

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0050.01 Julie Pelegrin x2700

SENATE BILL 18-011

SENATE SPONSORSHIP

Holbert and Kerr,

HOUSE SPONSORSHIP

Kraft-Tharp and Lundeen,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING TREATMENT OF STUDENTS WHO ARE EXCUSED BY THEIR
102 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.

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

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.

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

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

4 **22-7-1013. Local education provider - preschool through**
5 **elementary and secondary education standards - adoption - academic**
6 **acceleration.** (8) (a) Each local education provider shall adopt and
7 implement a written policy and procedure by which a student's parent may
8 excuse the student from participating in one or more of the state
9 assessments administered pursuant to section 22-7-1006.3. THE LOCAL
10 EDUCATION PROVIDER SHALL DETERMINE WHETHER THE PROCESS FOR
11 EXCUSING A STUDENT REQUIRES A STUDENT'S PARENT TO SUBMIT WRITTEN
12 NOTICE TO THE LOCAL EDUCATION PROVIDER.

13 (b) If a parent excuses his or her student from participating in a
14 state assessment, a local education provider shall not impose negative
15 consequences, including prohibiting school attendance, imposing an
16 unexcused absence, or prohibiting participation in extracurricular
17 activities, on the student or on the parent. IF A PARENT EXCUSES HIS OR

1 HER STUDENT FROM PARTICIPATING IN A STATE ASSESSMENT, THE LOCAL
2 EDUCATION PROVIDER SHALL NOT PROHIBIT THE STUDENT FROM
3 PARTICIPATING IN AN ACTIVITY, OR RECEIVING ANY OTHER FORM OF
4 REWARD, THAT THE LOCAL EDUCATION PROVIDER PROVIDES TO STUDENTS
5 WHO PARTICIPATE IN THE STATE ASSESSMENT.

6 (d) IF A LOCAL EDUCATION PROVIDER DOES NOT COMPLY WITH THE
7 REQUIREMENTS OF SUBSECTION (8)(b) OR (8)(c) OF THIS SECTION, THE
8 DEPARTMENT OF EDUCATION SHALL ENSURE THAT THE FAILURE TO
9 COMPLY IS NOTED ON THE PERFORMANCE REPORT PREPARED PURSUANT TO
10 PART 5 OF ARTICLE 11 OF THIS TITLE 22 FOR THE LOCAL EDUCATION
11 PROVIDER AND FOR THE SPECIFIC PUBLIC SCHOOL IF THE LOCAL EDUCATION
12 PROVIDER IS A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE SERVICES.
13 IF A LOCAL EDUCATION PROVIDER, OR A PUBLIC SCHOOL OF A LOCAL
14 EDUCATION PROVIDER, DOES NOT COMPLY WITH THE REQUIREMENTS OF
15 SUBSECTION (8)(b) OR (8)(c) OF THIS SECTION THREE OR MORE TIMES
16 DURING A SCHOOL YEAR, THE BOARD OF EDUCATION SHALL IMPOSE A
17 SIGNIFICANT PENALTY, AS DESCRIBED BY RULE OF THE STATE BOARD, ON
18 THE LOCAL EDUCATION PROVIDER IN CALCULATING THE LOCAL EDUCATION
19 PROVIDER'S ACCREDITATION RATING FOR THAT SCHOOL YEAR PURSUANT
20 TO ARTICLE 11 OF THIS TITLE 22.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2018 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.