

1 **PARENTAL RIGHTS IN PUBLIC EDUCATION**

2 **AMENDMENTS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Aaron Osmond**

6 House Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to certain rights of a parent or guardian of a student
11 enrolled in a public school and provisions related to achievement tests.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ limits the grade levels of a student that is subject to a parent's or guardian's right to
16 retain a student on grade level;
- 17 ▶ amends provisions related to a parent's or guardian's right to excuse a student from
18 attendance for certain purposes;
- 19 ▶ amends provisions related to a parent's or guardian's right to excuse a student from
20 taking certain tests;
- 21 ▶ provides a parental right related to the elements included in a student's
22 Individualized Education Plan; and
- 23 ▶ requires the State Board of Education to make rules providing that scores on certain
24 tests may not be considered in determining a student's academic grade or whether a
25 student may advance to the next grade level.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53A-1-603**, as last amended by Laws of Utah 2013, Chapter 161

33 **53A-15-1401**, as enacted by Laws of Utah 2014, Chapter 392

34 **53A-15-1403**, as enacted by Laws of Utah 2014, Chapter 392

35

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

37 Section 1. Section **53A-1-603** is amended to read:

38 **53A-1-603. Duties of State Board of Education.**

39 (1) The State Board of Education shall:

40 (a) require each school district and charter school to implement the Utah Performance
41 Assessment System for Students, hereafter referred to as U-PASS;

42 (b) require the state superintendent of public instruction to submit and recommend
43 criterion-referenced achievement tests or online computer adaptive tests, college readiness
44 assessments, an online writing assessment for grades 5 and 8, and a test for students in grade 3
45 to measure reading grade level to the board for approval and adoption and distribution to each
46 school district and charter school by the state superintendent;

47 (c) develop an assessment method to uniformly measure statewide performance, school
48 district performance, and school performance of students in grades 3 through 12 in mastering
49 basic skills courses; and

50 (d) provide for the state to participate in the National Assessment of Educational
51 Progress state-by-state comparison testing program.

52 (2) Except as provided in Subsection (3) and Subsection **53A-1-611(3)**, under
53 U-PASS, the State Board of Education shall annually require each school district and charter
54 school, as applicable, to administer:

55 (a) as determined by the State Board of Education, statewide criterion-referenced tests
56 or online computer adaptive tests in grades 3 through 12 and courses in basic skill areas of the
57 core curriculum;

58 (b) an online writing assessment to all students in grades 5 and 8;

- 59 (c) college readiness assessments as detailed in Section 53A-1-611; and
60 (d) a test to all students in grade 3 to measure reading grade level.
- 61 (3) Beginning with the 2014-15 school year, the State Board of Education shall
62 annually require each school district and charter school, as applicable, to administer a computer
63 adaptive assessment system that is:
- 64 (a) adopted by the State Board of Education; and
65 (b) aligned to Utah's common core.
- 66 (4) The board shall adopt rules for the conduct and administration of U-PASS to
67 include the following:
- 68 (a) the computation of student performance based on information that is disaggregated
69 with respect to race, ethnicity, gender, limited English proficiency, and those students who
70 qualify for free or reduced price school lunch;
- 71 (b) security features to maintain the integrity of the system, which could include
72 statewide uniform testing dates, multiple test forms, and test administration protocols;
- 73 (c) the exemption of student test scores, by exemption category, such as limited
74 English proficiency, mobility, and students with disabilities, with the percent or number of
75 student test scores exempted being publically reported at a district level;
- 76 (d) compiling of criterion-referenced, online computer adaptive, and online writing test
77 scores and test score averages at the classroom level to allow for:
- 78 (i) an annual review of those scores by parents of students and professional and other
79 appropriate staff at the classroom level at the earliest point in time;
- 80 (ii) the assessment of year-to-year student progress in specific classes, courses, and
81 subjects;
- 82 (iii) a teacher to review, prior to the beginning of a new school year, test scores from
83 the previous school year of students who have been assigned to the teacher's class for the new
84 school year;
- 85 (e) allowing a school district or charter school to have its tests administered and scored
86 electronically to accelerate the review of test scores and their usefulness to parents and
87 educators under Subsection (4)(d), without violating the integrity of U-PASS; and
88 (f) providing that scores on the tests and assessments required under Subsection (2)(a)
89 and Subsection (3) [~~shall~~] may not be considered in determining;

90 (i) a student's academic grade for the appropriate course [~~and~~]; or

91 (ii) whether a student [~~shall~~] may advance to the next grade level.

92 (5) (a) A school district or charter school, as applicable, is encouraged to administer an
93 online writing assessment to students in grade 11.

