

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

7

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 53A-1-605,
46 the State Board of Education, through the state superintendent of public instruction, shall
47 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 pass
49 the basic skills competency test, in addition to the established requirements of the state and
50 local board of education of the district in which the student attends school, in order to receive a
51 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 fails
55 to pass all components of the test may not receive a basic high school diploma but may receive
56 a certificate of completion or alternative completion diploma under rules made by the State
57 Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
58 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 to
74 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 children
106 in school who are at least five years of age before September 2 of the year in which admission
107 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 written
119 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 a
123 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
124 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

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

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

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

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

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

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

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

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

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

140 (17) (a) Each board shall establish for each school year a school traffic safety
141 committee to implement this Subsection (17).

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

143 (i) the schools within the district;

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

145 (iii) the municipality or county;

146 (iv) state or local law enforcement; and

147 (v) state or local traffic safety engineering.

148 (c) The committee shall:

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

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

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

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

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

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

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

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

169 (c) The plan shall:

170 (i) include prevention, intervention, and response components;

171 (ii) be consistent with the student conduct and discipline policies required for school
172 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

173 (iii) require inservice training for all district and school building staff on what their
174 roles are in the emergency response plan; and

175 (iv) provide for coordination with local law enforcement and other public safety
176 representatives in preventing, intervening, and responding to violence in the areas and activities
177 referred to in Subsection (18)(a).

178 (d) The State Board of Education, through the state superintendent of public
179 instruction, shall develop comprehensive emergency response plan models that local school
180 boards may use, where appropriate, to comply with Subsection (18)(a).

181 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
182 Education that its plan has been practiced at the school level and presented to and reviewed by

183 its teachers, administrators, students, and their parents and local law enforcement and public
184 safety representatives.

185 (19) (a) Each local school board may adopt an emergency response plan for the
186 treatment of sports-related injuries that occur during school sports practices and events.

187 (b) The plan may be implemented by each secondary school in the district that has a
188 sports program for students.

189 (c) The plan may:

190 (i) include emergency personnel, emergency communication, and emergency
191 equipment components;

192 (ii) require inservice training on the emergency response plan for school personnel who
193 are involved in sports programs in the district's secondary schools; and

194 (iii) provide for coordination with individuals and agency representatives who:

195 (A) are not employees of the school district; and

196 (B) would be involved in providing emergency services to students injured while
197 participating in sports events.

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

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

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

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

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

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

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

209 (i) indicate the:

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

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

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

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

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

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

217 **53A-11-302. Immunizations required -- Exceptions -- Grounds for exemption**
218 **from required immunizations.**

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

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

225 (3) A student is exempt from receiving the required immunizations if there is presented
226 to the appropriate official of the school one or more of the following:

227 (a) a certificate from a licensed physician stating that due to the physical condition of
228 the student one or more specified immunizations would endanger the student's life or health;

229 (b) A completed form obtained at the local health department where the student
230 resides, providing:

231 (i) the information required under Subsection 53A-11-302.5(1); and

232 (ii) a statement that the person has a personal belief opposed to immunizations, which
233 is signed by one of the individuals listed in Subsection 53A-11-302(3)(c) and witnessed by the
234 local health officer or his designee; or

235 (c) a statement that the person is a bona fide member of a specified, recognized
236 religious organization whose teachings are contrary to immunizations, signed by one of the
237 following persons:

238 (i) one of the student's parents;

239 (ii) the student's guardian;

240 (iii) a legal age brother or sister of a student who has no parent or guardian; or

241 (iv) the student, if of legal age.

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

243 **53A-11-504. Requirement of school record for transfer of student -- Procedures.**

244 (1) ~~[Within 14 days after enrolling a transfer student, a]~~ Except as provided in

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

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

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

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

Part 14. Education Policies for Military Children

255 **53A-11-1401. Definitions.**

256 As used in this part:

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

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

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

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

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

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

272 **53A-11-1402. Educational records and enrollment -- Military children.**

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

276 the parent or guardian of the military child with an unofficial education record.

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

280 (2) (a) Notwithstanding Subsection 53A-11-504(1), a school that enrolls a military
281 child shall request a certified copy of a military child's official education record, directly from
282 the military child's previous school, simultaneous with enrolling the military child.

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

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

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

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

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

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

300 **53A-11-1403. Eligibility -- Military children.**

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

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

307 residing with the custodial parent.

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

309 **53A-11-1404. Graduation requirements -- Military children.**

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

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

313 (ii) provide reasonable justification for denial.

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

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

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

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

324 (c) alternative testing.

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

Legislative Review Note
as of 2-5-09 12:56 PM

Office of Legislative Research and General Counsel

H.B. 194 - Education Policies for Military Children

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
