

**PARENTAL RIGHTS IN PUBLIC EDUCATION**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Aaron Osmond**

**House Sponsor: Rich Cunningham**

**Cosponsor: Mark B. Madsen**

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**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

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

29 Section 1. Section 53A-15-1501 is enacted to read:

30 **Part 15. Parental Rights**

31 **53A-15-1501. Definitions.**

32 As used in this part:

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

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

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

40 (b) while balancing:

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

42 (ii) the educational needs of other students;

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

44 (iv) a teacher's workload; and

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

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

47 **53A-15-1502. Annual notice of parental rights.**

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

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

51 **53A-15-1503. Parental right to academic accommodations.**

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

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

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

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

61 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to  
62 retain a student on grade level based on the student's academic ability or the student's social,  
63 emotional, or physical maturity.

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

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

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

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

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

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

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

81 (a) testing out of the course; or

82 (b) demonstrating competency in course standards.

83 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet  
84 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 (9) (a) Upon the written request of a student's parent or guardian, an LEA shall excuse  
87 the student from taking a test that is administered statewide or the National Assessment of  
88 Educational Progress.

89 (b) The State Board of Education shall ensure through board rule that neither an LEA  
90 nor its employees are negatively impacted through school grading or employee evaluation due  
91 to a student not taking a test pursuant to Subsection (9)(a).

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

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

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

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