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-15-1501, Utah Code Annotated 1953
53A-15-1502, Utah Code Annotated 1953
53A-15-1503, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:
Section 1. Section 53A-15-1501 is enacted to read:

Part 15. Parental Rights


As used in this part:

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

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

(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 or guardians;

(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.

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


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

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


(1) (a) A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. As such, a student's parent or guardian 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 or guardian as a user of the public education system.

(2) An LEA shall reasonably accommodate a parent's or guardian's written request to retain a student 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 or guardian'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 or guardian to visit and observe any class the student attends.

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

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

(6)(a) An LEA shall reasonably accommodate a parent's or guardian's written request to place a student in a specialized class 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 53A-13-108, which requires the State Board of Education to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit towards 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 or guardian's request to meet 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
87 (9) (a) Upon the written request of a student's parent or guardian, an LEA shall excuse
88 the student from taking a test that is administered statewide or the National Assessment of
89 Educational Progress.
90 (b) The State Board of Education shall ensure through board rule that neither an LEA
91 nor its employees are negatively impacted through school grading or employee evaluation due
92 to a student not taking a test pursuant to Subsection (9)(a).
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94 (10) (a) An LEA shall provide for:
95 (i) the distribution of a copy of a school's discipline and conduct policy to each student
96 in accordance with Section 53A-11-903; and
97 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
98 and conduct policy.
99 (b) An LEA shall notify a parent or guardian of a student's violation of a school's
100 discipline and conduct policy and allow a parent or guardian to respond to the notice in
101 accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.