

- 150 (i) the parental rights of parents or guardians;
- 151 (ii) the educational needs of other students;
- 152 (iii) the academic and behavioral impacts to a classroom;
- 153 (iv) a teacher's workload; and
- 154 (v) the assurance of the safe and efficient operation of a school.

155 Section 3. Section **53A-15-1403** is amended to read:

156 **53A-15-1403. Parental right to academic accommodations.**

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

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

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

166 (d) An accommodation under this section may only be provided if the accommodation
167 is:

168 (i) consistent with federal law; and

169 (ii) ~~H→ [if the student has an IEP;]~~ ←H consistent with H→ [the] a ←H student's IEP

169a H→ if the student already has an IEP ←H .

170 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to
171 retain a student in kindergarten through grade 8 on grade level based on the student's academic
172 ability or the student's social, emotional, or physical maturity.

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

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

177 ~~[(5) (a) An LEA shall reasonably accommodate a written request of a student's parent~~
178 ~~or guardian to excuse the student from attendance for a family event or visit to a health care~~
179 ~~provider, without obtaining a note from the provider.]~~

180 ~~[(b) An excused absence provided under Subsection (5)(a) does not diminish~~

181 expectations for the student's academic performance.]

182 (5) Notwithstanding Chapter 11, Part 1, Compulsory Education Requirements, an LEA
 183 shall record an excused absence for a scheduled family event or a scheduled proactive visit to a
 184 health care provider if:

185 (a) the parent or guardian submits a written statement at least one school day before the
 186 scheduled absence; and

187 (b) the student agrees to make up course work for school days missed for the scheduled
 188 absence in accordance with LEA policy.

189 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request
 190 to place a student in a specialized class ~~H→~~ **[or] , specialized program, or ←H** an
 190a advanced course.

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

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

197 (a) testing out of the course; or

198 (b) demonstrating competency in course standards.

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

202 ~~H→ [(9) (a) Upon [the] receipt of a written [request] statement of a student's parent or~~
 203 ~~guardian, an LEA shall excuse the student from taking [a test that is administered statewide or~~
 204 ~~the National Assessment of Educational Progress.];~~

205 ~~—— (i) any summative, interim, or formative test that was developed for, or provided by,~~
 206 ~~the state under this title; or~~

207 ~~—— (ii) any test that is federally mandated or mandated by the state under this title.~~

208 ~~—— (b) An LEA may not:~~

209 ~~—— (i) require a meeting as a condition of excusing a student from taking a test described~~
 210 ~~in Subsection (9)(a); or~~

211 ~~—— (ii) specify the form of a written statement under Subsection (9)(a). ❊~~

- 212 ~~⊕~~ (c) A written statement to an LEA to excuse a student from taking a test under
 213 Subsection (9)(a) remains in effect across multiple school years until:
 214 (i) further notice from the student's parent or guardian; or
 215 (ii) the student is no longer enrolled at the LEA.
 216 ~~(d) An LEA may not reward a student for taking a test described in Subsection (9)(a):~~
 217 ~~[(b)] (e) The State Board of Education shall ensure through board rule that neither an~~
 218 ~~LEA nor its employees are negatively impacted through school grading or employee evaluation~~
 219 ~~due to a student not taking a test pursuant to Subsection (9)(a).]~~
- 219a (9)(a) At the request of a student's parent or guardian, an LEA shall excuse a student
 219b from taking an assessment that:
 219c (i) is federally mandated;
 219d (ii) is mandated by the state under this title; or
 219e (iii) requires the use of:
 219f (A) a state assessment system; or
 219g (B) software that is provided or paid for by the state.
 219h (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 219i State Board of Education shall make rules:
 219j (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
 219k that:
 219l (A) does not place an undue burden on a parent or guardian; and
 219m (B) may be completed online or through the mail; and
 219n (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
 219o an LEA's employees through school grading or employee evaluations due to a student not
 219p taking a test under Subsection (9)(a).
 219q (c) An LEA:
 219r (i) shall follow the procedures outlined in rules made by the State Board of Education
 219s under Subsection (9)(b) to excuse a student under Subsection (9)(a);
 219t (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
 219u to the procedures outlined in rules made by the State Board of Education under Subsection
 219v (9)(b); and
 219w (ii) may not reward a student for taking an assessment described in Subsection (9)(a).
 219x (d) The State Board of Education shall:
 219y (i) maintain and publish a list of state assessments, state assessment systems, and
 219z software that qualify under Subsection (9)(a); and
 219aa (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9). ←H