

Effective 5/12/2015

53A-15-1403 Parental right to academic accommodations.

- (1)
 - (a) A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. As such, a student's parent or guardian has the right to reasonable academic accommodations from the student's LEA as specified in this section.
 - (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.
 - (c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent or guardian as a user of the public education system.
 - (d) An accommodation under this section may only be provided if the accommodation is:
 - (i) consistent with federal law; and
 - (ii) consistent with a student's IEP if the student already has an IEP.
- (2) An LEA shall reasonably accommodate a parent's or guardian's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.
- (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a teacher or request for a change of teacher.
- (4) An LEA shall reasonably accommodate the request of a student's parent or guardian to visit and observe any class the student attends.
- (5) Notwithstanding Chapter 11, Part 1, Compulsory Education Requirements, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:
 - (a) the parent or guardian submits a written statement at least one school day before the scheduled absence; and
 - (b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.
- (6)
 - (a) An LEA shall reasonably accommodate a parent's or guardian's written request to place a student in a specialized class, a specialized program, or an advanced course.
 - (b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).
- (7) Consistent with Section 53A-13-108, which requires the State Board of Education to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by:
 - (a) testing out of the course; or
 - (b) demonstrating competency in course standards.
- (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a regularly scheduled parent teacher conference.
- (9)
 - (a) At the request of a student's parent or guardian, an LEA shall excuse a student from taking an assessment that:
 - (i) is federally mandated;
 - (ii) is mandated by the state under this title; or

- (iii) requires the use of:
 - (A) a state assessment system; or
 - (B) software that is provided or paid for by the state.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:
 - (i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:
 - (A) does not place an undue burden on a parent or guardian; and
 - (B) may be completed online; and
 - (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school grading or employee evaluations due to a student not taking a test under Subsection (9)(a).
 - (c) An LEA:
 - (i) shall follow the procedures outlined in rules made by the State Board of Education under Subsection (9)(b) to excuse a student under Subsection (9)(a);
 - (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the State Board of Education under Subsection (9)(b); and
 - (iii) may not reward a student for taking an assessment described in Subsection (9)(a).
 - (d) The State Board of Education shall:
 - (i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and
 - (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
- (10)
- (a) An LEA shall provide for:
 - (i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53A-11-903; and
 - (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline and conduct policy.
 - (b) An LEA shall notify a parent or guardian of a student's violation of a school's discipline and conduct policy and allow a parent or guardian to respond to the notice in accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.

Amended by Chapter 444, 2015 General Session