

## LONG TITLE

### General Description:

This bill provides a home-based microschool and micro-education entity with certain similar duties, requirements, waivers, and rights as private and charter schools.

### Highlighted Provisions:

This bill:

- defines terms;
- requires a county and municipality to consider a home-based microschool and micro-education entity as a permitted use in all zoning districts within a county and municipality;
- identifies the occupancy requirements to which a micro-education entity is subject;
- requires a local school board to excuse a student who attends a home-based microschool or micro-education entity under certain circumstances;
- provides that an instructor of a school-age child who attends a home-based microschool or micro-education entity is solely responsible for instruction, materials, and evaluation;
- prohibits a local school board from requiring a home-based microschool or micro-education entity to provide teaching credentials, submit to inspection, and conduct testing;
- prevents government entities from regulating home-based microschool and micro-education entity food preparation and distribution under certain circumstances;
- requires a home-based microschool and micro-education entity to register as a business;
- exempts a student who attends a home-based microschool or micro-education entity from immunization requirements; and
- makes technical and conforming changes

### Utah Code Sections Affected:

#### AMENDS:

10-9a-103, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478  
10-9a-305, as last amended by Laws of Utah 2023, Chapter 16  
10-9a-529, as last amended by Laws of Utah 2023, Chapter 16  
17-27a-103, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478  
17-27a-305, as last amended by Laws of Utah 2023, Chapter 15  
32B-1-102, as last amended by Laws of Utah 2023, Chapters 328, 371 and 400  
53G-6-201, as last amended by Laws of Utah 2021, Chapters 113, 261 and 427  
53G-6-706, as last amended by Laws of Utah 2019, Chapter 293  
53G-9-301, as last amended by Laws of Utah 2023, Chapter 328

#### ENACTS:

53G-6-212, Utah Code Annotated 1953

**Section 2, Section 10-9a-305 is amended to read:**

- (f) (i) A micro-education entity may operate in a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a).
- (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):
  - (A) may have up to 100 students in the facility; and
  - (B) shall have enough space for at least 20 net square feet per student.
- (g) A micro-education entity may operate in a facility that is subject to and complies with the same occupancy requirements as a Class B Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:
  - (i) the facility has a code compliant fire alarm system and carbon monoxide detection system;
  - (ii) (A) each classroom in the facility has an exit directly to the outside at the level of exit or discharge; or
    - (B) the structure has a code compliant fire sprinkler system;
  - (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet; and
  - (iv) the facility has enough space for at least 20 net square feet per student.
- (h) (i) A home-based microschoo is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling, except that the home-based microschoo shall have enough space for at least 35 net square feet per student.
- (ii) If a floor that is below grade in a home-based microschoo is used for home-based microschoo purposes, the below grade floor of the home-based microschoo shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated by Section 15A-1-210.
- (10) Nothing in Subsection (7) prevents a political subdivision from:
  - (a) requiring a home-based microschoo or micro-education entity to comply with municipal zoning and land use regulations that do not conflict with this section, including:
    - (i) parking;
    - (ii) traffic; and
    - (iii) hours of operation;
  - (b) requiring a home-based microschoo or micro-education entity to obtain a business license;
  - (c) enacting municipal ordinances and regulations consistent with this section;
  - (d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
  - (e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

**Section 5, Section 17-27a-305 is amended to read:**

(f) (i) A micro-education entity may operate a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a).

(ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i):

(A) may have up to 100 students in the facility; and

(B) shall have enough space for at least 20 net square feet per student;

(g) A micro-education entity may operate a facility that is subject to and complies with the same occupancy requirements as a Class B Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:

(i) the facility has a code compliant fire alarm system and carbon monoxide detection system;

(ii) (A) each classroom in the facility has an exit directly to the outside at the level of exit discharge; or

(B) the structure has a code compliant fire sprinkler system;

(iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet; and

(iv) the facility has enough space for at least 20 net square feet per student.

(h) (i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling, except that the home-based microschool shall have enough space for at least 35 square feet per student.

(ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated in Section 15A-1-210.

(10) Nothing in Subsection (7) prevents a political subdivision from:

(a) requiring a home-based microschool or micro-education entity to comply with local zoning and land use regulations that do not conflict with this section, including:

(i) parking;

(ii) traffic; and

(iii) hours of operation;

(b) requiring a home-based microschool or micro-education entity to obtain a business license;

(c) enacting county ordinances and regulations consistent with this section;

(d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, cub cut, traffic circulation, and construction staging; and

(e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

(11) Notwithstanding any other provision of law, the proximity restrictions that apply to community locations do not apply to micro-education.

### **53G-6-201. Definitions.**

#### **As used in this part:**

(1) (a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.

(b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.

(2) "Educational neglect" means the same as that term is defined in Section 80-1-102.

(3) (a) "Home-based microschool" means an individual or association of individuals that:

(i) registers as a business entity in accordance with state and local laws; and

(ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.

(b) "Home-based microschool" does not include a daycare.

(4) "Instructor" means an individual who teaches a student as part of a home-based microschool or micro-education entity.

(5) (a) "Micro-education entity" means a person or association of persons that:

(i) registers as a business entity in accordance with state and local laws; and

(ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.

(b) "Micro-education entity" does not include:

(i) a daycare;

(ii) a home-based microschool;

(iii) a private school; or

(iv) a school within the public education system.

### **53G-6-212. Home-based microschool and micro-education entity waivers and exemptions.**

(1) A home-based microschool or micro-education entity:

(a) may form to provide education services to school-age children; and

(b) is not an LEA, a public school, or otherwise a part of the public education system.

(2) A local health department may not require a home-based microschool or micro-education entity to obtain a food establishment permit or undergo an inspection in order to prepare or provide food if staff of the home-based microschool or micro-education entity does not prepare and serve food.

### **Section 11. Effective date**

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This bill takes effect on May 1, 2024.