

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) The board shall develop and adopt rules and regulations in accordance  
16 with the Administrative Procedure Act providing for parental choice relative to state  
17 standardized testing for students with disabilities enrolled in public schools. Such  
18 rules and regulations shall require local education agencies to inform parents and  
19 legal guardians of such students of their right to choose not to have their child  
20 participate in state standardized testing if, at the parents' or legal guardians'  
21 discretion, such participation would have a detrimental effect on the student. Such

- 1 rules and regulations shall be in accordance with the federal Elementary and  
 2 Secondary Education Act and 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)]

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 such rules and regulations shall require local education agencies to inform parents and legal guardians of their right to choose not to have their child participate in state standardized testing if, at the parents' or legal guardians' discretion, such participation would have a detrimental effect on the student. Further requires that such rules and regulations be in accordance with federal law.

(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.