

1 **EDUCATION POLICIES FOR MILITARY**

2 **CHILDREN**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ronda Rudd Menlove**

6 Senate Sponsor: Margaret Dayton

8 **LONG TITLE**

9 **General Description:**

10 This bill enacts certain education policies related to military children.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides definitions;
- 14 ▶ allows for certain exceptions when military children transfer schools, including:
 - 15 • the use of official and unofficial education records;
 - 16 • time periods for producing official records;
 - 17 • age of school enrollment;
 - 18 • immunizations;
 - 19 • provisions related to parental consent; and
 - 20 • graduation provisions; and
- 21 ▶ makes technical changes.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53A-1-611**, as last amended by Laws of Utah 2008, Second Special Session, Chapter 6

29 **53A-3-402**, as last amended by Laws of Utah 2007, Chapter 92

30 **53A-11-302**, as last amended by Laws of Utah 1992, Chapter 129

31 **53A-11-504**, as last amended by Laws of Utah 2007, Chapter 164

32 ENACTS:

33 **53A-11-1401**, Utah Code Annotated 1953

34 **53A-11-1402**, Utah Code Annotated 1953

35 **53A-11-1403**, Utah Code Annotated 1953

36 **53A-11-1404**, Utah Code Annotated 1953



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **53A-1-611** is amended to read:

40 **53A-1-611. Standards and assessment processes to measure student performance**
41 **-- Basic skills competency test.**

42 (1) The Legislature recognizes the need for the State Board of Education to develop
43 and implement standards and assessment processes to ensure that student progress is measured
44 and that school boards and school personnel are accountable.

45 (2) (a) In addition to its responsibilities under Sections 53A-1-603 through
46 53A-1-605, the State Board of Education, through the state superintendent of public
47 instruction, shall design a basic skills competency test to be administered in the tenth grade.

48 (b) Except as provided in Subsection (5) and Section 53A-11-1404, a student must
49 pass the basic skills competency test, in addition to the established requirements of the state
50 and local board of education of the district in which the student attends school, in order to
51 receive a basic high school diploma of graduation.

52 (c) The state board shall include in the test, at a minimum, components on English
53 language arts and reading and mathematics.

54 (d) Except as provided in Subsection (5) and Section 53A-11-1404, a student who
55 fails to pass all components of the test may not receive a basic high school diploma but may
56 receive a certificate of completion or alternative completion diploma under rules made by the
57 State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative

58 Rulemaking Act.

59 (e) The state board shall make rules:

60 (i) to allow students who initially fail the test to retake all or part of the test; and

61 (ii) that take into account and are consistent with federal law relating to students with
62 disabilities in the administration of the test.

63 (3) The state board shall implement the tenth grade basic skills competency test, no
64 later than the beginning of the 2003-04 school year.

65 (4) The requirements of this section are to be complementary to the other achievement
66 testing provisions of this part.

67 (5) A student enrolled in a school district or charter school that is exempt from
68 administering the tenth grade basic skills competency test is subject to high school graduation
69 standards adopted by the State Board of Education pursuant to Section 53A-1-603.

70 Section 2. Section **53A-3-402** is amended to read:

71 **53A-3-402. Powers and duties generally.**

72 (1) Each local school board shall:

73 (a) implement the core curriculum utilizing instructional materials that best correlate
74 to the core curriculum and graduation requirements;

75 (b) administer tests, required by the State Board of Education, which measure the
76 progress of each student, and coordinate with the state superintendent and State Board of
77 Education to assess results and create plans to improve the student's progress which shall be
78 submitted to the State Office of Education for approval;

79 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
80 students that need remediation and determine the type and amount of federal, state, and local
81 resources to implement remediation;

82 (d) develop early warning systems for students or classes failing to make progress;

83 (e) work with the State Office of Education to establish a library of documented best
84 practices, consistent with state and federal regulations, for use by the local districts; and

85 (f) implement training programs for school administrators, including basic

86 management training, best practices in instructional methods, budget training, staff
87 management, managing for learning results and continuous improvement, and how to help
88 every child achieve optimal learning in core academics.

89 (2) Local school boards shall spend minimum school program funds for programs and
90 activities for which the State Board of Education has established minimum standards or rules
91 under Section 53A-1-402.

92 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
93 and equipment and construct, erect, and furnish school buildings.

94 (b) School sites or buildings may only be conveyed or sold on board resolution
95 affirmed by at least two-thirds of the members.

