A BILL FOR AN ACT

CONCERNING TREATMENT OF STUDENTS WHO ARE EXCUSED BY THEIR PARENTS FROM PARTICIPATING IN STATE ASSESSMENTS.

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://leg.colorado.gov.)

Under current law, each school district, board of cooperative services that operates a school, and charter school (local education provider) must adopt a written policy and procedure by which a parent may excuse his or her student from participating in the state assessments. The bill clarifies that the local education provider determines whether notice from the parent must be in writing.
Under current law, a local education provider shall not punish a student whose parent excuses him or her from taking a state assessment. The bill clarifies that a local education provider also shall not prohibit the student from participating in an activity or receiving any other form of reward that recognizes participation in the state assessments. If a local education provider does not comply with these restrictions, the department of education must note the failure to comply on the performance report prepared for the local education provider and for the specific public school if the local education provider is a school district or board of cooperative services. If a local education provider fails to comply 3 or more times during a school year, the state board of education must impose a significant penalty, as provided by rule, on the local education provider in calculating the local education provider's accreditation rating for that school year.

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

SECTION 1. In Colorado Revised Statutes, 22-7-1013, amend (8)(a) and (8)(b); and add (8)(d) as follows:

22-7-1013. Local education provider - preschool through elementary and secondary education standards - adoption - academic acceleration. (8) (a) Each local education provider shall adopt and implement a written policy and procedure by which a student's parent may excuse the student from participating in one or more of the state assessments administered pursuant to section 22-7-1006.3. The local education provider shall determine whether the process for excusing a student requires a student's parent to submit written notice to the local education provider.

(b) If a parent excuses his or her student from participating in a state assessment, a local education provider shall not impose negative consequences, including prohibiting school attendance, imposing an unexcused absence, or prohibiting participation in extracurricular activities, on the student or on the parent. If a parent excuses his or
HER STUDENT FROM PARTICIPATING IN A STATE ASSESSMENT, THE LOCAL EDUCATION PROVIDER SHALL NOT PROHIBIT THE STUDENT FROM PARTICIPATING IN AN ACTIVITY, OR RECEIVING ANY OTHER FORM OF REWARD, THAT THE LOCAL EDUCATION PROVIDER PROVIDES TO STUDENTS WHO PARTICIPATE IN THE STATE ASSESSMENT.

(d) If a local education provider does not comply with the requirements of subsection (8)(b) or (8)(c) of this section, the department of education shall ensure that the failure to comply is noted on the performance report prepared pursuant to part 5 of article 11 of this title 22 for the local education provider and for the specific public school if the local education provider is a school district or a board of cooperative services.

If a local education provider, or a public school of a local education provider, does not comply with the requirements of subsection (8)(b) or (8)(c) of this section three or more times during a school year, the board of education shall impose a significant penalty, as described by rule of the state board, on the local education provider in calculating the local education provider's accreditation rating for that school year pursuant to article 11 of this title 22.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect.
unless approved by the people at the general election to be held in
November 2018 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.