

2015 Regular Session

HOUSE BILL NO. 752

BY REPRESENTATIVES SMITH AND CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENT/ASSESSMENT: Provides relative to disciplinary actions against public school employees, schools, school systems, and school governing authorities relative to the nonparticipation of students in state assessments

1 AN ACT

2 To enact R.S. 17:24.4(F)(5), relative to student assessments; to provide relative to  
3 disciplinary action against a public school employee, his school, school system, or  
4 a school governing authority with respect to the nonparticipation of a student in a  
5 state assessment; to provide for the issuance of letter grades and calculations of  
6 school performance scores for schools with certain percentages of nonparticipating  
7 students; to provide for investigation by the state Department of Education; to  
8 provide for rules by the State Board of Elementary and Secondary Education; and  
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:24.4(F)(5) is hereby enacted to read as follows:

12 §24.4. Louisiana Competency-Based Education Program; statewide standards for  
13 required subjects; Louisiana Educational Assessment Program; parish or city  
14 school board comprehensive pupil progression plans; waivers

15 \* \* \*

16 F.

17 \* \* \*

18 (5)(a) For the 2014-2015 school year, if a public school has student  
19 assessment nonparticipation without valid accountability codes in grades three

1 through eight in English language arts and mathematics at or above ten percent of  
2 students required to take the assessments administered pursuant to this Subsection,  
3 the state Department of Education shall issue the school and the school district in  
4 which the school is located a letter grade of "U" for having an unknown overall  
5 school performance.

6 (b) For the 2014-2015 school year, if a public school has student assessment  
7 nonparticipation without a valid accountability code in grades three through eight in  
8 English language arts and mathematics that is less than ten percent of students  
9 required to take the assessments, the department shall include in the calculation of  
10 the 2014-2015 school performance score the results from the 2013-2014 state  
11 assessments in English language arts or mathematics for such students.

12 (c) If the state Department of Education determines, after an investigation,  
13 that a public school employee intentionally coerced or caused a student to refuse to  
14 participate or the student's parent to refuse to allow the student to participate in any  
15 state assessment, the department may take disciplinary action against any of the  
16 following that it finds responsible for such refusal: the employee, the school in  
17 which he is employed, his employing school system, or the school governing  
18 authority. Any such investigation shall be conducted and disciplinary action  
19 imposed in accordance with all applicable state and federal rules, regulations, and  
20 laws and shall be in addition to the actions taken as specified in Subparagraphs (a)  
21 and (b) of this Paragraph.

22 (d) The State Board of Elementary and Secondary Education shall  
23 promulgate rules in accordance with the Administrative Procedure Act for  
24 implementation of this Paragraph.

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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)]

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HB 752 Original

2015 Regular Session

Smith

**Abstract:** Provides relative to disciplinary action taken against a public school employee, and his school, school system, and school governing authority for coercing a student or a student's parent to refuse participation in a state assessment.

Present law requires standards-based assessments for required subjects (English language arts, math, science, and social studies) to be implemented by the State Board of Elementary and Secondary Education (BESE) and administered in at least grades 3 through 11. Provides that such assessments be based on state content standards and rigorous student achievement standards comparable to national student achievement levels. Further requires that the rigor of such assessments shall at least compare to that of national achievement tests. Requires BESE to establish the adequate test scores for determining successful student performance on the tests. Specifies that beginning with the 2014-2015 school year, the standards-based assessments in English language arts and math shall be based on nationally recognized content standards.

Proposed law provides that for the 2014-2015 school year:

- (1) If a public school has student assessment nonparticipation without valid accountability codes in grades three through eight in English language arts and math at or above 10% of students required to take the state assessments, the state Dept. of Education shall issue the school and the school district in which the school is located a letter grade of "U" for having an unknown overall school performance.
- (2) If a public school has student assessment nonparticipation without a valid accountability code in grades three through eight in English language arts and math that is less than 10% of students required to take the assessments, the department shall include in the calculation of the 2014-2015 school performance score the results from the 2013-2014 state assessments in English language arts or mathematics for such students.

Proposed law further provides that if the state Dept. of Education determines, after an investigation, that a public school employee intentionally coerced or caused a student to refuse to participate or the student's parent to refuse to allow the student to participate in any state assessment, the department may take disciplinary action against the employee, the school in which he is employed, his employing school system, and the school governing authority. Requires that any such investigation be conducted and disciplinary action imposed in accordance with all applicable state and federal rules, regulations, and laws. Requires BESE to promulgate rules in accordance with the Administrative Procedure Act for implementation of proposed law. Otherwise retains present law.

(Adds R.S. 17:24.4(F)(5))