96 (4) (a) A board may participate in the joint construction or operation of a school
97 attended by children residing within the district and children residing in other districts either
98 within or outside the state.

99 (b) Any agreement for the joint operation or construction of a school shall:

100 (i) be signed by the president of the board of each participating district;

101 (ii) include a mutually agreed upon pro rata cost; and

102 (iii) be filed with the State Board of Education.

103 (5) A board may establish, locate, and maintain elementary, secondary, and applied
104 technology schools.

105 (6) [~~A~~] Except as provided in Subsection 53A-11-1402(3), a board may enroll
106 children in school who are at least five years of age before September 2 of the year in which
107 admission is sought.

108 (7) A board may establish and support school libraries.

109 (8) A board may collect damages for the loss, injury, or destruction of school property.

110 (9) A board may authorize guidance and counseling services for children and their
111 parents or guardians prior to, during, or following enrollment of the children in schools.

112 (10) (a) A board shall administer and implement federal educational programs in
113 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

114 (b) Federal funds are not considered funds within the school district budget under Title
115 53A, Chapter 19, School District Budgets.

116 (11) (a) A board may organize school safety patrols and adopt rules under which the
117 patrols promote student safety.

118 (b) A student appointed to a safety patrol shall be at least ten years old and have
119 written parental consent for the appointment.

120 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
121 of a highway intended for vehicular traffic use.

122 (d) Liability may not attach to a school district, its employees, officers, or agents or to
123 a safety patrol member, a parent of a safety patrol member, or an authorized volunteer
124 assisting the program by virtue of the organization, maintenance, or operation of a school
125 safety patrol.

126 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
127 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
128 devises, or bequests that are made for educational purposes.

129 (b) These contributions are not subject to appropriation by the Legislature.

130 (13) (a) A board may appoint and fix the compensation of a compliance officer to
131 issue citations for violations of Subsection 76-10-105(2).

132 (b) A person may not be appointed to serve as a compliance officer without the
133 person's consent.

134 (c) A teacher or student may not be appointed as a compliance officer.

135 (14) A board shall adopt bylaws and rules for its own procedures.

136 (15) (a) A board shall make and enforce rules necessary for the control and
137 management of the district schools.

138 (b) All board rules and policies shall be in writing, filed, and referenced for public
139 access.

140 (16) A board may hold school on legal holidays other than Sundays.

141 (17) (a) Each board shall establish for each school year a school traffic safety

142 committee to implement this Subsection (17).

143 (b) The committee shall be composed of one representative of:

144 (i) the schools within the district;

145 (ii) the Parent Teachers' Association of the schools within the district;

146 (iii) the municipality or county;

147 (iv) state or local law enforcement; and

148 (v) state or local traffic safety engineering.

149 (c) The committee shall:

150 (i) receive suggestions from parents, teachers, and others and recommend school
151 traffic safety improvements, boundary changes to enhance safety, and school traffic safety
152 program measures;

153 (ii) review and submit annually to the Department of Transportation and affected
154 municipalities and counties a child access routing plan for each elementary, middle, and junior
155 high school within the district;

156 (iii) consult the Utah Safety Council and the Division of Family Health Services and
157 provide training to all school children in kindergarten through grade six, within the district, on
158 school crossing safety and use; and

159 (iv) help ensure the district's compliance with rules made by the Department of
160 Transportation under Section 41-6a-303.

161 (d) The committee may establish subcommittees as needed to assist in accomplishing
162 its duties under Subsection (17)(c).

163 (e) The board shall require the school community council of each elementary, middle,
164 and junior high school within the district to develop and submit annually to the committee a
165 child access routing plan.

166 (18) (a) Each school board shall adopt and implement a comprehensive emergency
167 response plan to prevent and combat violence in its public schools, on school grounds, on its
168 school vehicles, and in connection with school-related activities or events.

169 (b) The board shall implement its plan by July 1, 2000.

