

**PARENTAL RIGHTS AND ACCOUNTABILITY IN PUBLIC  
EDUCATION**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Aaron Osmond**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses certain rights and obligations of a parent or guardian of a student enrolled in a public school.

**Highlighted Provisions:**

This bill:

▸ specifies certain rights and obligations of a parent or guardian of a student enrolled in a public school; and

▸ requires a school district, charter school, or the Utah Schools for the Deaf and the Blind to:

- annually notify a student's parent or guardian of certain rights and obligations;

and

- request that the parent or guardian sign and return a document acknowledging having received and read the notification.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



- 28 [53A-11-1501](#), Utah Code Annotated 1953
- 29 [53A-15-1502](#), Utah Code Annotated 1953
- 30 [53A-15-1503](#), Utah Code Annotated 1953
- 31 [53A-15-1504](#), Utah Code Annotated 1953



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

34 Section 1. Section **53A-11-1501** is enacted to read:

35 **Part 15. Parental Rights and Obligations**

36 **53A-11-1501. Definitions.**

37 As used in this part:

38 (1) "Individualized education program" or "IEP" means:

39 (a) for a student with a disability, a written statement that is developed, reviewed, and  
40 revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.  
41 1400 et seq.; or

42 (b) an individualized family service plan developed:

43 (i) for a child with a disability who is younger than three years of age; and

44 (ii) in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.  
45 1400 et seq.

46 (2) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and  
47 the Blind.

48 (3) "Reasonably accommodate" means an LEA shall make its best effort to allow a  
49 parent or guardian to exercise a parental right specified in Section [53A-15-1503](#):

50 (a) without substantial impact to staff and resources; and

51 (b) while balancing:

52 (i) the parental rights of parents or guardians; and

53 (ii) the educational needs of students.

54 Section 2. Section **53A-15-1502** is enacted to read:

55 **53A-15-1502. Annual notice and acknowledgment of parental rights and**  
56 **obligations.**

57 An LEA shall:

58 (1) annually notify a parent or guardian of a student enrolled in the LEA of the parent's

59 or guardian's rights and obligations as specified in this part when using public education; and

60 (2) (a) request a parent or guardian to sign and return a document acknowledging

61 having received and read the notification provided under Subsection (1);

62 (b) make a reasonable effort to secure an acknowledgment from a parent or guardian;

63 and

64 (c) maintain an acknowledgment on file.

65 Section 3. Section **53A-15-1503** is enacted to read:

66 **53A-15-1503. Parental rights.**

67 (1) (a) An LEA shall comply with a parent's or guardian's request to retain a student on  
68 grade level based on the student's social, emotional, or physical maturity.

69 (b) With written consent of a parent or guardian, an LEA may administer an  
70 assessment to a student to attain information relevant to determining whether the student  
71 should be retained.

72 (2) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a  
73 teacher or request for a change of teacher.

74 (3) An LEA shall reasonably accommodate the request of a student's parent or guardian  
75 to visit and observe any class the student attends.

76 (4) An LEA shall excuse a student from attendance for a family vacation, family  
77 emergency, or visit to a physician if the student completes all assignments and takes all  
78 assessments.

79 (5) An LEA shall reasonably accommodate a parent's or guardian's determination of  
80 the level of rigor of a class or subject that a student is ready or able to experience.

81 (6) An LEA shall allow a student to earn course credit towards high school graduation  
82 without completing a course in school by:

83 (a) testing out of the course; or

84 (b) demonstrating competency in course standards.

85 (7) An LEA shall reasonably accommodate a parent's or guardian's request to meet  
86 with a teacher if the parent or guardian is unable to attend a regularly scheduled parent teacher  
87 conference.

88 (8) The parent or guardian of a student who receives special education services is a  
89 member of the student's IEP team and, as a team member, participates in the development of

90 the student's individualized education program.

91 (9) (a) An LEA shall provide for the distribution of a copy of a school's discipline and  
92 conduct policy to each student in accordance with Section 53A-11-903.

93 (b) An LEA shall notify a parent or guardian of a student's violation of a school's  
94 discipline and conduct policy and allow a parent or guardian to respond to the notice in  
95 accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.

96 Section 4. Section 53A-15-1504 is enacted to read:

97 **53A-15-1504. Parental obligations.**

98 (1) A child's parent or guardian is the primary person responsible for the education of  
99 the child, and the state is in a secondary and supportive role to the parent or guardian.

100 (2) Classroom discipline is critical to academic success, and a parent or guardian shall  
101 support a teacher and administrator when imposing appropriate classroom discipline.

102 (3) (a) The parent or guardian of an elementary school student performing below grade  
103 level or assessed as not proficient in a subject shall:

104 (i) attend all scheduled parent teacher conferences during a school year; or

105 (ii) meet with the student's teacher at another time.

106 (b) The parent or guardian of a secondary school student earning a "C" or lower grade  
107 in a course shall:

108 (i) attend all parent teacher conferences scheduled with the teacher of the course in  
109 which the student is earning a "C" or lower grade; or

110 (ii) meet with the student's teacher at another time.

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**Legislative Review Note**  
**as of 1-13-14 12:12 PM**

**Office of Legislative Research and General Counsel**