



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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March 9, 2015

Mr. Speaker:

The Education Committee reports a favorable recommendation on **1st Sub. S.B. 204**, PARENTAL RIGHTS IN PUBLIC EDUCATION AMENDMENTS, by Senator A. Osmond, with the following amendments:

1. *Page 6, Line 169:*

169 (ii) ~~{if the student has an IEP,}~~ consistent with ~~{the}~~ a student's  
IEP if the student already has an IEP.

2. *Page 7, Line 190:*

190 to place a student in a specialized class ~~{or}~~ . specialized program, or an  
advanced course.

3. *Page 7, Line 202 through Page 8, Line 219:*

202 ~~{(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~~

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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)] (c) 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).}~~ =

(9)(a) At the request of a student's parent or guardian, an LEA shall excuse a student from taking an assessment that:

(i) is federally mandated;

(ii) is mandated by the state under this title; 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 of Education 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 or guardian; and

(B) may be completed online or through the mail; and

(ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school grading or employee evaluations due to a student not taking a test under Subsection (9)(a).

(c) An LEA:



(i) shall follow the procedures outlined in rules made by the State Board of Education 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 of Education under Subsection (9)(b); and  
(ii) may not reward a student for taking an assessment described in Subsection (9)(a).  
(d) The State Board of Education 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).

Respectfully,

Bradley G. Last  
Committee Chair

Voting: 8-1-5

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