- 170 (c) The plan shall:
- 171 (i) include prevention, intervention, and response components;
- 172 (ii) be consistent with the student conduct and discipline policies required for school
173 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
- 174 (iii) require inservice training for all district and school building staff on what their
175 roles are in the emergency response plan; and
- 176 (iv) provide for coordination with local law enforcement and other public safety
177 representatives in preventing, intervening, and responding to violence in the areas and
178 activities referred to in Subsection (18)(a).
- 179 (d) The State Board of Education, through the state superintendent of public
180 instruction, shall develop comprehensive emergency response plan models that local school
181 boards may use, where appropriate, to comply with Subsection (18)(a).
- 182 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
183 Education that its plan has been practiced at the school level and presented to and reviewed by
184 its teachers, administrators, students, and their parents and local law enforcement and public
185 safety representatives.
- 186 (19) (a) Each local school board may adopt an emergency response plan for the
187 treatment of sports-related injuries that occur during school sports practices and events.
- 188 (b) The plan may be implemented by each secondary school in the district that has a
189 sports program for students.
- 190 (c) The plan may:
- 191 (i) include emergency personnel, emergency communication, and emergency
192 equipment components;
- 193 (ii) require inservice training on the emergency response plan for school personnel
194 who are involved in sports programs in the district's secondary schools; and
- 195 (iii) provide for coordination with individuals and agency representatives who:
- 196 (A) are not employees of the school district; and
- 197 (B) would be involved in providing emergency services to students injured while

198 participating in sports events.

199 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
200 review the plan each year and make revisions when required to improve or enhance the plan.

201 (e) The State Board of Education, through the state superintendent of public
202 instruction, shall provide local school boards with an emergency plan response model that
203 local boards may use to comply with the requirements of this Subsection (19).

204 (20) A board shall do all other things necessary for the maintenance, prosperity, and
205 success of the schools and the promotion of education.

206 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

207 (i) hold a public hearing, as defined in Section 10-9a-103; and

208 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

209 (b) The notice of a public hearing required under Subsection (21)(a) shall:

210 (i) indicate the:

211 (A) school or schools under consideration for closure or boundary change; and

212 (B) date, time, and location of the public hearing; and

213 (ii) at least ten days prior to the public hearing, be:

214 (A) published in a newspaper of general circulation in the area; and

215 (B) posted in at least three public locations within the municipality or on the district's
216 official website.

217 Section 3. Section **53A-11-302** is amended to read:

218 **53A-11-302. Immunizations required -- Exceptions -- Grounds for exemption**
219 **from required immunizations.**

220 (1) A student may not enter school without a certificate of immunization, except as
221 provided in this section.

222 (2) [~~A~~] Except as provided in Subsection 53A-11-1402(4), a student who at the time
223 of school enrollment has not been completely immunized against each specified disease may
224 attend school under a conditional enrollment if the student has received one dose of each
225 specified vaccine prior to enrollment.

- 226 (3) A student is exempt from receiving the required immunizations if there is
 227 presented to the appropriate official of the school one or more of the following:
- 228 (a) a certificate from a licensed physician stating that due to the physical condition of
 229 the student one or more specified immunizations would endanger the student's life or health;
 - 230 (b) A completed form obtained at the local health department where the student
 231 resides, providing:
 - 232 (i) the information required under Subsection 53A-11-302.5(1); and
 - 233 (ii) a statement that the person has a personal belief opposed to immunizations, which
 234 is signed by one of the individuals listed in Subsection 53A-11-302(3)(c) and witnessed by the
 235 local health officer or his designee; or
 - 236 (c) a statement that the person is a bona fide member of a specified, recognized
 237 religious organization whose teachings are contrary to immunizations, signed by one of the
 238 following persons:
 - 239 (i) one of the student's parents;
 - 240 (ii) the student's guardian;
 - 241 (iii) a legal age brother or sister of a student who has no parent or guardian; or
 - 242 (iv) the student, if of legal age.

243 Section 4. Section **53A-11-504** is amended to read:

244 **53A-11-504. Requirement of school record for transfer of student -- Procedures.**

245 (1) [~~Within 14 days after enrolling a transfer student, a~~] Except as provided in
 246 Subsection 53A-11-1402(2)(a), a school shall request[, directly from the student's previous
 247 school,] a certified copy of [his] a transfer student's record, directly from the transfer student's
 248 pervious school, within 14 days after enrolling the transfer student.

249 (2) (a) [~~Any~~] Except as provided in Subsection (2)(b) and Subsection
 250 53A-11-1402(2)(b), a school requested to forward a certified copy of a transferring student's
 251 record to the new school shall comply within 30 school days of the request [unless].

252 (b) If the record has been flagged pursuant to Section 53A-11-502, [in which case the
 253 copy] a school may not [be forwarded] forward the record to the new school and the requested

254 school shall notify the division of the request.

