

Regular Session, 2013

HOUSE BILL NO. 343

BY REPRESENTATIVES EDWARDS AND SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENT/ASSESSMENT: Prohibits certain public high school students from being administered tests pursuant to La. Educational Assessment Program or the La. school and district accountability system with certain exceptions

1 AN ACT

2 To enact R.S. 17:24.4(K), relative to student assessment; to prohibit public high school
3 students with exceptionalities who are not pursuing a high school diploma from
4 being administered any examination pursuant to the Louisiana Educational
5 Assessment Program or the Louisiana school and district accountability system; to
6 provide exceptions; to prohibit penalizing a student, school, or school system for a
7 student's lack of participation; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:24.4(K) is hereby enacted to read as follows:

10 §24.4. Louisiana Competency-Based Education Program; statewide standards for
11 required subjects; Louisiana Educational Assessment Program; parish or city
12 school board comprehensive pupil progression plans; waivers

13 * * *

14 K.(1) Notwithstanding any provision of this Section or any other law to the
15 contrary, a public high school student with an exceptionality as defined in R.S.
16 17:1942(B), except a gifted or talented student, and who is not pursuing a high
17 school diploma shall not be administered any examination pursuant to this Section
18 or the Louisiana school and district accountability system, including the American
19 College Test, unless one or both of the following apply:

1 (a) The student's Individualized Education Plan indicates that the
2 examination is an appropriate assessment instrument for the student.

3 (b) The student's parent or legal guardian requests in writing that the student
4 be administered the examination.

5 (2) A student who is not administered an examination pursuant to Paragraph
6 (1) of this Subsection shall not be penalized for failure to take the examination. For
7 purposes of this Paragraph, prohibited penalties include but are not limited to:

8 (a) Withholding of credits toward graduation or denying a student the ability
9 to graduate.

10 (b) Denying a student the opportunity to participate in an extracurricular
11 activity.

12 (c) Denying a student the ability to advance to the subsequent grade level.

13 (3) The absence of test results due to the implementation of Paragraph (1)
14 of this Subsection shall not be factored into or negatively impact the performance
15 score or letter grade assigned to a school or school system, nor shall a school or
16 school system otherwise be penalized in any manner, provided that such absence
17 does not violate any federal law or requirement including the No Child Left Behind
18 Act of 2001 or the Individuals with Disabilities Education Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Edwards

HB No. 343

Abstract: Prohibits public high school students with exceptionalities (except gifted/talented) who are not pursuing a high school diploma from being administered any test pursuant to LEAP or the school accountability program, including the ACT. Provides exceptions and prohibits students, schools, and school systems from being penalized for students not participating in such testing.

Present law (R.S. 17:24.4) provides for the La. Competency-Based Education Program, including the implementation of the La. Educational Assessment Program (LEAP). Requires certain tests to be administered to students at various grade levels and requires students to demonstrate proficiency in order to advance to specified grade levels.

Proposed law retains present law and adds that, notwithstanding any provision of present law or any other law to the contrary, a public high school student with exceptionalities as defined in present law, except a gifted or talented student, who is not pursuing a high school diploma shall not be administered any examination pursuant to present law (LEAP or the La. school and district accountability system), including the ACT, unless the student's Individualized Education Plan provides for it or the student's parent requests it. Prohibits penalizing a student for failure to take an examination pursuant to proposed law. Provides that the resulting absence of test results shall not be factored into or negatively impact the performance score or letter grade assignment of a school or school system, nor shall a school or school system otherwise be penalized, provided that such absence does not violate any federal law or requirement.

(Adds R.S. 17:24.4(K))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Removes limitation that proposed law applies to a student who is pursuing a regular high school diploma, and instead proposed law is applicable to a student pursuing any high school diploma.
2. Relative to the prohibition on penalizing schools and school systems due to students' not participating in testing, provides that such prohibition shall apply only if the absence of students' test results due to such lack of participation does not violate any federal law or requirement.

House Floor Amendments to the engrossed bill.

1. Limits applicability of proposed law to students with exceptionalities as defined in present law, except students who are gifted or talented.