



SPONSOR: Rep. Kowalko & Sen. Lawson
Reps. Baumbach, Keeley, Matthews, Spiegelman, K. Williams,
Yearick; Sen. Henry

HOUSE OF REPRESENTATIVES

148th GENERAL ASSEMBLY

HOUSE BILL NO. 50
AS AMENDED BY
HOUSE AMENDMENT NO. 1, SENATE
AMENDMENT NOS. 1 & 2
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION ASSESSMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 151(k), Title 14 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows and redesignating accordingly:

(k)(1) Notwithstanding any other provision in this section to the contrary, any parent or guardian of a student in any public school or charter school shall have the right to opt out of the statewide or district-wide assessment. For purposes of this subsection, “the statewide assessment” means the Smarter Balanced Assessment.

(2) The parent or guardian must notify the student’s school in writing at least 2 school days prior to the scheduled start of the assessment. Schools shall honor any timely request and provide alternative educational activities during testing times.

(3) There shall be no academic or disciplinary repercussions on the student’s record for opting out of participating in the statewide or district-wide assessment.

(4) The Department shall maintain a data system to track the student’s opt-out decisions.

(5) The Department shall report opt-out numbers in accountability ratings to provide context and impact on school and district ratings; however, the opt-out numbers shall not factor into the accountability ratings.

(6) The districts and charter schools shall notify all parents and guardians of this right no later than 15 days prior to the start of the assessment via its website and mailing. The Department shall also post a notification on its

website no later than 15 days prior to the start of the assessment. Information in the notice shall include the purpose of the assessment, whether or not the assessment is aligned to internationally benchmarked standards, when the result will be available, and how the assessment will be used to inform instruction.

(7) A student having reached the age of majority shall solely possess the opt-out rights under this subsection.

(1) Rules and regulations pursuant to this subchapter shall be proposed by the Secretary subject to approval by the State Board of Education.

Section 2. This Act shall take effect on August 1, 2015.