

**Effective 1/24/2018**

## **Part 8 Parental Rights**

### **53G-6-801 Definitions.**

As used in this part:

- (1) "Federal law" means:
  - (a) a statute passed by the Congress of the United States; or
  - (b) a final regulation:
    - (i) adopted by an administrative agency of the United States government; and
    - (ii) published in the code of federal regulations or the federal register.
- (2) "Reasonably accommodate" means an LEA shall make its best effort to enable a parent to exercise a parental right specified in Section 53G-6-803:
  - (a) without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises and for school activities, and the efficient allocation of expenditures; and
  - (b) while balancing:
    - (i) the parental rights of parents;
    - (ii) the educational needs of other students;
    - (iii) the academic and behavioral impacts to a classroom;
    - (iv) a teacher's workload; and
    - (v) the assurance of the safe and efficient operation of a school.

Amended by Chapter 293, 2019 General Session

### **53G-6-802 Annual notice of parental rights.**

- (1) An LEA shall annually notify a parent of a student enrolled in the LEA of:
  - (a) the parent's rights as specified in this part; and
  - (b) the constitutional protections as described in Section 53G-10-205.
- (2) An LEA satisfies the notification requirement described in Subsection (1) by posting the information on the LEA's website or through other means of electronic communication.

Amended by Chapter 20, 2024 General Session

### **53G-6-803 Parental right to academic accommodations.**

- (1)
  - (a) A student's parent is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent. As such, a student's parent has the right to reasonable academic accommodations from the student's LEA as specified in this section.
  - (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.
  - (c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent as a user of the public education system.
  - (d) An accommodation under this section may only be provided if the accommodation is:
    - (i) consistent with federal law; and
    - (ii) consistent with a student's IEP if the student already has an IEP.

- (2) An LEA shall reasonably accommodate a parent's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.
- (3) An LEA shall reasonably accommodate a parent's initial selection of a teacher or request for a change of teacher.
- (4) An LEA shall reasonably accommodate the request of a student's parent to visit and observe any class the student attends.
- (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:
  - (a) the parent submits a written statement at least one school day before the scheduled absence; and
  - (b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.
- (6)
  - (a) An LEA shall reasonably accommodate a parent's written request to place a student in a specialized class, a specialized program, or an advanced course.
  - (b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).
- (7) Consistent with Section 53E-4-204, which requires the state board to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit toward high school graduation without completing a course in school by:
  - (a) testing out of the course; or
  - (b) demonstrating competency in course standards.
- (8) An LEA shall reasonably accommodate a parent's request to meet with a teacher at a mutually agreeable time if the parent is unable to attend a regularly scheduled parent teacher conference.
- (9)
  - (a) At the request of a student's parent, an LEA shall excuse a student from taking an assessment that:
    - (i) is federally mandated;
    - (ii) is mandated by the state under this public education code; or
    - (iii) requires the use of:
      - (A) a state assessment system; or
      - (B) software that is provided or paid for by the state.
  - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
    - (i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:
      - (A) does not place an undue burden on a parent; and
      - (B) may be completed online; and
    - (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school accountability or employee evaluations due to a student not taking an assessment under Subsection (9)(a).
  - (c) An LEA:
    - (i) shall follow the procedures outlined in rules made by the state board under Subsection (9)(b) to excuse a student under Subsection (9)(a);
    - (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the state board under Subsection (9)(b); and

- (iii) may not provide a nonacademic reward to a student for taking an assessment described in Subsection (9)(a).
- (d) The state board shall:
  - (i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and
  - (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
- (10)
  - (a) An LEA shall provide for:
    - (i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53G-8-204; and
    - (ii) a parent's signature acknowledging receipt of the school's discipline and conduct policy.
  - (b) An LEA shall notify a parent of a student's violation of a school's discipline and conduct policy and allow a parent to respond to the notice in accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.

Amended by Chapter 408, 2020 General Session

**53G-6-804 Parent access to learning management system for online courses -- Training.**

- (1) As used in this section:
  - (a) "Learning management system" means a software application for the administration, documentation, tracking, reporting, automation, or delivery of an online course.
  - (b) "Online course" means a course that an LEA provides to a student over the Internet.
- (2) An LEA that uses a learning management system for an online course shall provide:
  - (a) to the parent of a student enrolled in the online course, access to the learning management system, including, at a minimum:
    - (i) the curriculum used for the course; and
    - (ii) information about the progress and learning of the parent's student, including assessment results; and
  - (b) to a student enrolled in the course and the student's parent, training or orientation to help the student and student's parent understand how to access:
    - (i) the learning management system;
    - (ii) the online course; and
    - (iii) any online tools used to deliver the online course or instruction.