94 (b) The State Board of Education may award a grant to a school district or charter
95 school to pay for an online writing assessment and instruction program that may be used to
96 assess the writing of students in grade 11.

97 (6) The State Board of Education shall make rules:

98 (a) establishing procedures for applying for and awarding money for computer adaptive
99 tests;

100 (b) specifying how money for computer adaptive tests shall be allocated among school
101 districts and charter schools that qualify to receive the money; and

102 (c) requiring reporting of the expenditure of money awarded for computer adaptive
103 testing and evidence that the money was used to implement computer adaptive testing.

104 (7) The State Board of Education shall assure that computer adaptive tests are
105 administered in compliance with the requirements of Chapter 13, Part 3, Utah Family
106 Educational Rights and Privacy Act.

107 (8) (a) The State Board of Education shall establish a committee consisting of 15
108 parents of Utah public education students to review all computer adaptive test questions.

109 (b) The committee established in Subsection (8)(a) shall include the following parent
110 members:

111 (i) five members appointed by the chair of the State Board of Education;

112 (ii) five members appointed by the speaker of the House of Representatives; and

113 (iii) five members appointed by the president of the Senate.

114 (c) The State Board of Education shall provide staff support to the parent committee.

115 (d) The term of office of each member appointed in Subsection (8)(b) is four years.

116 (e) The chair of the State Board of Education, the speaker of the House of
117 Representatives, and the president of the Senate shall adjust the length of terms to stagger the
118 terms of committee members so that approximately 1/2 of the committee members are
119 appointed every two years.

120 (f) No member may receive compensation or benefits for the member's service on the

121 committee.

122 (9) (a) School districts and charter schools shall require each licensed employee to
123 complete two hours of professional development on youth suicide prevention within their
124 license cycle in accordance with Section 53A-6-104.

125 (b) The State Board of Education shall develop or adopt sample materials to be used by
126 a school district or charter school for professional development training on youth suicide
127 prevention.

128 (c) The training required by this Subsection (9) shall be incorporated into professional
129 development training required by rule in accordance with Section 53A-6-104.

130 Section 2. Section 53A-15-1401 is amended to read:

131 **53A-15-1401. Definitions.**

132 As used in this part:

133 (1) "Individualized Education Plan" or "IEP" means a written statement, for a student
134 with a disability, that is developed, reviewed, and revised in accordance with the Individuals
135 with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

136 [~~(1)~~] (2) "LEA" means a school district, charter school, or the Utah Schools for the
137 Deaf and the Blind.

138 [~~(2)~~] (3) "Reasonably accommodate" means an LEA shall make its best effort to enable
139 a parent or guardian to exercise a parental right specified in Section 53A-15-1403:

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

143 (b) while balancing:

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

145 (ii) the educational needs of other students;

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

147 (iv) a teacher's workload; and

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

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

150 **53A-15-1403. Parental right to academic accommodations.**

151 (1) (a) A student's parent or guardian is the primary person responsible for the

152 education of the student, and the state is in a secondary and supportive role to the parent or
153 guardian. As such, a student's parent or guardian has the right to reasonable academic
154 accommodations from the student's LEA as specified in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 187 (a) testing out of the course; or
- 188 (b) demonstrating competency in course standards.

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

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

- 195 (i) any summative, interim, or formative test that is not locally developed; or
- 196 (ii) any test that is federally mandated or mandated by the state under this title.

197 (b) An LEA may not:

- 198 (i) require a meeting as a condition of excusing a student from taking a test described
199 in Subsection (9)(a); or
- 200 (ii) specify the form of a written statement under Subsection (9)(a).

201 (c) A written statement to an LEA to excuse a student from taking a test under
202 Subsection (9)(a) remains in effect across multiple school years until:

- 203 (i) further notice from the student's parent or guardian; or
- 204 (ii) the student is no longer enrolled at the LEA.
- 205 (d) An LEA may not reward a student for taking a test described in Subsection (9)(a).

206 ~~[(b)]~~ (e) The State Board of Education shall ensure through board rule that neither an
207 LEA nor its employees are negatively impacted through school grading or employee evaluation
208 due to a student not taking a test pursuant to Subsection (9)(a).

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

- 210 (i) the distribution of a copy of a school's discipline and conduct policy to each student
211 in accordance with Section 53A-11-903; and
- 212 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
213 and conduct policy.

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

217 (11) An LEA shall reasonably accommodate a parent's or guardian's request to include
218 in an Individualized Education Plan elements that the parent or guardian believes are in the best
219 interest of the child.

Legislative Review Note
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Office of Legislative Research and General Counsel