript. An attachment of the previous school’s grade report, if provided, will be included as part of the official transcript.
7. The school and student requesting credit consideration will be notified of the committee’s decision in writing no later than ten (10) working days following the committee meeting.
8. The decision to deny credit may be appealed by the parent/guardian of the student to the district Superintendent of Schools. Requests for appeal must be written and submitted within ten (10) working days following the committee decision.
9. A student may appeal the determination of the superintendent to the Board of Education by filing a written notice of appeal with the superintendent within ten (10) days of the date the decision of the superintendent is mailed to the student. The Board will review the evidence submitted to the superintendent as well as the written findings and determination of the superintendent. The Board may request additional information if necessary. The Board may affirm or modify the superintendent’s decision. The Board’s written decision will be issued within ten (10) days of receipt of the student’s written notice of appeal. The decision of the Board is final, no additional hearings will be held.

#### **G. Dual Enrollment**

1. A student who has been exempted from compulsory public school education by the Millard School District Board of Education for instruction in a private or home school may enroll in the Millard School District and participate in a course, co-curricular activity, or program offered by the district school if the student takes courses comparable to district school courses and earns credit for them in the private or home school program in which they are enrolled.
2. A private or home school student must be enrolled in a total of at least seven (7) courses to be eligible for dual enrollment in the Millard School District. The seven (7) courses in which the student is enrolled may be a



combination of courses offered at the public, private, and/or home school.

3. A dual enrollment student is eligible to participate in a course, co-curricular activity, or program:
  - a. consistent with the eligibility standards for a full-time public school student, including providing a report card and citizenship information to the public school; and
  - b. consistent with the student's grade or age group.
4. The Millard School District shall waive the student participation fee for a dual enrollment private or home school student if the student is eligible and the parent provides required documentation.
5. Dual enrollment students attending an activity or a portion of the school day is subject to the same behavior and discipline rights and requirement of a full-time public school student.
6. A dual enrollment student who attends an activity or a portion of the school day is subject to the administrative scheduling and teacher discretion of the public school.
7. A student with a disability may participate in the dual enrollment program of the district, consistent with law.
  - a. A public school that enrolls a dual enrollment student shall prepare an IEP for a student with a disability prior to the student's participation in dual enrollment using comparable procedures to those required for identifying and evaluating public school students.
  - b. A student with a disability seeking dual enrollment is entitled to services for the time, or for the number of courses, the student is enrolled in the public school, based on the decision of the student's IEP team.
  - c. Decisions about the scheduling and manner of services provided is the responsibility of the enrolling public school and school district personnel.
8. The Millard School District does not provide the dual-enrollment option outlined above for students enrolled in charter schools.
  - a. Students enrolled in charter schools participating in the Statewide Online Education Program (SOEP) are exempt from this exclusion as they remain fully enrolled in the Millard School District for all credit hours/courses taken, whether they are provided directly by the district or through SOEP.

9. Students must be enrolled in a district school at least part of the school day to participate as a member of intramural teams; school clubs; and other school activities and functions. To hold an office in an activity club, the student must be enrolled in the school based class that generates and supports the club.
10. In order to participate as school officers, class officers, cheerleaders and similar positions, a student must be enrolled in a district school full time.

**H. Charter and Online Student Participation in Public School Extracurricular and Co-curricular Activities**

Students enrolled in charter and/or online schools, may be eligible for participation in Millard School District extracurricular and co-curricular activities.

1. Charter and Online school students may participate in an extracurricular activity at a district school if:
  - a. the extracurricular activity is not offered by the student's charter or online school;
  - b. the student meets the district school's standards and requirements for participation; and
  - c. the student's parent or guardian agrees to provide the student transportation to the district school for the extracurricular activity.
2. The charter or online school of enrollment shall determine if the charter or online school will allow students to participate in extracurricular school activities at the district school
3. The charter or online school shall pay a school participation fee of \$75.00 per student to the district school at which the charter or online student desires to participate. Upon annual payment of the school participation fee, the student may participate in all extracurricular school activities at the school during the school year for which the student is qualified and eligible.
  - a. The school participation fee is in addition to:
    - (1) the student participation fee for a specific extracurricular activity; and
    - (2) the activity fee charged to all students in a district school to supplement a school activity as assessed by the school.

- b. All fees must be paid to the district school in accordance with deadlines set by the district school.
  - c. All fees, including school participation fees, student participation fees, and activity fees shall be paid prior to the charter or online school student's participation in an activity at the district school.
  - d. If a participating charter or online school student qualifies for a fee waiver, the charter or online student's school of enrollment shall pay all waived student participation fees to the district school prior to the student's participation in an activity.
4. A charter or online school shall cooperate fully with the district school:
- a. regarding student's participation in try-outs, practices, pep rallies, team fund raising efforts, scheduled games, and required travel, etc.
  - b. providing complete and prompt reports of student academic and citizenship progress or grades, upon request.
5. Any student who has not maintained District standards for scholastic eligibility shall be ineligible to participate in extracurricular or co-curricular activities.

**I. Private and Home School Student Participation in Public School Extracurricular Activities**

Students exempted from compulsory public school education for instruction in private or home schools, for the entire school day or portions thereof, may be eligible for participation in Millard School District extracurricular and co-curricular activities.

