

Senator Aaron Osmond proposes the following substitute bill:

PARENTAL RIGHTS IN PUBLIC EDUCATION

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Osmond

House Sponsor: Rich Cunningham

Cosponsor: Mark B. Madsen

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ specifies certain rights 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53A-11-1501, Utah Code Annotated 1953



25 [53A-15-1502](#), Utah Code Annotated 1953

26 [53A-15-1503](#), Utah Code Annotated 1953



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

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

30 **Part 15. Parental Rights**

31 **53A-11-1501. Definitions.**

32 As used in this part:

33 (1) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and
34 the Blind.

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

37 (a) without substantial impact to staff and resources, including employee working
38 conditions, safety and supervision on school premises and for school activities, and the
39 efficient allocation of expenditures; and

40 (b) while balancing:

41 (i) the parental rights of parents or guardians;

42 (ii) the educational needs of other students;

43 (iii) the academic and behavioral impacts to a classroom;

44 (iv) a teacher's workload; and

45 (v) the assurance of the safe and efficient operation of a school.

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

47 **53A-15-1502. Annual notice of parental rights.**

48 An LEA shall annually notify a parent or guardian of a student enrolled in the LEA of
49 the parent's or guardian's rights as specified in this part.

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

51 **53A-15-1503. Parental right to academic accommodations.**

52 (1) (a) A student's parent or guardian is the primary person responsible for the
53 education of the student, and the state is in a secondary and supportive role to the parent or
54 guardian. As such, a student's parent or guardian has the right to reasonable academic
55 accommodations from the student's LEA as specified in this section.

56 (b) Each accommodation shall be considered on an individual basis and no student
57 shall be considered to a greater or lesser degree than any other student.

58 (c) The parental rights specified in this section do not include all the rights or
59 accommodations that may be available to a student's parent or guardian as a user of the public
60 education system.

61 (2) An LEA shall comply with a parent's or guardian's written request to retain a
62 student on grade level based on the student's academic ability or the student's social, emotional,
63 or physical maturity.

64 (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a
65 teacher or request for a change of teacher.

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

68 (5) (a) An LEA shall reasonably accommodate a written request of a student's parent or
69 guardian to excuse the student from attendance for a family event or visit to a health care
70 provider, without obtaining a note from the provider.

71 (b) An excused absence provided under Subsection (5)(a) does not diminish
72 expectations for the student's academic performance.

73 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request
74 to place a student in a specialized class or an advanced course.

75 (b) An LEA shall consider multiple academic data points when determining an
76 accommodation under Subsection (6)(a).

77 (7) Consistent with Section 53A-13-108, which requires the State Board of Education
78 to establish graduation requirements that use competency-based standards and assessments, an
79 LEA shall allow a student to earn course credit towards high school graduation without
80 completing a course in school by:

81 (a) testing out of the course; or

82 (b) demonstrating competency in course standards.

83 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet
84 with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a
85 regularly scheduled parent teacher conference.

86 (9) (a) Upon the written request of a student's parent or guardian, an LEA shall excuse

87 the student from taking a test that is administered statewide or the National Assessment of
88 Educational Progress.

89 (b) The State Board of Education shall ensure through board rule that neither an LEA
90 nor its employees are negatively impacted through school grading or employee evaluation due
91 to a student not taking a test pursuant to Subsection (9)(a).

92 (10) (a) An LEA shall provide for:

93 (i) the distribution of a copy of a school's discipline and conduct policy to each student
94 in accordance with Section [53A-11-903](#); and

95 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
96 and conduct policy.

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