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## *53G-6-803 - Parental Right to Academic Accommodations*

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(1)

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

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

(i) consistent with federal law; and

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

(2) An LEA shall reasonably accommodate a parent's written request to retain a student in kindergarten through grade 8 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 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 to visit and observe any class the student attends.

(5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

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

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

(6)

(a) An LEA shall reasonably accommodate a parent's written request to place a student in a specialized class, a specialized program, 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 53E-4-204, which requires the state board to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit toward 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 request to meet with a teacher at a mutually

agreeable time if the parent is unable to attend a regularly scheduled parent teacher conference.

(9)

- (a) At the request of a student's parent, an LEA shall excuse a student from taking an assessment that:
  - (i) is federally mandated;
  - (ii) is mandated by the state under this public education code; 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 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; and
    - (B) may be completed online; and
  - (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school accountability or employee evaluations due to a student not taking an assessment under Subsection (9)(a).
- (c) An LEA:
  - (i) shall follow the procedures outlined in rules made by the state board 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 under Subsection (9)(b); and
  - (iii) may not provide a nonacademic reward to a student for taking an assessment described in Subsection (9)(a).
- (d) The state board 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).

(10)

- (a) An LEA shall provide for:
  - (i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53G-8-204; and
  - (ii) a parent's signature acknowledging receipt of the school's discipline and conduct policy.
- (b) An LEA shall notify a parent of a student's violation of a school's discipline and conduct policy and allow a parent to respond to the notice in accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.

Amended by Chapter 408, 2020 General Session

***Effective 5/12/2020***