

Regular Session, 2013

HOUSE BILL NO. 613

BY REPRESENTATIVE TIM BURNS

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

STUDENT/ASSESSMENT: Requires the State Bd. of Elementary and Secondary Education to develop and adopt rules and regulations providing for parental choice relative to state standardized testing for students with disabilities

1 AN ACT

2 To enact R.S. 17:7(33), relative to the duties, functions, and responsibilities of the State
3 Board of Elementary and Secondary Education; to require the State Board of
4 Elementary and Secondary Education to develop and adopt rules and regulations
5 providing for parental choice relative to state standardized testing for students with
6 disabilities enrolled in public schools; to require such rules and regulations to be in
7 accordance with certain state and federal laws, rules, and regulations; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:7(33) is hereby enacted to read as follows:

11 §7. Duties, functions, and responsibilities of board

12 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and
13 responsibilities vested by any other applicable laws, the board shall:

14 * * *

15 (33)(a) The board shall develop and adopt rules and regulations in
16 accordance with the Administrative Procedure Act providing for parental choice
17 relative to state standardized testing for students with disabilities enrolled in public
18 schools. Such rules and regulations shall require local education agencies to inform
19 the parents and legal guardians of such students of their right to choose to have their
20 child participate in state standardized testing if the student's parent or legal guardian
21 requests in writing that the student participate in such testing. Such rules and

1 regulations shall provide that a student who does not participate in standardized
2 testing pursuant to this Paragraph shall not be penalized for failure to participate.

3 (b) For purposes of this Paragraph, prohibited penalties include but are not
4 limited to:

5 (i) Withholding of credits toward graduation or denying a student the ability
6 to graduate.

7 (ii) Denying a student the opportunity to participate in an extracurricular
8 activity.

9 (iii) Denying a student the ability to advance to the subsequent grade level.

10 (c) Such rules and regulations shall be in accordance with the federal
11 Elementary and Secondary Education Act and the Individuals with Disabilities
12 Education Act and shall include but not be limited to a prohibition on sharing with
13 any entity or agency any information the state Department of Education has collected
14 about a student if the student's parent or legal guardian requests, in writing, that the
15 information not be shared.

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)]

Tim Burns

HB No. 613

Abstract: Requires the State Bd. of Elementary and Secondary Education to develop and adopt rules and regulations providing for parental choice relative to state standardized testing for students with disabilities.

Present law provides generally for the duties, functions, and responsibilities of the State Board of Elementary and Secondary Education (BESE) and requires BESE to provide for a school and district accountability system for schools and school districts based on student achievement and minimum standards for the approval of schools. Also provides for the La. Competency-Based Education Program, including the implementation of the La. Educational Assessment Program (LEAP), and 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 adds a requirement that BESE develop and adopt rules and regulations providing for parental choice relative to state standardized testing for students with disabilities. Provides that these rules and regulations:

- (1) Shall require local education agencies to inform parents and legal guardians of their right to choose to have their child participate in state standardized testing if the parent or legal guardian requests such participation in writing.
- (2) Shall provide that a student who does not participate in standardized testing pursuant to proposed law shall not be penalized; proposed law provides that prohibited penalties include but are not limited to the following: withholding of credits toward graduation or denying a student the ability to graduate, denying a student the opportunity to participate in an extracurricular activity, or denying the ability to advance to the subsequent grade level.
- (3) Shall be in accordance with federal law.
- (4) Shall include a prohibition on sharing with any entity or agency any information the state Dept. of Education collects about a student if the student's parent or legal guardian requests in writing that the information not be shared.

(Adds R.S. 17:7(33))

Summary of Amendments Adopted by House

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

1. Makes proposed law applicable to students with disabilities in public schools instead of all students in public schools.
2. Adds proposed law requirement that rules and regulations require local education agencies to inform parents and legal guardians of their right to choose to not have their child participate in state standardized testing.
3. Specifies that rules and regulations required by proposed law be in accordance with the federal Elementary and Secondary Education Act and the Individuals with Disabilities Education Act.
4. Removes requirement that rules and regulations required by proposed law be in accordance with present law relative to the school and district accountability system and the La. Competency-Based Education Program and all other applicable state laws and federal rules and regulations.

House Floor Amendments to the engrossed bill.

Relative to BESE rules and regulations required by proposed law:

1. Requires rules and regulations to require local education agencies to inform parents of their right to opt in rather than opt out with respect to the participation of students with disabilities in state standardized testing.
2. Adds requirement that rules and regulations include prohibitions on penalties against students who do not participate in state standardized testing and on sharing certain student information.