

Regular Session, 2013

SENATE BILL NO. 127

BY SENATOR GARY SMITH

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

EDUCATION ACCOUNTABILITY. Provides that a student with disabilities who is not pursuing a regular diploma shall not be administered the American College Test. (gov sig)

1 AN ACT

2 To enact R.S. 17:10.3, relative to school and district accountability; to provide that a student  
3 with an exceptionality, other than gifted and talented, who is not pursuing a regular  
4 diploma shall not be administered certain tests; to provide for exceptions; to provide  
5 that such lack of test participation shall not be considered in the calculation of school  
6 and district performance scores or letter grades; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:10.3 is hereby enacted to read as follows:

9 **§10.3. School and district accountability; prohibited testing; exception**

10 **A. A student with an exceptionality as defined in R.S. 17:1942(B), but**  
11 **is not deemed gifted and talented, who is not pursuing a regular diploma shall**  
12 **not be administered the American College Test as part of any evaluation**  
13 **process established pursuant to the state's school and district accountability**  
14 **system, unless the student's parent or other legal guardian requests, in writing,**  
15 **that the student be administered the American College Test.**

16 **B. The nonparticipation of a student with an exceptionality as provided**  
17 **in Subsection A of this Section in any administration of the American College**

1           **Test pursuant to the state's school and district accountability system shall not,**  
 2           **in any manner, be factored into the calculation of any performance score or**  
 3           **performance letter grade assigned to any school or school system in which the**  
 4           **student is enrolled, provided that such exclusion does not violate any federal law**  
 5           **or requirement, including the No Child Left Behind Act of 2001 or the**  
 6           **Individuals with Disabilities Education Act.**

7           Section 2. This Act shall become effective upon signature by the governor or, if not  
 8           signed by the governor, upon expiration of the time for bills to become law without signature  
 9           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 10          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 11          effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Jeanne C. Johnston.

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#### DIGEST

Gary Smith (SB 127)

Proposed law provides that a student with disabilities who is not pursuing a regular diploma shall not be administered the American College Test (ACT) as part of the state's school and district accountability system, unless the student's parent or legal guardian requests, in writing, that the ACT be administered to the student.

Proposed law provides that nonparticipation of a student with disabilities in any administration of the ACT pursuant to the state's school and district accountability system shall not, in any manner, be factored into the calculation of any performance score or performance letter grade assigned to any school or school system in which the student is enrolled, provided such exclusion does not violate any federal law or regulation, including the No Child Left Behind Act of 2001 or the Individuals with Disabilities Education Act.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:10.3)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Provides that nonparticipation of a student with disabilities in ACT testing conducted pursuant to the state's educational accountability system shall not be factored into school and district performance scores, provided such exclusion does not violate federal law or regulations.