

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0789.01 Julie Pelegrin x2700

SENATE BILL 15-223

SENATE SPONSORSHIP

Holbert and Todd, Carroll, Merrifield, Marble, Woods, Neville T., Lundberg, Scheffel, Hill, Sonnenberg

HOUSE SPONSORSHIP

Lebsock and Ransom, Primavera, Danielson, Winter, Salazar, Esgar, Saine, Brown, Buck, Conti, Everett, Klingenschmitt, Navarro, Roupe, Sias, Thurlow, Van Winkle, Windholz, Neville P.

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.

SENATE
Amended 2nd Reading
April 6, 2015

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) (a) 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 STATE
21 ASSESSMENT.

1 (b) IF THE OVERALL ASSESSMENT SCORES OF THE STUDENTS WHO
2 TAKE A STANDARDIZED ASSESSMENT RESULT IN A LOWER EFFECTIVENESS
3 RATING FOR A TEACHER OR PRINCIPAL, PURSUANT TO ARTICLE 9 OF THIS
4 TITLE, OR A LOWER PERFORMANCE PLAN FOR A PUBLIC SCHOOL OR A
5 LOWER ACCREDITATION STATUS FOR A LOCAL EDUCATION PROVIDER,
6 PURSUANT TO ARTICLE 11 OF THIS TITLE, THE LOWER EFFECTIVENESS
7 RATING, LOWER PERFORMANCE PLAN, OR LOWER ACCREDITATION RATING
8 IS NOT A PENALTY AND IS NOT PROHIBITED UNDER PARAGRAPH (a) OF THIS
9 SUBSECTION (6).

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

12 **22-7-1013. Local education provider - preschool through**
13 **elementary and secondary education standards - adoption - academic**
14 **acceleration.** (3.5) (a) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT
15 AND IMPLEMENT A WRITTEN POLICY AND PROCEDURE BY WHICH A
16 STUDENT'S PARENT MAY EXCUSE THE STUDENT FROM PARTICIPATING IN
17 ONE OR MORE OF THE STANDARDIZED ASSESSMENTS THAT THE
18 DEPARTMENT OF EDUCATION ADMINISTERS AS PART OF THE STATE SYSTEM
19 OF ASSESSMENTS ADOPTED PURSUANT TO SECTION 22-7-1006 AND
20 ADMINISTERED PURSUANT TO SECTION 22-7-409.

21 ==
22 (b) AT A MINIMUM, THE WRITTEN POLICY MUST SPECIFY:

23 (I) THE PURPOSE AND USE OF THE STANDARDIZED ASSESSMENTS
24 AND THE STUDENT ACADEMIC PERFORMANCE INFORMATION THAT THE
25 LOCAL EDUCATION PROVIDER RECEIVES AS A RESULT OF ADMINISTERING
26 THE STANDARDIZED ASSESSMENTS;

27 (II) THE MANNER BY WHICH A PARENT MAY EXCUSE HIS OR HER

1 STUDENT FROM PARTICIPATING IN A STANDARDIZED STATE ASSESSMENT;

2 (III) THE TIMING BY WHICH A PARENT MUST SUBMIT THE EXCUSE
3 TO THE LOCAL EDUCATION PROVIDER; AND

4 (IV) WHETHER A SINGLE EXCUSE MAY APPLY TO STANDARDIZED
5 STATE ASSESSMENTS IN MULTIPLE INSTRUCTIONAL AREAS OR MULTIPLE
6 ADMINISTRATIONS OF ONE OR MORE STANDARDIZED STATE ASSESSMENTS
7 OR WHETHER A PARENT MUST SUBMIT A SEPARATE EXCUSE FOR THE
8 STANDARDIZED STATE ASSESSMENTS ADMINISTERED IN EACH
9 INSTRUCTIONAL AREA AND EACH ADMINISTRATION OF A STANDARDIZED
10 STATE ASSESSMENT.

11 (c) EACH LOCAL EDUCATION PROVIDER, BEFORE CLASSES
12 COMMENCE IN THE FALL SEMESTER OF EACH SCHOOL YEAR, SHALL MAKE
13 AVAILABLE TO THE PARENTS OF THE STUDENTS ENROLLED IN EACH PUBLIC
14 SCHOOL OPERATED BY THE LOCAL EDUCATION PROVIDER PAPER AND
15 ELECTRONIC COPIES OF THE WRITTEN POLICY FOR EXCUSING STUDENTS
16 FROM TAKING STANDARDIZED STATE ASSESSMENTS. THE LOCAL
17 EDUCATION PROVIDER SHALL POST A COPY OF THE WRITTEN POLICY ON ITS
18 WEB SITE.

19 (d) THE LOCAL EDUCATION PROVIDER SHALL NOT PENALIZE THE
20 STUDENT, THE STUDENT'S TEACHER, THE PRINCIPAL OF THE PUBLIC SCHOOL
21 THAT THE STUDENT ATTENDS, OR THE PUBLIC SCHOOL THAT THE STUDENT
22 ATTENDS BECAUSE OF THE PARENT'S CHOICE TO EXCUSE HIS OR HER
23 STUDENT FROM PARTICIPATING IN THE STANDARDIZED STATE ASSESSMENT.

24 (e) EACH LOCAL EDUCATION PROVIDER SHALL CONTINUE TO MAKE
25 GOOD FAITH EFFORTS TO ENSURE THAT ALL STUDENTS TAKE THE
26 STANDARDIZED STATE ASSESSMENTS IN ACCORDANCE WITH THE
27 REQUIREMENTS OF FEDERAL AND STATE LAW AND SHALL NOT IN ANY

1 MANNER ENCOURAGE PARENTS TO EXCUSE STUDENTS FROM TAKING THE
2 STANDARDIZED STATE ASSESSMENTS.

3 (e) IF THE OVERALL ASSESSMENT SCORES OF THE STUDENTS WHO
4 TAKE A STANDARDIZED ASSESSMENT RESULT IN A LOWER EFFECTIVENESS
5 RATING FOR A TEACHER OR PRINCIPAL, PURSUANT TO ARTICLE 9 OF THIS
6 TITLE, OR A LOWER PERFORMANCE PLAN FOR A PUBLIC SCHOOL, PURSUANT
7 TO ARTICLE 11 OF THIS TITLE, THE LOWER EFFECTIVENESS RATING OR
8 LOWER PERFORMANCE PLAN IS NOT A PENALTY AND IS NOT PROHIBITED
9 UNDER PARAGRAPH (d) OF THIS SUBSECTION (3.5).

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

12 **22-7-1003. Definitions.** As used in this part 10, unless the context
13 otherwise requires:

14 (11.3) "PARENT" MEANS A BIOLOGICAL PARENT, ADOPTIVE
15 PARENT, OR LEGAL GUARDIAN.

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