

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0789.01 Julie Pelegrin x2700

SENATE BILL 15-223

SENATE SPONSORSHIP

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Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENSURING THAT THE EXERCISE OF A PARENT'S RIGHT TO**
102 **REFUSE TO HAVE HIS OR HER CHILD TAKE STANDARDIZED TESTS**
103 **DOES NOT RESULT IN NEGATIVE CONSEQUENCES DUE TO A**
104 **REDUCED STUDENT PARTICIPATION RATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires a school district, a board of cooperative services that operates a school, or a charter school (local education provider) to allow a parent to excuse his or her child from participating in a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

standardized assessment that is required by the state or by the local education provider. Each local education provider must adopt a written policy that a parent may follow to excuse his or her student from taking the standardized assessment. The department of education and the local education provider cannot penalize the student, the student's teacher and principal, or the public school that the student attends, and the department cannot penalize the local education provider that enrolls the student, if the parent excuses the student from taking the standardized assessment.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-7-1006, **add** (6)
3 as follows:

4 **22-7-1006. Preschool through elementary and secondary**
5 **education - aligned assessments - adoption - revisions.**

6 (6) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE, SECTION
7 22-7-409, OR THE RULES OF THE STATE BOARD TO THE CONTRARY, THE
8 PARENT OF A STUDENT MAY EXCUSE THE STUDENT FROM PARTICIPATING
9 IN A STANDARDIZED ASSESSMENT THAT IS PART OF THE SYSTEM OF
10 ASSESSMENTS ADOPTED PURSUANT TO THIS SECTION AND ADMINISTERED
11 PURSUANT TO SECTION 22-7-409. EACH LOCAL EDUCATION PROVIDER
12 SHALL ADOPT A WRITTEN POLICY AS DESCRIBED IN SECTION 22-7-1013
13 (3.5) THAT A PARENT MUST FOLLOW TO EXCUSE THE PARENT'S STUDENT
14 FROM PARTICIPATING IN A STANDARDIZED ASSESSMENT THAT IS PART OF
15 THE SYSTEM OF ASSESSMENTS. THE DEPARTMENT OF EDUCATION SHALL
16 NOT PENALIZE THE STUDENT, THE STUDENT'S TEACHER, THE PRINCIPAL OF
17 THE PUBLIC SCHOOL THAT THE STUDENT ATTENDS, THE PUBLIC SCHOOL
18 THAT THE STUDENT ATTENDS, OR THE LOCAL EDUCATION PROVIDER THAT
19 ENROLLS THE STUDENT BECAUSE OF THE PARENT'S CHOICE TO EXCUSE HIS
20 OR HER STUDENT FROM PARTICIPATING IN THE STANDARDIZED
21 ASSESSMENT.

1 **SECTION 2.** In Colorado Revised Statutes, 22-7-1013, **add** (3.5)
2 as follows:

3 **22-7-1013. Local education provider - preschool through**
4 **elementary and secondary education standards - adoption - academic**
5 **acceleration.** (3.5) (a) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT
6 AND IMPLEMENT A WRITTEN POLICY AND PROCEDURE BY WHICH A
7 STUDENT'S PARENT MAY EXCUSE THE STUDENT FROM PARTICIPATING IN
8 ONE OR MORE OF:

9 (I) THE STANDARDIZED ASSESSMENTS THAT THE DEPARTMENT OF
10 EDUCATION ADMINISTERS AS PART OF THE STATE SYSTEM OF ASSESSMENTS
11 ADOPTED PURSUANT TO SECTION 22-7-1006 AND ADMINISTERED
12 PURSUANT TO SECTION 22-7-409; AND

13 (II) THE STANDARDIZED ASSESSMENTS THE LOCAL EDUCATION
14 PROVIDER ADMINISTERS PURSUANT TO SUBSECTION (3) OF THIS SECTION.

15 (b) AT A MINIMUM, THE WRITTEN POLICY MUST SPECIFY:

16 (I) THE MANNER BY WHICH A PARENT MAY EXCUSE HIS OR HER
17 STUDENT FROM PARTICIPATING IN A STANDARDIZED ASSESSMENT;

18 (II) THE TIMING BY WHICH A PARENT MUST SUBMIT THE EXCUSE TO
19 THE LOCAL EDUCATION PROVIDER; AND

20 (III) WHETHER A SINGLE EXCUSE MAY APPLY TO STANDARDIZED
21 ASSESSMENTS IN MULTIPLE INSTRUCTIONAL AREAS OR MULTIPLE
22 ADMINISTRATIONS OF ONE OR MORE STANDARDIZED ASSESSMENTS OR
23 WHETHER A PARENT MUST SUBMIT A SEPARATE EXCUSE FOR THE
24 STANDARDIZED ASSESSMENTS ADMINISTERED IN EACH INSTRUCTIONAL
25 AREA AND EACH ADMINISTRATION OF A STANDARDIZED ASSESSMENT.

26 (c) EACH LOCAL EDUCATION PROVIDER, BEFORE CLASSES
27 COMMENCE IN THE FALL SEMESTER OF EACH SCHOOL YEAR, SHALL MAKE

1 AVAILABLE TO THE PARENTS OF THE STUDENTS ENROLLED IN EACH PUBLIC
2 SCHOOL OPERATED BY THE LOCAL EDUCATION PROVIDER PAPER AND
3 ELECTRONIC COPIES OF THE WRITTEN POLICY FOR EXCUSING STUDENTS
4 FROM TAKING STANDARDIZED ASSESSMENTS. THE LOCAL EDUCATION
5 PROVIDER SHALL POST A COPY OF THE WRITTEN POLICY ON ITS WEB SITE.

6 (d) THE LOCAL EDUCATION PROVIDER SHALL NOT PENALIZE THE
7 STUDENT, THE STUDENT'S TEACHER, THE PRINCIPAL OF THE PUBLIC SCHOOL
8 THAT THE STUDENT ATTENDS, OR THE PUBLIC SCHOOL THAT THE STUDENT
9 ATTENDS BECAUSE OF THE PARENT'S CHOICE TO EXCUSE HIS OR HER
10 STUDENT FROM PARTICIPATING IN THE STANDARDIZED ASSESSMENT.

11 **SECTION 3.** In Colorado Revised Statutes, 22-7-1003, **add**
12 (11.3) as follows:

13 **22-7-1003. Definitions.** As used in this part 10, unless the context
14 otherwise requires:

15 (11.3) "PARENT" MEANS A BIOLOGICAL PARENT, ADOPTIVE
16 PARENT, OR LEGAL GUARDIAN.

17 **SECTION 4. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2016 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.