

SENATE BILL NO. 127

BY SENATOR GARY SMITH AND REPRESENTATIVES BARROW, WESLEY BISHOP, HENRY BURNS, CARMODY, PRICE, RICHARD AND SMITH

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

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AN ACT

To enact R.S. 17:10.3, relative to school and district accountability; to provide that a student with an exceptionality, other than gifted and talented, who is not pursuing a regular diploma shall not be administered certain tests; to provide for exceptions; to provide that such lack of test participation shall not be considered in the calculation of school and district performance scores or letter grades; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:10.3 is hereby enacted to read as follows:

**§10.3. School and district accountability; prohibited testing; exceptions**

**A. A student with an exceptionality as defined in R.S. 17:1942(B), but is not deemed gifted and talented, who is not pursuing a regular diploma shall not be administered any test pursuant to R.S. 17:24.4 or the state's school and district accountability system, including the American College Test, unless the student's parent or other legal guardian requests, in writing, that the student be administered the test or the student's Individualized Education Plan indicates that the test is an appropriate assessment instrument for the student.**

**B.(1) The nonparticipation of a student with an exceptionality as provided in Subsection A of this Section in the administration of any test shall not, in any manner, be factored into the calculation of any performance score or performance letter grade assigned to any school or school system in which the student is enrolled, provided that such exclusion does not violate any federal law or requirement, including the No Child Left Behind Act of 2001 or the Individuals with Disabilities Education Act.**

1                    (2) A student who is not administered a test pursuant to this Section  
 2                    shall not be penalized for failure to take the test. For purposes of this  
 3                    Subsection, prohibited penalties include but are not limited to:

4                    (a) Withholding of credits toward graduation or denying a  
 5                    student the ability to graduate.

6                    (b) Denying a student the opportunity to participate in an  
 7                    extracurricular activity.

8                    (c) Denying a student the ability to advance to the subsequent  
 9                    grade level.

10                  Section 2. This Act shall become effective upon signature by the governor or, if not  
 11                  signed by the governor, upon expiration of the time for bills to become law without signature  
 12                  by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 13                  vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 14                  effective on the day following such approval.

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 PRESIDENT OF THE SENATE

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_