- 1. Private and home school students may participate in an extracurricular activity at a district school if:
  - a. the extracurricular activity is not offered by the student's school;
  - b. the student's custodial parent or legal guardian lives within the attendance boundaries of the school; and
  - c. the student's parent or guardian agrees to provide the student transportation to the district school for the extracurricular activity.
- 2. A private school or home school student who participates in an extracurricular activity in a district school shall pay the same fees as required of a fully enrolled public school student. This includes the activity fee. Once the activity fee has been paid, the private or home

school student is entitled to the same benefits as a public school student activity card holder.

3. Eligibility requirements based on school attendance are not applicable to home and private school students.
4. Home and private school students meet academic eligibility requirements to participate in an extracurricular activity if:
  - a. the student is mastering the materials in each course or subject being taught; and
  - b. the student is maintaining satisfactory progress towards achievement or promotion.
5. To establish a home or private school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an affidavit to the principal indicating the student meets the academic eligibility requirements of the Millard School District.
6. Upon submission of an affidavit a home or private school student shall:
  - a. be considered to meet academic eligibility requirements; and
  - b. retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:
    - (1) a panel (see Section G10 below) determines the student does not meet academic eligibility requirements; or
    - (2) the person who submitted the affidavit under Section G5 provides notice to the school principal that the student no longer meets academic eligibility requirements.
7. A home or private school student who loses academic eligibility may not participate in an extracurricular activity until the person who submitted the affidavit provides written notice to the school principal that the student has reestablished academic eligibility. Once eligibility has been reestablished the student may participate in extracurricular activities for the remainder of the activity season.
8. A person who has probable cause to believe a home or private school student does not meet academic eligibility requirements may submit an affidavit to the principal:
  - a. asserting the student does not meet academic eligibility requirements; and

- b. providing information indicating that the student does not meet the academic eligibility requirements.
9. A principal shall review the affidavit submitted under subsection G8, and if the principal determines it contains information which constitutes probable cause to believe a student may not meet academic eligibility requirements, the principal shall convene a panel (outlined in G10) to verify the student's compliance with academic eligibility requirements.
10. The Millard School District superintendent shall appoint a panel of three individuals to verify a home or private school student's compliance with academic eligibility requirements when requested by a principal. Panelists shall be selected from nominees submitted by national, state, or regional organizations who members are home school students and parents. Of the members appointed to the panel:
  - a. one member shall have experience teaching in a public school as a licensed educator and in home schooling high school-age students;
  - b. one member shall have experience teaching in a higher education institution and in home schooling; and
  - c. one member shall have experience teaching in home schooling high school-age students.
11. The panel appointed in Section G10 above:
  - a. shall review the affidavit questioning the student's academic eligibility, submitted under Section G8 above;
  - b. may confer with the person who submitted the affidavit;
  - c. shall request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;
  - d. shall review the test scores or portfolio of work; and
  - e. shall determine whether or not the home school student meets academic eligibility requirements.
12. A student who meets academic eligibility requirements pursuant to Subsection G11 above retains academic eligibility for all extracurricular activities during the activity season for which an affidavit is submitted.
13. A panel's determination that a student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements. A student who is not in compliance with academic eligibility requirements

as determined by the panel may seek to establish academic eligibility for the next activity season.

## **References**

[Utah Code §53G-6-201](#) through [§53G-6-207](#) (2019) - Compulsory Education Requirements

[Utah Code §R277-438](#) - Dual Enrollment

[Utah Code §R277-494](#) - Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities

[Utah Code §R277-726](#) - Statewide Online Education Program

## **Forms**

Millard School District Affidavit for Home School Instruction

**MILLARD COUNTY SCHOOL DISTRICT  
AFFIDAVIT FOR HOME SCHOOL INSTRUCTION  
(For Students Ages 6-18)**

Student Name(s)		Birth Date	School Student Would Attend	Grade
Address:		City:	Zip:	Phone #:
Parent/Guardian:		Address		
E-mail:		Reason for Home Schooling:		

\*\*\*\*\* **PARENT/GUARDIAN AFFIDAVIT** \*\*\*\*\*

By signing this affidavit, the parent/guardian understands and certifies:

1. I am solely responsible for the education of my student(s), except to the extent the school-age minor is dual enrolled in a public school under Section 53G-6-202.
2. I am solely responsible for the selection of instructional materials and textbooks.
3. I am solely responsible for the time, place, and method of instruction.
4. I am solely responsible for the evaluation of the home school instruction.
5. I understand that my student(s) will not earn Millard School District credit nor qualify for a high school diploma.

My child(ren) (Names) \_\_\_\_\_ may have a disability which could qualify him/her for state or federal services consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401 et. Seq. Please contact me with further information.

My child(ren) (Names) \_\_\_\_\_ has an Individual Education Plan (IEP) under IDEA, 20 U.S.C. 1401 et. seq.

\*\*\*\*\* **CHILD ABUSER EDUCATION RESTRICTIONS\*** \*\*\*\*\*

Utah Law 53G-6-204 prohibits any individual who has committed child abuse from exempting their child from required school attendance.

I hereby certify that I have not been convicted of child abuse (nor has anyone else currently staying at our residence).

\*\*\*\*\* **TO BE SIGNED BEFORE A NOTARY** \*\*\*\*\*

By signing this affidavit, I expressly prohibit the release of any and all information contained in this document, including directory information as defined in federal law.

\_\_\_\_\_  
Signature of Parent or Guardian \_\_\_\_\_ Date

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_