

STUDENT ASSESSMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding student assessments.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to apply for certain waivers and authorities from the federal government regarding student assessments; and
- ▶ under a certain circumstance, requires a student who is excused from taking certain student assessments to take an alternate assessment.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53A-15-1403, as last amended by Laws of Utah 2015, Chapter 444

ENACTS:

53A-1-909, Utah Code Annotated 1953

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

Section 1. Section **53A-1-909** is enacted to read:



28 **53A-1-909. Federal student assessment requirements -- Waiver -- Authority to**
29 **implement an innovative assessment system.**

30 (1) (a) Subject to Subsections (1)(b) and (c), the State Board of Education shall request
31 a waiver under Section 8401 of the Elementary and Secondary Education Act of 1965, 20
32 U.S.C. Sec. 6301 et seq. from the requirement that the state annually measure the achievement
33 of not less than 95% of all students, and not less than 95% of all students in each subgroup of
34 students, who are enrolled in elementary and secondary public schools.

35 (b) The waiver request under Subsection (1)(a) shall be narrowly tailored to prevent an
36 education entity from being penalized under federal law for nonparticipation of a student who
37 is excused from taking an assessment as described in Section [53A-15-1403](#).

38 (c) The State Board of Education shall request the waiver described in Subsection
39 (1)(a) no later than 60 days after the day on which the United States Department of Education
40 publishes final regulations regarding the federal provisions described in Subsection (1)(a).

41 (2) (a) The State Board of Education shall apply for authority to establish an innovative
42 assessment system under Section 1204 of the Elementary and Secondary Education Act of
43 1965, 20 U.S.C. Sec. 6301 et seq.

44 (b) The application described in Subsection (2)(a) shall include a request to establish
45 an innovative assessment system that:

46 (i) is competency-based; or

47 (ii) validates when a student is ready to demonstrate mastery or proficiency and allows
48 for differentiated student support based on individual learning needs.

49 (c) The State Board of Education may use funds awarded under Section 1201 of the
50 Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq. to establish an
51 innovative assessment system.

52 Section 2. Section **53A-15-1403** is amended to read:

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

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

58 (b) Each accommodation shall be considered on an individual basis and no student

59 shall be considered to a greater or lesser degree than any other student.

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

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

65 (i) consistent with federal law; and

66 (ii) consistent with a student's IEP if the student already has an IEP.

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

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

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

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

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

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

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

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

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

89 (a) testing out of the course; or

90 (b) demonstrating competency in course standards.

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

94 (9) (a) [~~At~~] Subject to Subsection (9)(c)(iv), at the request of a student's parent or
95 guardian, an LEA shall excuse a student from taking an assessment that:

96 (i) is federally mandated;

97 (ii) is mandated by the state under this title; or

98 (iii) requires the use of:

99 (A) a state assessment system; or

100 (B) software that is provided or paid for by the state.

101 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
102 State Board of Education shall make rules:

103 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
104 that:

105 (A) does not place an undue burden on a parent or guardian; and

106 (B) may be completed online; and

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

110 (c) An LEA:

111 (i) shall follow the procedures outlined in rules made by the State Board of Education
112 under Subsection (9)(b) to excuse a student under Subsection (9)(a);

113 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
114 to the procedures outlined in rules made by the State Board of Education under Subsection
115 (9)(b); [~~and~~]

116 (iii) may not reward a student for taking an assessment described in Subsection
117 (9)(a)[~~;~~]; and

118 (iv) if the State Board of Education establishes an innovative assessment system under
119 Section 53A-1-909, shall require a student who is excused from taking an assessment under
120 Subsection (9)(a) to take an alternate assessment that is developed by the State Board of

121 Education as part of the innovative assessment system.

122 (d) The State Board of Education shall:

123 (i) maintain and publish a list of state assessments, state assessment systems, and
124 software that qualify under Subsection (9)(a); and

125 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

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

127 (i) the distribution of a copy of a school's discipline and conduct policy to each student
128 in accordance with Section [53A-11-903](#); and

129 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
130 and conduct policy.

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

134 Section 3. **Effective date.**

135 This bill takes effect on July 1, 2016.

Legislative Review Note
Office of Legislative Research and General Counsel