Enacted by Chapter 324, 2021 General Session

**53G-6-805 Parental right to school comparison.**

- (1) Parents have the right to compare public school performance in a given area.
- (2) The state board shall provide an online tool that allows parents to:
  - (a) search for public schools within a given radius of a specific location or within the boundaries of a public school district; and
  - (b) view a side-by-side comparison of data related to the public schools in the area described in Subsection (2)(a), including the indicators required in Subsection 53E-5-211(1).
- (3) The state board shall include the information provided under this section in the parent portal required under Section 53G-6-806.

Amended by Chapter 70, 2023 General Session

**53G-6-806 Parent portal.**

- (1) As used in this section:
  - (a) "Parent portal" means the posting the state board is required to provide under this section.
  - (b) "School" means a public elementary or secondary school, including a charter school.
- (2)
  - (a) The state board shall post information that allows a parent of a student enrolled in a school to:
    - (i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;
    - (ii) be informed of resources and steps to follow when a student has been the subject, perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or abusive conduct such as:
      - (A) resources for the student, including short-term mental health services;
      - (B) options for the student to make changes to the student's educational environment;
      - (C) options for alternative school enrollment;
      - (D) options for differentiated start or stop times;
      - (E) options for differentiated exit and entrance locations; and
      - (F) the designated employee for an LEA who addresses incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
    - (iii) be informed of the steps and resources for filing a grievance with a school or LEA regarding bullying, cyber-bullying, hazing, or retaliation;
    - (iv) be informed of the steps and resources for seeking accommodations under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;
    - (v) be informed of the steps and resources for seeking accommodations under state or federal law regarding religious accommodations;
    - (vi) be informed of the steps and resources for filing a grievance for an alleged violation of state or federal law, including:
      - (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;
      - (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;
      - (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and
      - (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131-12165;
    - (vii) receive information about constitutional rights and freedoms afforded to families in public education;
    - (viii) be informed of how to access an internal audit hotline if established by the state board; and
    - (ix) be informed of services for military families.
  - (b) In addition to the information required under Subsection (2)(a), the state board:
    - (i) shall include in the parent portal:
      - (A) the comparison tool created under Section 53G-6-805;
      - (B) school level safety data, including data points described in Section 53E-3-516; and
      - (C) a link to the public safety portal described in Section 63A-16-1002; and
    - (ii) may include in the parent portal other information that the state board determines is helpful to parents.
- (3)
  - (a) The state board shall post the parent portal at a location that is easily located by a parent.
  - (b) The state board shall update the parent portal at least annually.
  - (c) In accordance with state and federal law, the state board may collaborate with a third-party to provide safety data visualization in comparison to other states' data.
- (4) An LEA shall annually notify each of the following of how to access the parent portal:
  - (a) a parent of a student; and

- (b) a teacher, principal, or other professional staff within the LEA.

Amended by Chapter 21, 2024 General Session

**53G-6-807 Parent engagement specialist.**

- (1)
  - (a) The state superintendent shall appoint an individual as a parent engagement specialist after:
    - (i) posting the position publicly; and
    - (ii) reviewing and consulting with the state board leadership about the appointment.
  - (b) The individual appointed under this section shall preferably have experience:
    - (i) working to constructively engage parents in guiding the parents' student's education;
    - (ii) understanding research on education outcomes; and
    - (iii) understanding laws pertaining to parental rights in education.
- (2) The parent engagement specialist shall respond to parent communications directed to the state board by:
  - (a) maintaining and revising on behalf of the state board the parent portal required by Section 53G-6-806;
  - (b) responding to questions and complaints to the state board regarding parent rights and opportunities within the state's education system; and
  - (c) helping parents to navigate available complaint processes provided through the state board, at the LEA level, or at the public school level.
- (3) The parent engagement specialist shall provide guidance and outreach to LEAs and public schools across the state by:
  - (a) providing training and materials to LEAs and public schools regarding successful parent engagement strategies; and
  - (b) sharing research on parent engagement practices shown to contribute to student attendance and success.
- (4) In performing the parent engagement specialist's activities, the parent engagement specialist shall comply with Section 53E-2-201.

Enacted by Chapter 70, 2023 General Session