255 Section 5. Section **53A-11-1401** is enacted to read:

256 **Part 14. Education Policies for Military Children**

257 **53A-11-1401. Definitions.**

258 As used in this part:

259 (1) "Active duty" means full-time duty status in the active uniformed service of the
260 United States, including members of the National Guard and Reserve on active duty orders
261 pursuant to 10 U.S.C. Sections 1209 and 1211.

262 (2) "Deployment" means the period one month prior to a service member's departure
263 from the service member's home station on military orders through six months after return to
264 the service member's home station.

265 (3) "Local education agency" means a public authority legally constituted by the state
266 as an administrative agency to provide control of and direction for kindergarten through grade
267 12 public educational institutions.

268 (4) "Military child" means a child enrolled in kindergarten through grade 12 who is
269 legally residing in the household of an active duty service member or whose parent or legal
270 guardian is an active duty service member.

271 (5) "Transitioning" means the time period during which a military child is in the
272 process of transferring from one school to another.

273 Section 6. Section **53A-11-1402** is enacted to read:

274 **53A-11-1402. Educational records and enrollment -- Military children.**

275 (1) (a) If the parent or legal guardian of a military child requests an official education
276 record and the school is unable to release the official education record, the school shall provide
277 the parent or guardian of the military child with an unofficial education record.

278 (b) If a school requires an official education record in order to enroll a student, the
279 school shall enroll and appropriately place a military child based on information in an
280 unofficial record pending validation by an official record.

281 (2) (a) Notwithstanding Subsection 53A-11-504(1), a school that enrolls a military

282 child shall request a certified copy of a military child's official education record, directly from
283 the military child's previous school, simultaneous with enrolling the military child.

284 (b) Notwithstanding Subsection 53A-11-504(2)(a), if a school receives a request to
285 forward a certified copy of a military child's official education record, the school shall comply
286 within ten days of the request.

287 (3) Notwithstanding Subsection 53A-3-402(6), a local school board shall enroll a
288 military child who is not five years of age before September 2 of the year in which admission
289 is sought if the military child was previously enrolled and attended a public school in
290 kindergarten or a higher grade as a resident in another state.

291 (4) (a) Notwithstanding Subsection 53A-11-302(2), a military child who at the time of
292 school enrollment has not been completely immunized against each specified disease may
293 attend under a conditional enrollment, and shall be given 30 days from the day of enrollment
294 to obtain:

- 295 (i) each specified vaccine if the specified vaccine only requires one dose; and
- 296 (ii) at least the first dose of a specified vaccine, if the specified vaccine is a series of
297 vaccines.

298 (b) Except as provided in Subsection (4)(a), a military child is subject to rules
299 developed by the Utah Health Department in accordance with Section 53A-11-302.

300 Section 7. Section **53A-11-1403** is enacted to read:

301 **53A-11-1403. Eligibility -- Military children.**

302 (1) A school district or charter school may not charge tuition to a military child placed
303 in the care of a non-custodial parent or other person standing in loco parentis who lives in a
304 jurisdiction other than that of the custodial parent.

305 (2) A transitioning military child, placed in the care of a non-custodial parent or other
306 person standing in loco parentis who lives in a jurisdiction other than that of the custodial
307 parent, may continue to attend the school in which the military student was enrolled while
308 residing with the custodial parent.

309 Section 8. Section **53A-11-1404** is enacted to read:

310 **53A-11-1404. Graduation requirements -- Military children.**

311 (1) (a) A district or charter school administrative official shall:

312 (i) waive specific courses required for a military child to graduate if the military child
313 has satisfactorily completed similar course work in another local education agency; or

314 (ii) provide reasonable justification for denial.

315 (b) If a waiver described in Subsection (1) is denied and a military child would have
316 qualified to graduate from the military child's previous local education agency, the district or
317 charter school shall provide alternative means of acquiring required coursework so that the
318 military child may graduate on time.

319 (2) Notwithstanding Section 53A-1-611 and except as provided in Subsection (3), a
320 district or charter school shall accept the following in place of testing requirements for
321 graduation of military children:

322 (a) exit or end-of-course exams required for graduation from a military child's
323 previous local education agency;

324 (b) national norm-referenced achievement tests; or

325 (c) alternative testing.

326 (3) If a military child transfers during the military child's junior or senior year and a
327 district or charter school cannot accommodate the provisions of Subsection (1) or (2), the
328 district or charter school and the military child's previous local education agency shall ensure
329 the receipt of a diploma from the previous local education agency, if the military child meets
330 the graduation requirements of the previous local education agency.